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|  | appropriate surface water discharge.  |
| Coal Authority                         | Would require standard conditions to ensure site investigation works prior to commencement of development.  |
| Derbyshire Wildlife Trust              | Would require conditions to ensure further survey work is carried out.  |
| Derbyshire Constabulary                | No objections.  |
| DCC Highways Authority                 | No objections on the basis that an adoptable layout could be achieved.  |
| DCC Flood Risk Management Team         | Would require conditions to ensure proper flood mitigation measures are in place and that there is robust management of Sustainable Drainage Systems. |
| DCC Archaeologist                      | Would require standard conditions to ensure site investigation works prior to commencement of development.  |
| DCC - Economy, Transport & Communities | Request a contribution for education from the Council's Community Infrastructure Levy.  |
| CBC Tree Officer                       | Objects to the proposed layout on the basis of impacts on trees and absence of a Tree Survey.   |
| CBC Urban Designer                     | Objects to the proposed layout on the basis of concerns about the housing layout, design and impacts on setting of listed buildings.                  |
| CBC Forward Planning                   | No objection in principle, but subject to consistency with the Council's adopted Local Plan: Core Strategy.   |
| CBC Housing Strategy                   | Highlights the Council's requirement for affordable housing (not relevant for the revised plans).   |
| CBC/Kier Services                      | Will require a drainage strategy and plans identifying how surface water will be disposed of.   |
| CBC Environmental Services             | Requires clarity regarding potential noise impact from the railway line   |
| Georgian Society                       | Object to the proposals.  |
| Historic England                       | Object to the proposals.  |

1.2 The above comments are summarised and assessed in section 7.

1.3 The proposals were advertised in the local press and by site notice. The statutory period of publicity has expired.



Bank Close House

## 2.0 THE PROPOSALS

- 2.1 Planning permission and listed building consent is being sought for an extension to and refurbishment of Bank Close House, Hasland, Chesterfield. In addition, an outline planning application is being sought for 14 new dwellings (as revised) to the front of the house in the wider grounds.
- 2.2 Given that these applications relate to the same grade II\* listed building and its wider setting, they are being assessed concurrently. The descriptions of the applications (as amended) are as follows:
- **CHE/16/00222/FUL and CHE/16/00225/LBC** - *Refurbishment and extension of the existing Bank Close House with provision for new vehicular access off Hasland Road, at Bank Close House, Hasland.*
  - **CHE/16/00229/OUT** – *Development of 14 no. residential units with new access road (re-submission of withdrawn application CHE/15/00378/OUT) at Bank Close House, Hasland Road, Hasland.*
- 2.3 **CHE/16/00229/OUT** is an outline planning application. Only approval for access and the principle of the proposed residential development (including housing numbers and a broad layout) is being sought. Whilst house types have been submitted by the applicant, these are only for illustrative purposes. Subject to outline consent, a reserved matters application would be submitted which would seek approval for the design of house types and a detailed layout, including landscaping.
- 2.4 The applications are accompanied by the following documents:
- Heritage Design & Access Statement (Peak Architects)
  - Flood Risk Assessment (EFRA Consulting Engineers)

- Planning Statement (England & Lyle)
- Preliminary Ecological Appraisal (Peak Ecology)
- Geotechnical Phase 1, Desk Study Report (Silkstone Environmental Ltd)
- 'Supporting financial statement for the need to extend and modernise Bank Close House with funds raised from selling the land' (applicant & Hart Shaw)
- Development Appraisals (options to convert Bank Close House to apartments) (Peak Architects)
- Building Survey Report on Bank Close House (Chandlers Commercial Ltd)

## Revisions to the plans

- 2.5 As a result of ongoing discussions with the planning authority regarding access, impact on trees and size of the extension, revisions to the plans were submitted for consideration on 28.7.16. The revisions were described as:
- **CHE/16/00222/FUL and CHE/16/00225/LBC** - *revised plans submitted 28.7.16 showing retained access and a reduction in the size of the extension.*
  - **CHE/16/00229/OUT** - *revised plans submitted 28.7.16 showing retained access and a reduction in housing numbers from No.20 to No.15.*
- 2.6 All those who had made comments on the initial applications were formally re-consulted on the revisions for a period of two weeks.
- 2.7 Further revisions were made to the proposed vehicle access point and layout (including a further reduction of housing numbers from 15 to 14) to **CHE/16/00229/OUT**. These were submitted to the planning authority on 12.9.16. Given that these changes were primarily in relation to layout and highway/development access, it was only considered necessary to re-consult the Highways Authority and the Council's Tree Officer.

## 3.0 BUILDINGS & LOCATION

- 3.1 The buildings and structures within the Bank Close House curtilage come under three separate statutory listings: a) grade II\* listed 'Bank Close House' b) grade II listed 'Former Coach House and Stables' and c) grade II listed 'Gatepiers'. All were listed in 1977. Official listing descriptions are included at Appendix 1.
- 3.2 The Grade II\* listed Bank Close House was constructed in the early 19th century. It is set in its own grounds and accessed via a mature tree lined former coach drive (which includes the grade II listed gatepiers at the highway boundary). Many of these trees along the drive and within the grounds are protected by Tree Preservation Order.

- 3.3 The property and its grounds are located to the south of Chesterfield town centre, off Hasland Road within 10 minute's walk of the centre.
- 3.4 There seems to be little published material about the house's early history, but it appears on the 1849 tithe map (although probably constructed around 1800). The house was the home of the Drabble family throughout the nineteenth century, of which Alderman William Drabble was a well-known Alderman. He was also the property owner when a well-documented murder took place at the house in 1868. This incident was reported in the Derbyshire Times at the time and reference was made to the house having 'gardens and pleasures grounds about the house of about an acre in extent'.
- 3.5 Architecturally, the house is a very good example of the Georgian period with features such as ashlar stone work, hipped slate roof, stone banding, corbelled eaves, sash windows, decorative stone work and portico entrance.
- 3.6 Internally the house contains a number of decorative features, including staircase with curved balusters, a number of curved archways, a marble fireplace, doors with moulded architraves / medallions and moulded plaster ceilings throughout.
- 3.7 The grade II listed former Coach House & Stables is separated from the house by a small courtyard (enclosed by a garden wall). The main building includes a small 1-storey extension. Two separate 1-storey stone buildings with natural slate pitched roofs are to the south, likely constructed at a later date. The original coach house and stable buildings contain great deal of character with features such as ashlar stonework & quoins, arched windows, arched former coach entrance, sash windows, courtyard door with radial fanlight & stone architraves.
- 3.8 Key elements of the setting from the north include the attractive mature tree lined access road, including the gate piers and stone boundary walls off Hasland Road, mature perimeter trees and a meandering river Rother forming the curtilage boundary.
- 3.9 To the rear of the house, the primary setting is the walled garden curtilage. This is made up of a wide lawn with perimeter paths, a brick curtilage wall running south-west, some scattered fruit trees and mature perimeter trees. Views into and out of the garden are constrained by the property itself and woodland to the north and west.
- 3.10 The grade II listed entrance gate-piers are octagonal in shape with cornices and decorative columns and attached to the curved stone curtilage walls.

- 3.11 There have been a number of modern additions to the listed buildings. The most noticeable being metal framed/glazed link corridors. However, these changes are reversible given they do not involve structural alterations to the historic fabric of the listed buildings. A number of modern partition walls divide rooms in Bank Close House and former Coach House & Stables, which again are reversible.
- 3.12 In terms of setting, the land to the front of the house has become neglected and overgrown. The historic setting of the access drive has been damaged by the installation of modern wire mesh fencing with concrete posts (presumably installed prior to the buildings being listed).
- 3.13 Excluding the above changes, the listed buildings remain relatively unspoilt and retain original character.
- 3.14 In modern times (1970s/80s) the house was used as a sports club for a local engineering company however since the early 1980s it has been privately operated as a nursing home for the elderly.

#### **4.0 RECENT PLANNING HISTORY**

- 4.1 CHE/15/00378/OUT (2014) Outline application for 20 residential units with new access road – APPLICATION WITHDRAWN.
- 4.2 CHE/1003/0711 & CHE/0803/0541 (2003) – Extension to existing outbuilding to provide a dining room – REFUSED.
- 4.3 CHE/1296/0641 (1996) Listed Building Consent for demolition of wall construction of infill extension and glazed covered way – CONDITIONAL PERMISSION.
- 4.4 CHE/1296/0625 (1996) Infill extension and glass covered way to provide one additional room - CONDITIONAL PERMISSION.
- 4.5 CHE/1096/0569 (1996) Listed Building Consent for internal alterations - CONDITIONAL PERMISSION.
- 4.6 CHE/0796/0414 (1996) Listed Building Consent for internal alterations - CONDITIONAL PERMISSION.
- 4.7 CHE/0795/0379 (1995) Illuminated sign - CONDITIONAL PERMISSION.
- 4.8 CHE/0595/0238 (1995) Listed Building Consent for internal alterations to main building and stable block - APPLICATION WITHDRAWN.

- 4.9 CHE/1294/0730 (1994) Listed Building Consent for internal alterations - CONDITIONAL PERMISSION.
- 4.10 CHE/0894/0438 (1994) Listed Building Consent for internal alterations - APPLICATION WITHDRAWN.
- 4.11 CHE/0894/0437 & CHE/0894/0436 (1994) New conservatory - CONDITIONAL PERMISSION.
- 4.12 CHE/0294/0086 (1994) Listed Building Consent for installation of windows in kitchen extension and formation of servery hatch - CONDITIONAL PERMISSION.
- 4.12 CHE/1293/0696 & CHE/1293/0697 (1993) Listed Building Consent for retention of covered way - REFUSED.
- 4.13 CHE/0693/0325 & CHE/0593/0307 (1993) Listed Building Consent for construction of glazed atrium and flat roof over courtyard. REFUSED.
- 4.14 CHE/1092/0638 (1992) Listed Building Consent for extensions and alterations to listed building - CONDITIONAL PERMISSION.
- 4.15 CHE/1092/0637 (1992) Construction of lean to extension to rear of stables for new bathroom - APPLICATION WITHDRAWN.

## **5.0 PLANNING POLICY, GUIDANCE & LEGISLATION**

### **Local Plan: Core Strategy**

- 5.1 The most relevant policies in the Council's adopted Local Plan: Core Strategy are:
- *CS1 Spatial Strategy* - provides the overall approach to growth in the borough.
  - *CS2 Principles for Location of Development* - provides a framework for assessing development proposals not already allocated.
  - *CS4 Infrastructure Delivery* – ensures relevant infrastructure is provided alongside new development (including that funded by the Council's Community Infrastructure Levy).
  - *CS7 Management of the Water Cycle* - requires flood risk to be considered when development proposals are put forward.
  - *CS8 Environmental Quality* - ensures environmental quality is considered during the planning process, including that relating to land, water and air.

- *CS9 Green Infrastructure and Biodiversity* - ensures that Chesterfield borough's green infrastructure network will be recognised during the planning and development process.
- *CS10 Flexibility in delivery of Housing* - provides a framework for housing delivery, including when there is less than a 5-year supply of deliverable sites.
- *CS18 Design* - promotes high quality design in the built environment.
- *CS19: Historic Environment* - sets out the council's approach to the preservation and enhancement of the historic environment.

## **National Planning Policy Framework (NPPF)**

5.2 The National Planning Policy Framework (NPPF) policies of most relevance to the applications are:

- *Conserving and enhancing the historic environment* – outlines the importance of heritage assets and places great weight on their protection.
- *Delivering a wide choice of high quality homes* – planning authorities should plan for the delivery of a wide choice of homes and keep an up-to-date supply of a five years' worth of housing on deliverable sites.
- *Requiring good design* – promotes high quality design within the built environment.
- *Meeting the challenge of climate change, flooding and coastal change* – stresses that local planning authorities should ensure that flood risk is not increased and that development is directed away from areas at highest risk.

5.3 Given the significance of Bank Close House as a grade II\* listed building (only around 8% of listed buildings are grade I or grade II\*) *Conserving and enhancing the historic environment* is the most relevant NPPF policy. This states that local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
- The desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131).

5.4 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (paragraph 128).

5.5 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss

is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site.
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- The harm or loss is outweighed by the benefit of bringing the site back into use (paragraph 133).

5.6 In these circumstances, local planning authorities should assess whether the benefits of a proposal for this type of enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies (paragraph 140).

### **Relevant Guidance**

5.7 The applicant is making the case that the extension to the home is required to secure the future of the nursing home as a commercial operation. To afford the works the applicant has made a case on viability grounds that the housing development is required to provide the finances. This includes funds for the refurbishment of the grade II\* listed buildings. This means an 'enabling' argument may be relevant. The enabling argument is referred to when development that would otherwise be considered harmful to a listed building and/or its setting, is considered acceptable because it would facilitate (or 'enable') benefits that outweigh that harm. In these circumstances the relevant non-statutory guidance is '*Enabling development and the conservation of significant places*' (Historic England, 2008).

5.8 Other relevant non-statutory guidance is Historic England's *The Setting of Heritage Assets* (2015) which provides guidance when considering heritage assets and their settings.

### **Legislation- conservation**

5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

- 5.10 Recent Case Law has demonstrated the importance of considering the importance of the setting of listed buildings when assessing applications. For instance: the Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC (2014)* made it clear that in enacting section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.
- 5.11 From this case it is clearly necessary to give not just careful consideration regarding whether there would be some harm but considerable importance and weight when balancing the advantages of the development against any such harm. It is not simply a matter to be weighed in the planning balance with equal weight to those factors which do not benefit from statutory protection. In the case of *Forest of Dean DC v SoS 2016* the interaction between paragraphs 14 and 134 of the NPPF was considered. Paragraph 14 provides a presumption in favour of sustainable development and where the development plan, or relevant policies are out of date, granting planning permission unless, when assessed against policies in the NPPF taken as a whole, or specific policies in the NPPF indicating development should be restricted (footnote 9 gives the example of one such policy relating to designated heritage assets).
- 5.12 Paragraph 134 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal, including securing its optimum viable use.
- 5.13 Paragraph 134 is therefore a policy indicating development should be restricted and not a situation where the presumption in favour of granting planning permission does not apply. It provides for a balancing exercise between less than substantial harm on the one hand and the public benefits on the other. Hence under the NPPF the exercise at paragraph 134 and the second section of paragraph 14 has to be undertaken when there is less than substantial harm to the significance of a designated heritage asset. Where development harms a listed building or its setting, the decision maker has to give the harm considerable importance and weight.
- 5.14 Under the current amended *Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015*, local planning authorities are required to consult with the Historic England or National Amenity Societies if the works are to a grade I or grade II\* listed building or there are 'relevant works' (involving demolition) to a grade II listed building.

5.15 Where the local planning authority intend to grant consent for works to any Grade I or II\* listed buildings or certain works to grade II listed buildings where Historic England or any of the National Amenity Societies are notified and object, then the Secretary of State must be notified. The Secretary of State would then consider 'calling in' the application for his or her own determination instead of the local authority. Should the application be called in, then a public inquiry would be held (procedures of which are set out in *The Town and Country Planning (Inquiries Procedure) (England) Rules 2000*).

## 6.0 CONSIDERATIONS

### Proposed extension

6.1 The proposed extension would be a continuation of the existing nursing home use. The building would be a 2-storey, 16-bedroom, rectangular shaped structure with a low pitched roof. It would extend from the former stables/coach house building into the existing rear walled garden (Fig 1 & Fig 2).



Fig 1. Rear garden.



Fig 2. Proposed extension (elevations).

- 6.2 A full height glazed lobby area would connect the extension to the former stables/coach house. Two existing sash windows on the former stables/coach house would require conversion into access doors to provide access into the new extensions. The design drawings indicate that the remainder of the existing brick elevation would be left unaltered.
- 6.3 Initially, the proposed extension (excluding the glazed lobby area), measured 34m (length) x 12m (width) with the eaves the same height as the former stables/coach house (approximately 5m where the extension joins the stables/coach house). The revised extension is significantly smaller, measuring 24.5m (length) x 10.5m (width). The heights were retained. The revised extension's glazed lobby area is slightly larger at 4.5m in length (which would increase the sense of visual separation from the listed building). Whilst the proposal will obscure parts of the stable block when standing within the walled garden, the impact is reduced by the recessed and extent of glazed connection. It is considered that there will be harm and this will be less than substantial.
- 6.4 The extension would be constructed of brick and ashlar stone elevations, aluminium standing seamed roof and contemporary double glazed windows. Architecturally, the architects have taken a contemporary approach, albeit taking cues from the listed buildings. This approach attempts to differentiate, but also compliment the extension from the listed buildings (Fig 2).
- 6.5 The extension would be set away from the existing garden wall to the east by approximately 1.5m and from the rear boundary by approximately 3.5 metres with landscaping proposed in these areas.
- 6.6 Overall the extension does represent a large increase of built form in the house's rear garden. The proposed extension is significant in terms of scale and massing and would represent a major new addition to the listed buildings' curtilage (Figs 2 & 3).



**Fig 3. Proposed extension viewed from the rear garden (3D drawing).**

6.7 External alterations are also proposed in the small courtyard area that separates the main house from the former stables block. Architecturally, this area is made up of historic and attractive elevations with features such as ashlar stonework, quoins, arched former coach entrance, arched sash windows, courtyard door with radial fanlight/ stone architraves. However, an anomalous modern metal framed glazed conservatory and link corridor (painted green) has a negative impact on this setting (Fig 4). The proposal is to remove these elements and create a more open communal area covered by a complete enclosure of the courtyard with a lantern style glazed roof and flat roof surround (Fig 5).



Fig 4. Existing courtyard area.

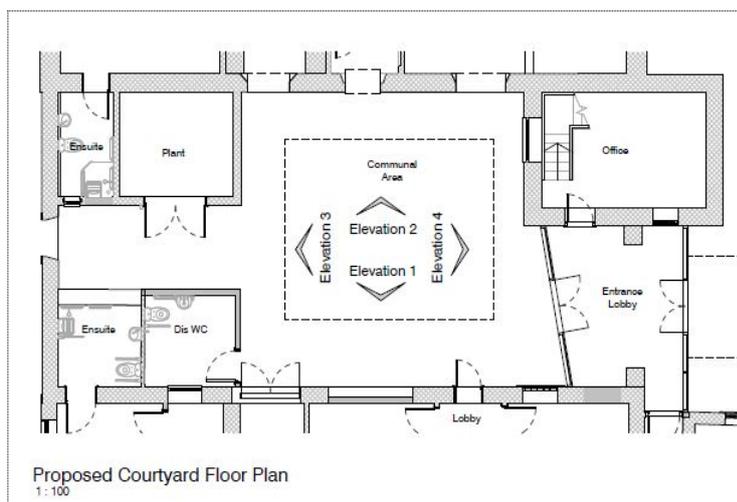


Fig 5. Proposed courtyard area (floor plan)

6.8 The intention is to incorporate a glazed lobby area as the primary entrance to the home and to include a new disabled WC within the courtyard area. Overall it is considered that the proposed courtyard plan is appropriate in principle and has the potential to enhance this part of the listed building. However, this is subject to the removal of the proposed disabled WC, which as proposed, would cover and hide an original arched sash window opening. It would also be subject to an approved Schedule of Works for this specific area which would identify in more detail the proposals, including how the proposed flat roof is attached to the existing building.

The scheme also removes an inappropriate link corridor from the courtyard to the south east of the stable block running along the boundary wall and enables this courtyard area to be reinstated which has positive impacts on the heritage asset.

Overall it is considered that the benefits arising for the heritage asset marginally outweigh the harm.

### Proposed internal refurbishment

6.9 Internal refurbishment of the house and former stables/coach house is also proposed. As shown on the applicants proposed floor plans, the primary intention is to rearrange some room and floor layouts by removing modern partitions

walls/doors and modern metal framed/ glazed connecting corridors returning rooms to their original proportions. The aim is to adapt and reconfigure the rooms with a view to improved standards, layout and amenity for nursing home residents. Whilst this reduces bedroom occupancy within the main house this will reveal more of the house's original Georgian layout and features to the benefit of the heritage asset.

- 6.10 The most significant internal decorative elements of the house includes staircase with curved balusters, a number of curved archways, a marble fireplace, doors with moulded architraves/ medallions and moulded plaster ceilings throughout – all fairly typical of the period. There are no proposals to alter or damage any of these features.
- 6.11 As discussed with the applicant on-site during pre-application discussion, the proposed internal reconfiguration and refurbishment was supported by the Case Officer on the basis that, subject to appropriate workmanship and finishing, it would have a positive impact on the character and appearance of the listed buildings.

### **Proposed new housing**

#### Current policy position (including housing supply)

- 6.12 The proposed housing land is currently designated as Open Countryside under saved policy EVR2 of the 2006 Local Plan. This policy has been saved until the Local Plan; Sites and Boundaries have been adopted. Under policy EVR2 residential development would not normally be permitted. Policy CS10 of the adopted Local Plan Core Strategy (adopted July 2013) states that residential development on greenfield sites that are not in an adopted Local Plan will not normally be permitted whilst the Council is able to demonstrate a supply of deliverable housing sites sufficient for five years.
- 6.13 The council is not currently able to demonstrate the required 5 year supply of deliverable land for housing however. As such, other local and national policies come into consideration. In particular, paragraph 49 of the National Planning Policy Framework stipulates that relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.14 A recent Court of Appeal decision (Richborough Estates vs Cheshire East District Council) has determined that paragraph 49, any development plan policy that restricts provision of housing is therefore a "relevant policy for the supply of housing". In this case this is taken to include policies EVR2. Policies rendered 'out-of-date' by paragraph 49 should not be ignored, but it is up to the council to determine what weight should be placed on them, taking into account factors

such as the councils' actions to remedy any shortfall, the purpose of the particular policy, the extent of the shortfall and the circumstances of the application and other material considerations.

- 6.15 Paragraph 14 of the NPPF states that where relevant policies are out-of-date; development should be approved unless the adverse impacts of doing so would outweigh the benefits or specific policies of the NPPF indicate that development should be restricted.
- 6.16 Policy CS10 of the Local Plan is clearly worded in such a way that the limitation on greenfield development falls away in these circumstances. It is a general policy that restricts development in the open countryside regardless of the particular character of the site or landscape in question. It is therefore considered that little, if any, weight can be given to policy EVR2.
- 6.17 The land is currently overgrown and contained by mature trees and the removal of this landscape would affect the openness of the land, however mature planting along the western boundary of the site together with retention of mature trees would continue to provide a clear, defined 'edge' to the built up area. The site is located close to the town centre adjacent to built up areas and has no real open countryside value rather having value as an open area which would be lost. This must be balanced against the current housing supply position. The latest published position (April 2015) is that the borough can demonstrate a 4.1 year supply of housing, once the shortfall in delivery and a 20% margin for 'persistent under delivery' is taken into account.
- 6.18 Monitoring of housing delivery for 2015-16 is currently underway and a number of significant planning permissions for housing have been granted since April 2015, including 300 at land west of Dunston Lane, 146 at the former Cammac Coal site, 150 at Wheeldon Mill and 103 at Bevan Drive, Inkersall.
- 6.19 The council is also currently preparing a review of the Local Plan with publication of a draft plan set for the autumn 2016, and releasing council owned land at Holme Hall for a further 300 units.
- 6.20 On balance, although the council cannot currently identify and demonstrate a five year supply of deliverable sites, there are steps in place to address the shortfall. The development would undoubtedly result in the loss of an open area however the impacts would not be significant upon the perceived openness of the area and any conflict in this respect would be outweighed by the delivery of housing.
- 6.21 Policy CS1 states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating. The site is considered to be a sustainable location close to local services and facilities with good access to public transport and in this respect satisfies the Council policy of concentration.

- 6.22 In terms of policy CS2, 'Principles for the Location of Development', the application does not meet criteria (b) ('are on previously developed land'), but does meet the other tests set out. As regards (d) 'delivers wider regeneration benefits ... to the area', there is potential for restoration/improvement of the Bank Close House and the development would also generate CIL income, a proportion of which would go to infrastructure provision.
- 6.23 In housing terms the principle of a residential development of this site can therefore be accepted at this time however this does not outweigh in the balance any harm to the setting of the listed building.

#### Setting and impact on trees

- 6.24 The site is located close to the town centre adjacent to built-up areas and has no real open countryside value, being more an open area with historic links to the house. The site is made up of grass land surrounded by mature trees and some shrubs and vegetation. The river Rother lies to the east of the proposed housing site.
- 6.25 Excluding a nineteenth-century newspaper report referring to Bank Close House as having 'gardens and pleasures grounds about the house about an acre in extent', there appear to be no other historic records regarding the wider grounds and specific uses (research was carried out by the Case Officer). The site is currently overgrown and unused and there are no noticeable physical on-ground structures or features (Fig 6).



**Fig 6. Proposed housing site**

- 6.26 Immediate views from the public realm (Hasland Road) into the historic curtilage are made up of the stone curtilage wall, curving listed gate pier entrance, tall mature boundary trees and unsightly concrete fence posts. Gaps in the tree cover during Autumn/Winter allow views into the grassland and trees closest to the house. In the summer these views are more limited, but still available. Tree

cover hides views to Bank Close House and the listed buildings. Views of the River Rother are also hidden by trees and vegetation. Overall, notwithstanding the historic connections, the heritage value of the setting is considered to be limited and only those visiting Bank Close House will be able to appreciate the asset. The context from which these views are obtained is the suburban post-war development of Hasland and adjacent main road.

- 6.27 Initially the applicant was proposing 20 houses with a secondary access point into the site resulting in part demolition of the historic curtilage wall, which was not considered appropriate. There was also a lack of clarity from the applicant regarding the existing grade II listed gate piers (Fig 7). Whilst the proposed housing would be centred within the perimeter of the mature trees which surrounds the site, the initial application put forward by the applicant indicated that 17 trees protected by Tree Preservation Order (TPO) would require removal.
- 6.28 This was considered an unacceptable loss of TPOs given the role they play in contributing to the character, setting and amenity of the listed building and wider street scene (there were strong objections from the Council's Tree Officer). Consequently, it was requested that the applicant revise the layout to take into account these concerns.
- 6.29 The revised layout retained the position and functionality of the grade II listed gate piers without alteration and reduced the proposed housing numbers from 20 to 15, thus reducing the loss of TPOs from 17 to 7 (Fig 8). However, whilst this layout presented less intensification of development the Council's Tree Officer objected on the basis of:
- The loss of mature protected trees reference T7 & T10 Lime, T11 Beech, T23 & T24 Lime, T26 Horsechestnut and T27 Oak.
  - The size and location of dwellings proposed for the site which will result in the removal of trees T7 & T10 Lime, T11 Beech, T23 & T24 Lime, T26 Horsechestnut and T27 Oak and put pressure on the remaining trees to be either pruned or felled due to perceived nuisance.
  - Insufficient details provided for the access road off Hasland Road to the new development and how this will affect the protected trees and listed wall and piers in the close vicinity.
  - No ground level details to show how the proposed access will affect the protected trees.
  - No tree report or Arboricultural Impact Assessment to show how the trees on the site and access will be affected.

- No details of the location of services runs or location of proposed SUDS which may affect any retained trees.
- Inaccurate drawings and details provided leaving it unclear how the development will affect the protected trees on the site especially around the access point.



**Fig 7. Listed piers and access point.**



**Fig 8. Proposed housing layout.**

6.30 A second revised layout was requested, primarily to clarify the access point for Highways consultation purposes, but also to reconsider the layout in the context of tree protection. It was requested that the layout demonstrate that the quantum of development being proposed could be accommodated without unnecessarily impacting on protected trees, including their root protection areas and future maintenance requirements (given the proposed residential use). The scheme received shows 14 dwellings.

6.31 Whilst a second revised access drawing and layout did clarify vehicle access issues, it also proposed the removal of 7 TPOs (T7, T10, T11, T23, T25, T26 and T27), including one for access purposes (T7). The loss of one TPO tree on a site with 27 TPOs for access purposes would normally be considered acceptable (a submitted landscaping scheme could mitigate any loss via replanting). However loss of those TPOs which make a significant contribution to the setting of a listed building and amenity of the wider area (which is the case for T10, T11, T23, T25, T26 and T27) is considered inconsistent with local and national planning policy, particularly when other design solutions, quantity of dwellings and size of plots have not been explored first.

- 6.32 On this basis, the proposed layout is not considered appropriate as part of this application and only the scale of development is being considered (14 dwellings). A final layout would be assessed via a reserved matters application. It is considered that 14 dwellings in principle could be accommodated successfully on the site without significant loss of TPOs and safeguarding their root protection areas, but this would be subject to size of dwellings, gardens and very detailed attention to design and layout.
- 6.33 On the basis that the scheme is reduced to 14 units and the access gate piers and walls are retained unaltered and on the basis that the trees around Bank Close House and along its access driveway can be retained as part of a development (accepting the loss of may be a single tree as part of the access into the new cul de sac) it is considered that the setting of Bank Close House can be satisfactorily safeguarded.

## **7.0 CONSULTEE COMMENTS & CASE OFFICER RESPONSE**

### **Historic England**

- 7.1 Historic England supports those aspects of the proposals which aim to bring a number of rooms of the house back to their original form, however they object to the proposed extension and the proposed housing (including revisions for both) on the basis that:
- There is lack of evidence to demonstrate how extensive the grounds were historically.
  - The proposed extension would dominate and obscure the main coach house and stable block.
  - The architectural form of the extension is neither innovative not sensitive and it will fundamentally harm the appreciation and understanding of the historic complex.
  - The proposed residential development will impact on trees and the historic landscaped setting of the House.
  - There is a lack of robust financial information to justify the proposals as 'enabling' development or demonstrate a conservation deficit in accordance with relevant guidance.
- 7.2 Overall, Historic England believe that the cumulative impact of the proposals will result in substantial harm to the significance to the grade II and Grade II\* listed buildings. On this basis they recommend the applications are refused.

## Georgian Group

7.3 Similarly to Historic England, the Georgian Group object to the proposals on the basis that:

- Early nineteenth suburban villas of this quality, which retain both the subsidiary structures and the bulk of their designed landscapes are becoming increasingly, if not extremely, rare.
- It is not just Bank Close House itself that is of national significance, but the ensemble of which it forms part.
- The heritage appraisal provided by the applicants is an extremely poor one and fails to adequately explain the significance of the historic asset.
- The proposed works would seriously harm the setting of the House and associated buildings.

### Case Officer response

7.4 Regarding the rear extension, it is acknowledged that there will be a degree of harm to, and loss of, part of the original Georgian rear walled garden and the setting of the main house there-from (given its scale and size) however it should be acknowledged that :

- The garden is completely enclosed and surrounded mainly by mature woodland and is therefore peripheral to key views of the listed buildings - the prominent view of the house's main elevation on approach from the drive would be unaffected.
- Excluding the alteration of two sash windows (for door/stair access) there would be no loss of existing historic fabric (no demolition is proposed).
- The extension is logically located and sited on the south-eastern side of the garden thus attaching itself to the ancillary grade II Coach House (not the grade II\* listed Bank Close House) and is designed with a set back and glazed link such that it reads as a modern extension of the group of buildings.
- Notwithstanding the loss of a part of the walled garden area and resultant impact on setting, there would still be some aesthetic and functional relationship between the remaining garden and the southern elevation of Bank Close House and the new extension.
- There would be no loss of mature trees or trees under Tree Preservation Order.

7.5 It is also considered that the building, notwithstanding impacts resulting from its size, is reasonably well thought out in terms of design. A glazed lobby area connects the former stables/coach house to the extension which separates and

distinguishes the new from the old as well as allowing external views to the original stone elevation.

- 7.6 Concerns about proposed materials (UPVC windows, soffits and rain water goods proposed which are not considered appropriate) can be addressed via conditions on consent which would exclude these elements of the design and request more appropriate materials for approval. This is accepted by the applicant.
- 7.7 Regarding the proposed 14 dwellings on land to the front of house, whilst it acknowledged that the houses and accompanying road layout would introduce significant and permanent change of character to this part of the Georgian house's historic grounds, it should be recognised that:
- Given the substantial level of screening provided by mature the trees and vegetation on the perimeters of the proposed housing site, there is a sense of separation between the proposed housing and the listed buildings.
  - Notwithstanding the historic relationship between the house and wider grounds, there are no on-ground remains of historic structures, gardens, paths or surfacing on the proposed housing site that would a) be lost as a result of development or b) might provide a strong visual or functional link to Bank Close House (the site is currently empty and overgrown grassland).
  - The revision of the layout from 20 house to 14 means there is significantly less impact on the mature perimeter trees than originally proposed (4 trees subject to Tree Preservation Order are proposed to be removed out of a total of 27) meaning the fundamental tree lined character of the wider grounds would be retained.
  - A robust landscaping scheme would be required to accompany any reserved matters application which would be designed to mitigate the physical impacts of development.
  - The revised layout retains the grade II listed gate piers as the only vehicle access point.
- 7.8 Historic England comment that there is a lack of robust financial information to justify the proposals as enabling development or demonstrate a conservation deficit in accordance with relevant guidance. However the applicant has submitted financial evidence to indicate that changes in the nursing home sector (changes which have been well documented in the media) are undermining the financial viability of Bank Close House. This information, which includes supporting financial statements from accountants Hart Shaw is described as

*'Supporting financial statement for the need to extend and modernise Bank Close House with funds raised from selling the land'* and states the following:

- Bank Close House has an outstanding 18 year mortgage (interest repayments only) of £1,000,000.
- Changing legislation from governing bodies means that there are more rigid requirements for nursing homes in respect of room sizes, day space, corridor width, bathroom facilities, etc, all of which has cost implications.
- Without modernisation local authorities may place further embargos on Bank Close House (some embargos have already been placed).
- The income for nursing homes is continually reducing as a result of Local Authority budget cuts.
- The introduction of the living wage, increases in payroll/pension administration and rises in utility bills is reducing profits.
- Profit before tax has been reduced by nearly 20% between 2008 and 2015 (from 29.58% in 2008 to 11.27% in 2015).

7.9 The applicant's evidence highlights that over the next 3 years Bank Close House will generate a profit in year 1 of £4,889 a loss in year 2 of £12,894 and a loss in year 3 of £15,699.

7.10 Ultimately the applicant is arguing that without the enabling development of an extension to the nursing home (to improve standards and operational efficiency) and new housing (to generate profit from the sale of land with residential planning permission) the nursing home as a commercial operation is unsustainable and likely to close.

7.11 On the basis of potential nursing home closure, the planning authority and Historic England recommended that the applicant financially assess the potential of a change of use of Bank Close House to an alternative use (given the location and nature of the house, residential was considered the most realistic option).

7.12 The applicant's architect (Peak Architects) prepared Development Appraisals to assess the viability of a change of use of Bank Close House to apartments. Option 1 presented a proposed 8 apartment conversion and Option 2 a proposed 10 apartment conversion. The aim was to identify a development cost for the proposed conversion and then identify what the market value of the property would be after conversion. The appraisals adopted a recognised model (taken from Historic England guidance) so factored in site costs, design and

construction costs, statutory and professional fees, developer profit and so on. They were underpinned by an independent valuations and Condition Surveys (Saxton Mae and Chandlers Commercial, respectively).

- 7.13 The appraisals indicate that development costs for both options are significantly higher than market values. Option 1 shows a deficit range of -£567,868, -£417,343 and -£266,818 (based on a high, medium or low market values). Similarly option 2 shows a deficit range of -£513,205, -£359,155 and -£205,105.
- 7.14 On this basis it is considered that the applicant has demonstrated that in current market conditions a residential conversion of Bank Close House is not financially viable leaving only the current use as the most appropriate use going forward. The applicant indicates that if a solution is not found in the near future, the home will be repossessed by the bank (the applicant is supporting the continuation of the running of the home from his own purse) and is likely to be vacated and boarded up.

### **Derbyshire Wildlife Trust**

- 7.15 Overall, Derbyshire Wildlife Trust advises that there is insufficient ecological information to make an informed assessment of the ecological impacts of the housing proposals. They note that strategically, the site is within a green corridor and open countryside that runs along the River Rother (as shown in the Council's Local Plan: Core Strategy). Consequently they recommend that planning conditions are utilised to:

- Ensure the carrying out of further bat and reptile surveys.
- Japanese Knotweed and Himalyan Balsam are controlled, contained and removed.
- The presence of badger setts on site is determined by a competent ecologist prior to the commencement of any work.
- Ensure that there is no removal of trees or shrubs between 1st March and 31st August unless a competent ecologist has undertaken a survey to determine the presence of active birds' nests and appropriate course of action.

### Case Officer response

- 7.16 Pre-commencement conditions would be placed on any outline consent to ensure the relevant surveys are carried out prior to the submission of any reserved matters application in line with the recommendations of Derbyshire Wildlife Trust. Further consultation would be carried out with Derbyshire Wildlife

Trust on any reserved matters application.

### **Yorkshire Water**

- 7.17 The submitted outline housing layout is unacceptable to Yorkshire Water as the proposed housing appears to be located over the sewers (which are not shown on the drawing) and this could jeopardise Yorkshire Water's ability to maintain the sewerage network. Yorkshire Water advise the developer to amend the layout prior to the submission of any reserved matters. If planning permission were granted, Yorkshire Water recommend that conditions should be attached to ensure that buildings or other obstructions are the relevant distance from sewer lines and that there is no surface water discharged into the foul sewer network.

#### Case Officer response

- 7.18 The Council is not considering the layout of the site which is being provided for indicative purposes. Pre-commencement conditions would be placed on any outline consent to ensure surface water discharge and the sewer line access is built into any reserved matters application in line with the requirements of Yorkshire Water. Further consultation would be carried out with Yorkshire Water as a statutory consultee via any reserve matters application.

### **Environment Agency**

- 7.19 The Environment Agency do not object to the applications but highlight the proposed housing development may require Environmental Permit from the Environment Agency given the proximity of the River Rother. They also highlight that there is the potential for land contamination hence relevant risk management guidance should be followed.

#### Case Officer response

- 7.20 Comments noted. Informatives can be placed on any consent to ensure the applicant is aware of the relevant guidance and permit requirements.

### **The Coal Authority**

- 7.21 The Coal Authority considers that the content and conclusions of the applicant's Phase 1 (Desk Study) Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the

application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to standard conditions to ensure site investigation works prior to commencement of development.

#### Case Officer response

- 7.22 Conditions would be placed on any outline consent to ensure relevant surveys are carried out prior to the submission of any reserved matters application in line with the recommendations of the Coal Authority. Further consultation would be carried out with the Coal Authority during any reserve matters application.

#### **Derbyshire Constabulary**

- 7.23 Derbyshire Constabulary comment that the applications do not fall within the current criteria for referral, hence no comments are put forward.

#### Case Officer response

- 7.24 Comments noted.

#### **Derby and Derbyshire Development Control Archaeologist**

- 7.25 In relation to below-ground archaeology historic mapping the County's Archaeologist suggests that the site is in an area not developed until the early 19th century, however the site does lie on or is close to the course of the Ryknield Street Roman road (ref: HER 99016) hence it is possible that archaeological remains of the Roman road lie within the current proposal site. The archaeological potential should be addressed through a conditioned scheme of archeologic work in line with a standard Written Scheme of Investigation.

#### Case Officer response

- 7.26 Pre-commencement conditions would be placed on any outline consent to ensure archaeological potential of development is addressed via a standard Written Scheme of Investigation.

#### **DCC – Highways**

- 7.27 The Highways Authority has no objections in principle to the proposals. However, whilst they highlight that the revised access and layout as indicated can be delivered, it will have to meet adoptable standards if it is to be adoptable as

highway maintainable at the public expense. As such, clarity will be required regarding the level of off-street parking; the manoeuvring of service vehicles; visibility splays; corridor width and vehicle priorities.

#### Case Officer response

- 7.28 Conditions on any outline consent would request a further layout and access details prior to the submission of a reserved matters application, at which point the Highways Authority would be re-consulted.

#### **DCC - Flood Risk Management Team**

- 7.29 DCC's Flood Risk Management Team highlight records of combined sewer flooding in the locality and that further development may increase the likelihood of sewer flooding in the locality, unless mitigation measures are in place. They comment that the applicant's Flood Risk Assessment does not indicate how consideration has been given to the implementation of Sustainable Drainage Systems (SuDS) or that the appropriate surface water hierarchy will be followed. Consequently, if discharge into the combined system is to be utilised, the County Council will require confirmation from the water and sewerage company that the proposed discharge rates are acceptable and that a number of robust conditions are placed on any planning consent.
- 7.30 They also highlight that the County Council do not currently adopt any permeable paving or SuDS schemes so the applicant should demonstrate where the responsibility will be for maintenance.

#### Case Officer response

- 7.31 Pre-commencement conditions would be placed on any outline consent to ensure that surface water discharge management (including management of SuDs) and sewer line access is built into any reserved matters application in line with the consultation advice from Derbyshire County Council's Flood Risk Management Team and Yorkshire Water.

#### **DCC - Economy, Transport & Communities**

- 7.32 DCC's Economy, Transport & Communities team has no objections to the proposals subject to an education contribution and high speed broadband access. Regarding the education contribution, they request a contribution from Chesterfield Borough Council's Community Infrastructure Levy for two junior places at Hasland Junior School.

### Case Officer response

- 7.33 The residential element of the proposal would be liable to pay Community Infrastructure Levy (CIL) at £50 per sqm of combined gross internal floor space. CIL liability would be calculated at reserved matters stage. The Council's Infrastructure Planning Officer would liaise with Derbyshire County Council during this time regarding potential education contributions which would be covered by CIL.

### **CBC Tree Officer**

- 7.34 The Council's Tree officer highlights that there are 27 mature trees on the grounds to the front of the house which are protected by Tree Preservation Order (TPO). There are also a number of non-protected mature trees, particularly alongside the River Rother. He considered that the initial housing layout proposing 20 dwellings represented over-development and would result in a significant and unacceptable loss of TPO trees. Consequently, he objected to the layout, on the basis of impact on trees and lack of a Tree Survey to properly assess the impact the proposed development would have on mature trees. He subsequently objected to revised layouts, again primarily on the basis of impact on TPOs and a lack of a Tree Survey. The Council's Tree Officer's comments are highlighted in further detail at paragraph 6.29 of this report.

### Case Officer response

- 7.35 Whilst some minor loss of, or impact on TPOs for access purposes is considered acceptable (subject to mitigation via landscaping plans) further loss of TPOs is not considered acceptable in policy terms given the contribution they make to setting, wider amenity and ecology. Moreover the lack of a Tree Survey from the applicant means the TPO removal as proposed cannot be justified. Consequently, the revised layout, excluding the location of access will not be approved. A further revised layout would be requested via any reserved matters application. This would be informed by a full Tree Survey to be approved by the local planning authority

### **CBC Urban Designer**

- 7.36 Overall, the Council's Urban Designer comments that the development would result in a poor quality scheme to the detriment of the setting of designated heritage assets and wider street scene. As such is not in accordance with the Council's Residential Design SPD or national and local planning policy. He

believes the justification for the development is unclear and that that tree loss would have a negative impact on amenity. Consequently he recommends that the outline application in its current form should be refused or withdrawn so further discussion take place to improve the design aspects of the proposal.

#### Case Officer response

- 7.37 It is important to note that the housing application is in outline form and primarily focused on seeking approval for the principle of housing development (including numbers) and an access point. A further reserved matters application would be required to provide clarity about specific house types (the house type drawing supplied with the application are only for illustrative purposes) as well as boundary treatments, surfacing, trees, materials and a more detailed layout. At reserved matters stage the application would be assessed to ensure that high quality design was a priority (particularly in the context of the river and listed building setting) in accordance with the Council's Residential Design SPD. The Council's Urban Design Officer would be fully consulted on any reserved matters application

#### **CBC Environmental Services**

- 7.38 The Environmental Services Officer pose a number of questions regarding the methodological approach and assumptions within the environmental Noise Impact Assessment regarding the potential noise caused by trains on the railway line (which runs along the western boundary of the site). She also requests that the applicant clarify whether a site investigation /phase 2 survey will be carried out (the desk study states that the site is low-risk but then goes on to recommend trial pits and bore holes are dug).

#### Case Officer response

- 7.39 A condition on any outline consent would request a further Noise Survey (the parameters of which shall first have been agreed by the Local Planning Authority) to assess necessary measures to mitigate any adverse impact of noise upon the development, arising from the adjacent railway line. Regarding further ground survey work, conditions would be placed on any outline consent to ensure relevant surveys are carried out prior to the submission of any reserved matters application (as also in line with the recommendations of the Coal Authority).

#### **CBC Kier Services**

7.40 Request a drainage strategy and plans identifying how surface water will be disposed of. These must be in accordance with CBC Minimum Development Control Standards

Case Officer response

7.41 This can be secured via conditions on any outline consent.

**Office of Natascha Engel (MP for North East Derbyshire & Deputy Speaker)**

7.42 Highlights concern about the future viability of Bank Close House as a nursing home. Goes on to state that the decision on the planning application will have a bearing on this.

Case Officer response

7.43 Comments noted. As part of the application process, planning authority required the applicant supply evidence to demonstrate that the nursing home's future viability was at risk. This was subsequently provided.

**Local Residents**

7.44 In total, nine local residents made comments on the applications and the subsequent revisions (detailed summaries of these comments can be viewed at Appendix 2). Residents were concerned about the following potential impacts as a result of the proposals (particularly the proposed housing development):

- Increased traffic and congestion on Hasland Road (including more on-street parking).
- Potential relocation of bus stop.
- Loss of trees and wildlife.
- Impact on local sewers.
- Risk of an increase of flooding.
- Impact on local amenities (e.g. local schools).
- Noise caused by construction works.

Case Officer response

7.45 *Traffic movements & bus stop* - it is not considered that a minor housing scheme of 14 dwellings and the 16 bedroom extension of the nursing home will have an unacceptable impact on the local road network, given that Hasland Road is a main urban arterial route and parking provision would be provided on-site. Notwithstanding a potentially minor increase in visitors arriving by car, any new occupiers of the nursing home extension are unlikely to be car users. Furthermore Bank Close House and its wider grounds are considered a sustainable location given that town centre services, shops, jobs and public

transport are all within walking distance. The Highways Authority is not objecting to the traffic generating potential of the proposed development. There are no proposals to relocate the bus stop.

- 7.46 *Loss of trees and wildlife* - the revisions to the proposed housing scheme (from 20 to 14 dwellings) means considerably less intensification of development. The revisions were made partly as result of concerns about the impacts on trees subject to Tree Preservation Order (TPO). The revised layout indicates a loss of 4 TPO trees from a total of 27, which is considered a relatively minor loss in terms of impacts on the setting of the house or wider amenity. To provide more clarity about the condition of trees, including root protection areas, a condition would be attached on any outline consent to ensure a Arboriculture Impact Assessment is submitted to and approved by the planning authority, prior to any development commencing. Similarly, in the interests of wildlife protection, a pre-commencement condition would be placed on any outline consent to ensure the relevant surveys (as identified by Derbyshire Wildlife Trust) are carried out prior to the submission of any reserved matters application.
- 7.47 *Impact on sewers & risk of flooding* - it is recognised that there is an issue with surface water flooding in some isolated areas around Hasland Road (as photographs from local residents and comments from Derbyshire County Council's Flood Risk Management Team confirm). Pre-commencement conditions would be placed on any outline consent to ensure robust surface water discharge management and sewer line access is built into any reserved matters application in line with the requirements of Yorkshire Water and Derbyshire County Council. The Environment Agency (the national body for managing flood risk relating to main rivers, which is applicable to the River Rother) is not objecting to the proposals on the basis of flood risk.
- 7.48 *Impact on local amenities (e.g. local schools)* – as a minor development, 14 new dwellings will not result in unacceptable impacts on local amenities such as schools. Moreover, the Council has included education provision in its Community Levy Infrastructure Levy to mitigate the impacts development may have on local schools
- 7.49 *Noise caused by construction works* – it is inevitable that construction works will cause levels of noise but it is normal practice to mitigate potential impacts by attaching conditions to planning consents to ensure they do not take place outside of normal working hours in residential areas.

## **8.0 CONCLUSION**

- 8.1 Notwithstanding the impacts on the historic setting of the listed buildings, it is considered that the proposals are consistent with local and national planning policies that seek to promote sustainable development.

- 8.2 The proposed 14 dwellings would be located on allocated open countryside under saved policy EVR2 of the Replacement Chesterfield Borough Local Plan. However the council does not currently have a 5 year housing supply hence the proposal would be assessed under policy CS1 & CS2 of the adopted Local Plan: Core Strategy. Given that the housing would be a sustainable distance to Hasland Local Service Centre/Chesterfield Town Centre and that further ecological and tree surveys can be secured via any reserved matters application, the proposals are considered consistent with CS1 and CS2.
- 8.3 In considering impact on the setting of the listed buildings, the overriding policy requirement is that provided by local policy CS19: Historic Environment and the NPPF's '*conserving and enhancing the historic environment*'. Both policies are clear that the key aim is to protect and enhance heritage assets, including listed building and their settings. This requirement is particularly acute given the significance of grade II\* listed buildings (only around 8% of listed buildings are grade I or grade II\*, the remainder being grade II).
- 8.4 There will be impacts on the setting on the listed buildings and historic curtilage, namely the loss of areas of the wider grounds to new development, both of which will introduce significant new visual elements into historic setting. But overall, notwithstanding the historic connections, the heritage value of the setting is considered to be limited. The context from which views are obtained from the public realm is the suburban post-war development of Hasland and adjacent main road. There are no adjacent conservation areas or listed buildings which might provide some form of group value with Bank Close House and its wider setting. The experience of setting within the listed building's curtilage, particularly from the front, is again somewhat limited given views to the listed buildings are limited by tree cover.
- 8.5 The applicant engaged in proactive discussions with the planning authority to reduce and mitigate impacts on setting by reducing the size of the extension and revising the housing layout, including reducing the housing numbers from 20 to 14. The applicant is also proposing significant internal improvements to the listed buildings by revealing the original layout of the house and proposing general improvements and repairs. Excluding relatively minor alterations to sash windows on the grade II listed former stables building (to create new door access into the extension) no significant alterations or and demolition of the listed buildings are being proposed.
- 8.6 On this basis the impact should be assessed in the context of paragraphs 133 and 134 of the NPPF should be taken into account. If, as Historic England and the Georgian Society indicate, the impacts of the development are substantial, then the criteria in paragraph 133 of the NPPF should be met:
- The nature of the heritage asset prevents all reasonable uses of the site.

- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- The harm or loss is outweighed by the benefit of bringing the site back into use.

8.7 If the impacts are deemed to be less than substantial, then paragraph 134 of the NPPF should be met which states that any harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

8.8 Regarding paragraph 133, the applicant has provided evidence to demonstrate to the planning authority that the commercial viability of the nursing home, without the proposed development is at risk. The applicant has also demonstrated that it is unlikely that there is an alternative viable marketable use for the listed buildings via their development appraisals. Should the nursing home close, long-term vacancy and deterioration of the listed buildings is a realistic scenario. The most viable and sustainable use for listed buildings is considered to be a continuation of the existing nursing home.

8.9 The harm or loss caused by the proposed development is considered to be outweighed by the benefits of securing the continued use of the listed buildings as a nursing home. Whilst it is considered to be a finely balanced argument, the applicant's proposals are considered to have public benefits that outweigh the harm caused by the proposed development. These public benefits include: the securing of local nursing home care; new housing in a sustainable location; improvement to the listed buildings; and the ongoing maintenance and protection of the listed buildings and probably most importantly the maintenance of a viable use within the heritage asset set against the very real threat of closure, boarding up and vacancy and an uncertain future for the buildings. It follows that the proposal will secure an optimum viable use for the site.

8.10 Considering all of the above, it is considered that the proposed 14 dwellings, rear extension and refurbishment of the listed buildings can be accepted with conditional reservations relating to layout and impact on trees.

## **9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANTS**

9.1 The Government (since the 1st December 2012) requires Local Planning Authorities to include a statement on every decision letter stating how they have worked with the applicant in a positive and proactive way, in line with the requirements in paragraphs 186 and 187 of the National Planning Policy Framework.

9.2 During the pre-application process, the Council's Conservation Officer liaised with the applicant regarding the future of the home and to ensure that any proposals were consistent with local and national planning policies regarding the historic environment.

## **10.0 HUMAN RIGHTS ACT 1998**

10.1 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

10.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

10.3 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.

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

## **11.0 ADDITIONAL RECOMMENDATION**

11.1 That a s106 agreement be negotiated requiring:

- A Percent for Art scheme to meet the requirements of Local Plan; Core Strategy policy *CS18: Design*.
- Clauses tying the funds raised from the sale of the land as a result of the outline residential planning permission being granted are invested in the repair and refurbishment works for the listed buildings together with a programme for implementation of such works.

- 11.2 That the residential scheme will be liable for Community Infrastructure Levy based on a £50 per square metre gross internal floor space of the dwellings (to meet the requirements of Local Plan; Core Strategy policy CS4: *Infrastructure Delivery*).
- 11.3 That if the committee is minded to accept the recommendations regarding the listed building application that the proposals be first referred to the Secretary of State for consideration of whether the application should be called in.

## **12.0 RECOMMENDATIONS**

### **12.1 CHE/16/00229/OUT**

To grant **outline planning consent** subject to the following conditions:

#### **Approved plans**

- 01 The means of vehicle access hereby permitted is that shown on revised drawing dated 12.9.16 and titled 'Existing and Proposed Site Entrance (ref: BCM-PA-PL-013)'. No other layout plans submitted are included in this consent.

*Reason - to clarify the extent of the outline planning consent*

#### **Time Limit and Reserved Matters**

02. Approval of the details of the layout and external appearance of the building(s), and the landscaping of the site (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).*

03. Application for approval 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.*

04. 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.*

## **Trees and Ecology**

05. Any reserved matters application will require a full Tree Survey to be submitted for Local Planning Authority approval. The survey shall be consistent with British Standard BS5837 and include all trees on site with a stem diameter of 100mm or greater. It shall include the following information:

- Location, species, reference number, girth or stem diameter, accurately planned crown spread and an assessment of condition.
- Existing ground levels at the base of trees shall be given where nearby changes in level or excavations are proposed.
- Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.
- Positions and details of fencing or hoardings, prohibited areas and other physical means of protecting trees

The details shall be submitted to and agreed in writing by the Local Planning Authority prior to carrying out any works on site and the development shall proceed in accordance with the agreed details.

*Reason – to enable proper consideration to be given to the impact of the proposed development on existing trees.*

06 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed and Himalayan Balsam on site, The measures shall be carried out strictly in accordance with the approved scheme.

*Reason – in the interests of biodiversity and management of non-native invasive plant species.*

07 Prior to the submission of any reserved matter application, a reptile survey of the site shall be undertaken by a suitably qualified person and submitted to the Local Planning Authority for written approval. The results of the survey works shall appropriately inform any proposed mitigation strategy measures necessary and which shall be implemented as part of a programme agreed in writing by the local planning authority.

*Reason – in the interests of biodiversity and wildlife.*

08 Any reserved matters application will require a scheme of biodiversity enhancement (namely the incorporation of bat roost features and bird boxes

within the development) which shall be submitted to the local planning authority for consideration. Only the details approved in writing shall be implemented as part of the development.

*Reason – in the interests of biodiversity and wildlife.*

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

*Reason – in the interests of biodiversity and wildlife.*

### **Archaeology**

10. A) 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"
- B) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (A)."
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason – To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing.*

## **Drainage**

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

*Reason - In the interest of satisfactory and sustainable drainage.*

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

*Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal.*

13. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers which cross the site.

*Reason - In order to allow sufficient access for maintenance and repair work at all times.*

14. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

*Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the LPA in advance of full planning consent being granted.*

15. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

*Reason - To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.*

### **Site Investigations / Contamination**

16. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

*Reason - To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.*

17. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
  - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
  - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
  - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for

written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

*Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.*

### **Railway Noise**

18. Any reserved matters application shall be accompanied and informed by the results of a further Noise Survey and Assessment (the parameters of which shall first have been agreed by the Local Planning Authority). The subsequent Noise Assessment shall include details of the necessary measures to mitigate any adverse impact of noise upon the development, arising from the adjacent railway line. Only those details which are agreed in writing by the Local Planning Authority shall be implemented in full on site and maintained as such thereafter.

### **Other**

19. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.

*Reason – In the interests of sustainable development and to ensure that the development is capable of meeting the needs of future residents.*

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

*Reason - In the interests of residential amenity.*

21. The reserved matters submission shall include details of the management and maintenance proposals for the proposed access road and the areas of open space to be retained on the site. The development shall only proceed on the basis of the details agreed by the local planning authority in writing.

*Reason – To ensure appropriate arrangements are in place for the future management of common areas within the scheme.*

22. All external dimensions and elevational treatments shall be as shown on the approved plan BCM-PA-PL-013 and the site plan BCM-PA-LL-002 with the exception of any approved non material amendment.

*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.*

### **CIL note**

You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal floor Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

## **12.2 CHE/16/00222/FUL**

To grant **planning permission** subject to the following conditions:

### **Time Limit**

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

*Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.*

- 02 All external dimensions and elevational treatments shall be as shown on the approved revised plans submitted by the applicant 28.7.16, reference: PL-008, PL-009, PL-010, PL-0011, PL-012, PL-013, PL-014, with the exception of any approved non material amendment.

*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.*

### **External appearance**

03. Prior to any works commencing, specifications of the proposed doors and windows for the extension shall be submitted to the Local Planning Authority for written approval. The specification shall include sections and proposed dimensions, colours, design, materials and type of glazing. Only those doors and windows approved by the Local Planning Authority shall be used in the development.

*Reason – to ensure appropriate detailing of the external appearance of the building.*

04. Prior to any works commencing, specifications of the proposed roofing materials and rainwater goods, including soffits, shall be submitted to the Local Planning Authority for written approval. Only those roofing materials, rainwater goods and soffits approved by the Local Planning Authority shall be used in the development.

*Reason – to ensure appropriate detailing of the external appearance of the building.*

05. Prior to any works commencing, proposed brick and stone samples shall be submitted to the Local Planning Authority for written approval. Only those samples approved by the Local Planning Authority shall be used in the development.

*Reason – to ensure appropriate detailing of the external appearance of the building.*

## **Landscaping**

06. Prior to any works commencing, details of both hard and soft landscape proposals shall be submitted to and approved by the Local Planning Authority in writing. These details shall include:

- Proposed finished levels or contours
- Any means of enclosure
- Pedestrian access and circulation areas
- Paths and patio areas
- Minor artefacts and structures (eg furniture, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
- Retained historic landscape features and proposals for restoration, where relevant.

Soft landscape details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate
- Implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

*Reason: To ensure the provision of appropriate landscape design and its maintenance.*

### **Drainage**

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

*Reason - In the interest of satisfactory and sustainable drainage.*

08. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

*Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority.*

### **Archaeology**

09. A) 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

B) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (A)."

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

*Reason – To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing.*

### **Note**

1. This approval contains condition/s which makes 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.
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.

### **12.3 CHE/16/00225/LBC**

To grant **listed building consent** subject to the following conditions:

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

*Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.*

- 02 All external dimensions and elevational treatments of the extension shall be as shown on the approved revised plans submitted by the applicant 28.7.16, reference: PL-001 (site plan) PL-008, PL-009, PL-010P, PL-011, PL-012, PL-013, PL-014, with the exception of any approved non material amendment).

Areas of proposed internal alteration to the listed buildings, including courtyard area (excluding proposed disabled WC which does not have consent) shall be those shown on initial submitted plans PL-020, PL-021 (floor plans) PL-014, PL-017, PL-018, PL-019 (section drawings).

*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.*

### **Extension**

- 03 Prior to any works commencing, cross sectional drawings of the proposed glazed lobby area shall be submitted to the Local Planning Authority for written approval. The drawings shall show:

- How the lobby glazing or frames are fixed to the former stable block elevation.
- What the proposals are for the existing stable block elevation as it relates to the proposed internal lobby area.
- Drawings showing how existing window openings as indicated on the plans on the former stable block will be converted to doors for access (including proposed materials and finishing).

Only those construction and design elements approved by the Local Planning Authority in writing shall be used in the development.

*Reason – to protect the character and appearance of the listed building.*

### **Internal Refurbishment**

04. Prior to any works commencing, a full Schedule of Works for the internal refurbishment of the listed buildings shall be submitted to the Local Planning Authority for approval in writing. The Schedule of Works shall identify what is proposed for each room, floor and corridor on floor plans. Drawings and specifications will be required showing in detail any proposed alteration to internal features such as doors (including ironmongery), walls, floors, windows, stairs, skirting, plastering, ceilings and servicing (including proposed service runs). The Schedule of Works will also include an itinerary for each room, corridor and floor identifying and describing any existing decorative or special

feature in each area. Only those details approved in writing by the Local Planning Authority will be included in the works undertaken.

*Reason – to protect the character and appearance of the listed building*

**Courtyard area between Bank Close House and former coach house/stables**

05. This listed building consent shall not include the proposed disabled toilet in the courtyard area between the Bank Close House and the former coach house/stables.

*Reason – to protect the character and appearance of the listed building*

06. Prior to any works commencing, full cross sectional drawings showing what is being proposed for the courtyard area between Bank Close House and the former coach house/stables shall be submitted to the Local Planning Authority for approval in writing. The drawings shall show how the connection details between the flat roof around the perimeter and the existing building. The development shall only proceed on the basis of the details approved in writing by the local planning authority.

*Reason – to protect the character and appearance of the listed building*

07. Prior to any works commencing on the extension, full cross sectional drawings showing the link connection between the proposed rear extension and the stable block shall be submitted to the Local Planning Authority for approval in writing. The drawings shall show in detail the connection details between the glazed link and the existing building. The development shall only proceed on the basis of the details approved in writing by the local planning authority.

*Reason – to protect the character and appearance of the listed building*

08. Prior to any works commencing on the extension, specifications of the proposed doors and windows for the extension shall be submitted to the Local Planning Authority for written approval. The specification shall include sections and proposed dimensions, colours, design, materials and type of glazing. Only those doors and windows approved by the Local Planning Authority shall be used in the development.

*Reason – to ensure appropriate detailing of the external appearance of the building.*

09. Prior to any works commencing on the extension, specifications of the proposed roofing materials and rainwater goods, including soffits, shall be submitted to the Local Planning Authority for written approval. Only those roofing materials,

rainwater goods and soffits approved by the Local Planning Authority shall be used in the development.

*Reason – to ensure appropriate detailing of the external appearance of the building.*

10. Prior to any works commencing on the extension, proposed brick and stone samples shall be submitted to the Local Planning Authority for written approval. Only those samples approved by the Local Planning Authority shall be used in the development.

*Reason – to ensure appropriate detailing of the external appearance of the building.*

### **Note**

1. This approval contains condition/s which makes 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.
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.

## **APPENDIX 1. FORMAL LISTINGS**

### **BANK CLOSE HOUSE**

Earlier Cl. Ashlar with hipped slate roof. 2 storeys, stone band at 1st floor, corbelled eaves cornice and blocking course. Entrance facade has 5 windows sashes with glazing bars, centre 1st floor has architrave, pilasters, frieze cornice on reeded brackets and panelled apron. Ground floor windows have panelled lintels with enriched keystones. Centre stone portico with columns, frieze and flat hood, sides now glazed. Side facades 3 windows, south west has centre door, good doorcase with engaged Ionic columns, Greek key frieze and modillion cornice. Door has glazed top panel with margin lights and 2 raised and fielded panels below. Very fine staircase with curved balusters bearing mouldings of vines. Moulded plaster ceilings. 3 elliptical arches across hall and arched alcove at rear of hall flanked by doors. Marble fireplace with medallions and reeded architraves. Doors with moulded architraves and medallions. 1st floor has arches across landing.

### **GATEPIERS AT ENTRANCE TO BANK CLOSE DRIVE**

Early C19. Fine panelled octagonal stone gatepiers with caps and cornices.

### **FORMER COACH HOUSE AND STABLES AT REAR OF BANK CLOSE (INCLUDING CONNECTING WALLS AND GATEPIERS)**

Early C19 building connected by walls, with gatepiers, to rear of Bank Close forming a courtyard. Ashlar with quoins and string course above ground floor. Slate roof. 2 storeys. 2 round arched windows at 1st floor level. Ground floor has 2 centre arches with keystones flanked, to the south-west, by round arched window and to north-east by door with radial fanlight and stone architraves. 1 storey north-eastern outshut has round arched window.

## APPENDIX 2. LOCAL RESIDENTS' COMMENTS

### Local resident comments on CHE/16/00225/LBC, CHE/16/00222/FUL and CHE/16/00229/OUT (including revisions)

#### Local residents' comments

| No. | Address         | Application                            | Nature of comment | Summary of comments  |
|-----|-----------------|--|-------------------|--|
| 1   | 50 Hasland Road | CHE/16/00225/LBC                       | Objections.       | <p>Concerns about :</p> <ul style="list-style-type: none"> <li>- Traffic impacts on a busy Hasland Road caused by new development.</li> <li>- The loss of trees on site which are protected by Tree Preservation Order</li> <li>- The impacts of new development on the capacity of local sewers caused by less soakaway areas (Horns Bridge was partially blocked by rainfall during Easter because sewers cannot cope)</li> <li>- The potential impacts on, and loss of, local wildlife, including owls, woodpeckers, jays and foxes.</li> <li>- Potential relocation of existing bus stop and the impact this will have on elderly people.</li> </ul> |
| 2   | 54 Hasland Road | CHE/16/00222/FUL &<br>CHE/16/00225/LBC | Objections        | <p>Concerns about:</p> <ul style="list-style-type: none"> <li>- Loss of existing grade II listed piers access.</li> <li>- Traffic impacts from new development on Hasland Road.</li> </ul>   |

|   |                            |  |                    |  |
|---|----------------------------|--|--------------------|--|
|   |                            |  |                    | <ul style="list-style-type: none"> <li>- Impact on flood risk as a result of new development (there is a history of flooding in the area).</li> <li>- Impact on ecology and biodiversity, particularly loss of mature trees.</li> </ul>  |
| 3 | 2 East Bank View           | CHE/16/00225/<br>LBC &<br>CHE/16/00229/<br>OUT | Objections         | <p>Concerns about:</p> <ul style="list-style-type: none"> <li>- Potential increase of on-street parking (Hasland Road is already used by those walking into the town centre).</li> <li>- Impact on wildlife, particularly hedgehogs and mature trees.</li> </ul>   |
| 4 | 1 Whitehouses Hasland Road | CHE/16/00222/<br>FUL &<br>CHE/16/00229/<br>OUT | Mainly objections. | <p>No objections to the extension and refurbishment of Bank Close House, subject to the alterations being in keeping with the house, but raises the following objections and concerns to CHE/16/00229/OUT:</p> <ul style="list-style-type: none"> <li>- The provision of new vehicle access for the planned 20 dwellings which will mean the destruction of trees/ wildlife and the beautiful area in front of the retirement home.</li> <li>- An increase in traffic and congestion – traffic is already very busy and parking is horrendous for local residents.</li> <li>- Existing local sewers are at bursting capacity and are woefully inadequate to cope with another 20 dwellings.</li> <li>- Lack of amenities in the area for new residents (e.g. schools).</li> <li>- The proposed dwellings are to be built next to a river that floods on a regular basis.</li> <li>-</li> </ul> |

|   |                                     |  |                       |  |
|---|-------------------------------------|--|-----------------------|--|
| 5 | 1<br>Whitehouses<br>Hasland<br>Road | CHE/16/00222/<br>FUL &<br>CHE/16/00229/<br>OUT | Mainly<br>objections. | <p>No objections to the extension and refurbishment of Bank Close House, subject to the alterations being in keeping with the house, but raises the following objections and concerns to CHE/16/00229/OUT:</p> <ul style="list-style-type: none"> <li>- The proposed 20 dwellings will greatly affect the area for the worst with the increased traffic and parking (which is already dangerous for pulling out onto Hasland Road).</li> <li>- The risk of an increase in flooding due to the inadequate sewers overflowing onto properties including my own which happens now on a regular basis.</li> <li>- The destruction of a greenfield site which harbours a great deal of wildlife from foxes, badgers, bats, owls, birds and trees.</li> <li>- Noise caused by building works which will affect the area including those in the retirement home who deserve peace and quiet.</li> </ul> |
| 6 | 16 Hasland<br>Road                  | CHE/16/00229/<br>OUT                           | Objections.           | <p>Raises the following concerns and objections:</p> <ul style="list-style-type: none"> <li>- The loss of trees and wildlife, including birds, squirrels.</li> <li>- The loss of recreation - every year children collect the conkers, which has been passed down from generation to generation.</li> <li>- The bottom of Hasland Road cannot cope with heavy rainfall, given local sewage capacity – the flood water raises man holes, contains sewerage, drains into the river and then leaves sewerage and sanitary towels on the road and pavement (photographs are attached showing recent flooding on Whitehouses road).</li> </ul>  |

|   |                 |                      |             |   |
|---|-----------------|----------------------|-------------|---|
| 7 | 42 Hasland Road | CHE/16/00229/<br>OUT | Objections. | <p>Raises the following concerns and objections:</p> <ul style="list-style-type: none"> <li>- Impact of additional traffic on Hasland Road (the village has overgrown its capacity).</li> <li>- Additional hazards caused by parked cars on Hasland Road – new development would make this worst (the road is already used for free parking by those walking into town for long hours).</li> <li>- Requests that Hasland Road becomes a parking area for permit holders only.</li> <li>- Loss of local wildlife at Bank Close House, including rare and common birds, squirrels and bats.</li> <li>- The current drains/sewer system would have to be drastically improved if planning consent was given – residents on Whitehouses already suffer from sewerage problems after heavy rainfall and this is unacceptable.</li> </ul> |
| 8 | 20 Hasland Road | CHE/16/00229/<br>OUT | Objections. | <p>Raises the following concerns and objections:</p> <ul style="list-style-type: none"> <li>- New properties would be on higher ground and overlook our house and our neighbours.</li> <li>- Impacts on trees and wildlife.</li> <li>- Increased traffic on road junction at St Leonards Drive would make existing problems worse.</li> <li>- Extra drainage and surface water will overload the already inadequate drainage - these drains regularly fail to cope with rain causing Whitehouses to be flooded with sewerage water.</li> <li>- Yorkshire Water have to be called out to clean up the mess which is very unpleasant and worrying – Yorkshire Water</li> </ul>  |

|   |                 |                      |             |   |
|---|-----------------|----------------------|-------------|---|
|   |                 |                      |             | officials say there is presently no way to alleviate these problems due to drainage capacity further down the system being undersized.  |
| 9 | 36 Hasland Road | CHE/15/00378/<br>OUT | Objections. | <p>Raises the following concerns and objections:</p> <ul style="list-style-type: none"> <li>- Hasland Road is already a very busy main road and major bus route plus the slip road to the A617 bypass is used take congested traffic when Horns Bridge is flooded which is nearly every year for the last 7 years.</li> <li>- The roads in the surrounding area are jam packed from 7am – 7pm, cars parking on grassed areas, double yellows and access when they are unable to get a car space – new development would mean excessive amounts of stationery traffic.</li> <li>- Derbyshire County Council Highways Department refused to agree the proposed development last year given these issues.</li> <li>- The proposed development area is full of wildlife, i.e. bats, owls, foxes, possible badgers and natural beauty.</li> <li>- The River Rother has flooded in the last ten years just next to the proposed development – additional people would increase risk of flooding.</li> <li>- To cut down around 30 trees could increase flooding; trees reduce flooding on the road.</li> <li>- Only a few weeks ago people were taken off the A617 because Horns Bridge had flooded again.</li> </ul> |

|    |                     |   |             |   |
|----|---------------------|---|-------------|---|
| 10 | 24 Hasland Road     | CHE/16/00229/<br>OUT  | Objections. | <p>Raises the following concerns and objections:</p> <ul style="list-style-type: none"> <li>- The impact on the local environment would be destructive with the removal of the trees which give off oxygen for humans to breathe.</li> <li>- Loss of wildlife, squirrels, numerous varieties of birds<br/>Changes to the stone pillars at the entrance to Bank Close House.</li> <li>- The total disruption of large numbers of building machinery and plant and the mess that would follow for months on end would be intolerable for local residents.</li> <li>- The increase in traffic in an area which is already extremely busy at morning and evening rush hour.</li> <li>- When anything goes wrong with the motorway, traffic is generally diverted down through Hasland creating a blockage, so allowing more vehicles would only make the situation worst.</li> <li>- The lower part of Hasland Road is a flood area when we have excessive rains as has occurred a number of times in recent years, to the point of the whole area as far as the dual carriageway being flooded.</li> </ul> |
| 11 | No address provided | CHE/16/00222/<br>FUL,<br>CHE/16/00225/<br>LBC &<br>CHE/16/00229/<br>OUT | Objections. | <ul style="list-style-type: none"> <li>- Agrees with the Georgian Group objection comments relating to the proposed new build (CHE/16/00225 &amp; CHE/16/00222/FUL) and the harm it would cause to the grade II* listed building and its grounds.</li> <li>- Objects to CHE/16/00229 due to the Greenfield site and impact on the setting of the grade II* listed building.</li> </ul>  |