

## ITEM 1

### **Outline application for up to 7 dwellings with all matters reserved, Land To South Of Seagrave Drive, Hasland, Chesterfield for Taylor Trustees**

Local Plan: Not allocated

Ward: Hasland

Plot No: 2/2457

Committee Date: 29<sup>th</sup> March 2021

#### **1.0 CONSULTATIONS**

##### **1.1 The Coal Authority:**

- 1.1.1 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Our records indicate that the site is in an area of probable historic unrecorded coal mine workings are shallow depth. Having reviewed the available coal mining and geological information the authors of the Coal Mining Risk Assessment conclude that there is a potential risk posed to the development from past coal mining activity. The report authors therefore recommend that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. Consideration should also be given to the risks posed to the development by mine gas.
- Conditions recommended to ensure investigations along with any necessary remedial work/mitigation measures.

##### **1.2 CBC Strategic Planning Comments:**

- 1.2.1 The site was included as a potential housing site in the pre-submission consultation plan. The site was removed during the modifications stage (MM18) following an objection from English Heritage over the potential impact of the site on the listed building. This requested further consideration of the potential impact. Given the small scale of the allocation, the decision was taken to remove it from the plan on the basis that it was not critical to the Plan' housing supply and that the impact could be addressed through the planning application process.
- The site is within walking distance of primary and secondary education provision, healthcare, and Hasland Local Service Centre via safe and convenient routes. The site therefore accords with the spatial strategy as set out in policies CLP1 and CLP2.

Subject to a satisfactory conclusion on the potential impact upon the setting of the listed building, there is no objection to the principle of housing development in this location.

In terms of CIL - The proposed development is in the medium CIL charging zone for residential development, which would be charged as £50 per sqm gross internal floorspace, subject to index linking at the time a permission may be granted (£57.99 at the time of writing). Any exemptions or reliefs (for example for social housing or custom and self-build) must be applied for prior to the commencement of development.

### **1.3 CBC Design Services:**

1.3.1 The site is not shown to be at risk of flooding according to the Environment Agency Flood Maps. We would like to see full drainage details, prior to full approval, of how the developer intends to dispose of surface water and foul drainage from the proposed site). With this being a greenfield site, the surface water discharge should be restricted to greenfield run-off rates. The site should also be developed with separate foul and surface water drainage systems (see attached document for guidance). Any new connections to the public sewerage system will require prior approval from Yorkshire Water.

### **1.4 Ramblers Association:**

1.4.1 Initial examination of the location plan reveals that the routes of Chesterfield footpaths 2 and 104 are not shown on the stated document. Chesterfield footpath 2 crosses the extreme western edge of the site with footpath 104 intersecting footpath 2 at this location. Facts relating to this omission are referred to in the submission made by Chesterfield Borough Council Forward Planning Section. When the relevant sections of the lines of footpaths 2 and 104, (as per the mapping portal), are overlaid, see below, on the location plan it can be clearly seen that portions of the said footpaths are to be consumed by the development. This being the case we would be inclined to offer objection to the development in that adequate provision has not been made to preserve the definitive lines of the said footpaths.

### **1.5 Peak and Northern Footpaths:**

1.5.1 This Outline application will impinge directly on two definitive public footpaths Nos. 2 and 104. The proposed housing development will block these footpaths unless adequate provision is made for them within the development. This doesn't mean simply diverting them onto estate road footways that are to be adopted anyway by the Highway Authority once completed and handed over.

Government advice in DEFRA circular 1/09 is to incorporate rights of way into a development as far as is possible within the constraints of the site layout.

This means some imagination is needed by the applicant and Planning Authority in any pre full application talks.

## **1.6 Yorkshire Water:**

1.6.1 Conditions recommended regarding separate systems of foul and surface water and the requirement to complete surface water prior to any piped discharge.

The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to the 225 mm diameter public surface water sewer located in Seagrave Drive. The surface water discharge from the proposal to the public surface water sewer network must be restricted so as not to exceed 3.5 (three point five) litres per second.

## **1.7 Highway Authority:**

1.7.1 Given the scale and nature of the suggested development it is considered it would be unlikely to severely impact on the safe operation of the existing highway network. It is not clear whether adoption of the extension of Seagrave Drive would be sought but the layout should meet the Delivering Streets and Places design guide. Any applicant should also be aware that the site is affected by Public Rights of Way which must remain unaffected or be formally diverted. In principle, there are no objections to the proposal, conditions are recommended.

## **1.8 Historic England:**

1.8.1 We do not wish to comment. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

## **1.9 CBC Conservation Officer:**

1.9.1 Object to the application proposal as follows:

1. The setting of a Listed Building does not only extend to the limit of its curtilage. The surrounding landscape, topography, built environment, scale and materials of the surroundings, and density of development impact upon the character of that setting – ultimately impacting upon the character and setting of the Listed asset. This application is outside of the defined curtilage of the heritage assets. However, the Manor House and range of farm buildings have a clear relationship between their setting and the historic land use. There

would be a new visible relationship between the heritage assets and the proposed development. The change in land use, the proposed style and materials, and the proposed density would harm the setting of the Listed Buildings.

2. The existing character and setting has changed since these historic assets were built. Indeed, they themselves have changed, in ownership, in use, and in appearance. That is not to say that all change is welcome or positive, but changes have taken place, and that setting and character has been altered. The role of the Conservation Team, and indeed all conservation work, is to preserve and/or enhance the existing situation. It is my opinion that the proposed development would negatively alter the setting of the Listed assets. There would be a new relationship between the existing heritage assets and the proposed development that would result in significant harm, therefore neither preserving nor enhancing the existing.

3. To assess the application, I have considered the following:

- The relationship the existing heritage assets have with one another – how they interrelate and how that has since changed with subsequent ownership change and conversions
- The relationship the existing heritage assets have to other historic buildings within close proximity – the visual story of how this small cluster of buildings has subsequently grown
- The relationship between the surrounding landscape and the existing heritage assets
- What defines the existing character of the existing heritage assets and its setting

The setting of the Listed Buildings has changed since their construction. Factors such as those below have and will continue to change and impact upon the setting:

- Highways
- Density of surrounding development
- Land use
- Construction styles and materials
- Vegetation and landscape/topographical
- Access and vehicular dominance
- Ribbon housing development

However, an important aspect that has remained unchanged is that the outlook from the rear of the Manor House (and therefore its setting within the landscape), in particular, has remained unaltered. As a consequence, the Manor House has remained a prominent feature; at the front elevation

addressing the Highway, and otherwise remained steadfast within its plot. There is a very clear divide between the extension of suburban density development spreading south from the commercial centre of Hasland towards the Manor House. Whilst previous development has taken place close to the Manor House, its status has not been compromised. The relationship between the Manor House and the former agricultural buildings remains legible. The Manor House curtilage provides it with a clear separation from surrounding development. The openness of the rural landscape behind it provides a significant feature in defining the character and setting of the building, which in my opinion would be compromised by the proposal to develop land to the rear of it.

### **1.10 Development Management Archaeologist:**

1.10.1A pre-determination archaeological assessment is required because of the proximity of the Grade II listed Manor Farmhouse immediately to the east of the proposed development site. This structure is considered to have been built as a medieval great hall, but also now features C16th, C17 and 19th century phases of building. It is thought that the building was originally surrounded by a moat which is now in-filled. If this is the case there is a strong possibility that sub-surface remains of this feature will still survive. A review of existing Google Earth images indicates that there are/were archaeological earthworks on the proposed development site in the form of the remains of ridge and furrow ploughing and, possibly building foundations. We would therefore recommend that the applicants commission an archaeological desk-based assessment of the site.

### **1.11 Derbyshire Wildlife Trust:**

1.11.1A Preliminary Ecological Appraisal has now been submitted (Baker Consultants, February 2021), which provides sufficient information to enable the application to be determined. Whilst there will be a loss of species-poor grassland, enhancements will be made to existing hedgerows and within the creation of a buffer along the southern boundary. In addition, specific enhancements to the dwellings will provide habitat for bats and birds and maintain connectivity for hedgehogs. The Trust do not encourage the incorporation of hedgerows within gardens due to their vulnerability to future removal and if there is any scope to review the layout to reduce this, it would be encouraged. Otherwise, we recommend conditions.

### **1.12 Representations:**

1.12.1 The following objections have been raised by 27 local residents mainly from Seagrave Drive, Waltham Croft and Kirby Close, also from The Green, Rempstone Drive, Prestwold Way, Broomfield Avenue, Hasland Road,

Eastwood Close, St Philips Drive, Hunloke Avenue (Boythorpe) and Halesworth Close (Walton):

1.12.2 **Footpath:**

Concern regarding the loss of the public footpath FP2. The route of the footpath is not the one people actually use. The proposed buffer zone to allow for the footpath results in an even more cramped scheme.

1.12.3 **Residential Amenity:**

There will be noise and dust

Our property would be overlooked

Loss of light to our property, the houses are to the south and will be elevated at two storeys.

The properties may impact on light to our solar panels.

No details of the properties.

Bungalows would be better and would meet the aims of policy to have accessible housing.

The site has a substantial gradient south down to north and east down to west. Estimate that the lowest corner is around 6m from the highest corner near the Manor House Farm. The level change would make the houses overbearing with substantial levelling work required.

The level changes will increase the impact of overlooking.

Would the housing be three storeys? Such a development would be harmful and imposing.

The noise from construction would be harmful especially in the current circumstances when working from home and where there would be no escape from daily noise.

What boundary is proposed for properties adjacent to Waltham Croft

Due to land levels building next to our property will risk the structural integrity of our boundary wall and property.

The coal mining recommendations should be followed to ensure no impact on neighbouring properties.

1.12.4 **Highway safety:**

Additional traffic through the narrow estate roads which is already congested

Highways safety; danger to children playing. There are parking issues in the area, the plan shows there will not be enough parking for the residents and therefore they will encroach on Waltham Croft and Seagrave Drive.

Cars already park dangerously on the corner of Seagrave Drive and Kirby Close Junction

Children access school along Seagrave Dive and Kirby Close

Construction traffic will cause disturbance.

Seagrave Drive is not suitable for heavy goods vehicles, it is too narrow. There is no turning point for those visiting the dead end road, a three point turn in the highway would be needed or considerable reversing.

The design of the highway does not confirm with the 6C's Design Guide, a turning head should be provided. The substandard turning area shown is compromised by on street parking.

Department of Transport Manual for Streets requires footpaths to be 2m wide, that shown is not acceptable.

**1.12.5 Heritage impacts:**

Setting of the Grade II Listed manor house farm which dates from the 15<sup>th</sup> Century, Historic England previously objected to this. The proposal is contrary to Policy CLP21.

Existing development has minimised the grounds of the Manor House and therefore this land is important.

The site was previously removed from consideration, what has changed.

There are likely to be archaeological implications.

Impact on the listed barns.

This will have a negative impact on the setting of the Manor House and on its outlook.

**1.12.6 Drainage:**

The land is wet and does not drain well. Photographs shown of local examples.

Drainage on the neighbouring estate is at capacity

The development and loss of grass land will increase surface water run-off.

A foul/surface pipeline will be through the play area

**1.12.7 Visual impact:**

The proposed density of the housing is out of character with the existing development of relatively large houses with good garden sizes. The proposed housing is too dense and crammed in.

The proposed tandem driveways are not in keeping. The three-bed dwelling has no garage where all of the existing houses have garages.

**1.12.8 Wildlife and hedgerow:**

Loss of hedgerow would be harmful to local biodiversity, contrary to policy CLP16.

The hedge is protected by a preservation order, the gateway to the site is therefore illegal.

The site is a key component of the Boroughs Green Infrastructure network as it supports a range of wildlife, including protected species. This development will have a severe impact on local wildlife and flora. The primary ecological report is commissioned by the applicant is not independent. It does not mention the avenue country park and washlands conservation area. The report was carried out in the winter which is not the optimum time for such assessment. The hedge is maintained by residents and therefore not poorly maintained. The suggestion that the hedge should grow for privacy is not acceptable as our gardens are already shaded. There is no assessment of whether the hedge is an important hedgerow.

Under the Hedgerow Regulations 1997 the hedge, seen as a boundary on maps from 1876, should be protected due to its age and quality.

Last year the landowner cut down part of a mature hedgerow to create a gateway into the site, unclear whether this was authorised. This was not on the applicants land and therefore the access to the site is not under the landowners control.

1.12.9

**Policy:**

Planning policy is in favour of developing brownfield land, this is greenfield land.

The site is not allocated for housing.

Whilst the local plan notes that large greenfield sites will be important in delivering housing, this site is not large and should not be considered for development.

There is limited green belt to the south of the town which is separated by the school fields. Therefore, given the isolated nature of the green belt abutting the site the habitat should be protected in line with policy CLP16. The proposal is contrary to SO11 and CLP15 requirement not to conflict with the aim and purpose of Green Belt.

Loss of greenbelt

1.12.10

**Other:**

It is not possible to grant outline permission as the detail is inadequate. In line with the open space standards (local Plan Appendix B) the development would have a detrimental impact on the quotient of open space through the destruction of a valuable natural environment.

William Davis tried to build here previously but were not able to do so.

**2.0**

**THE SITE**

2.1

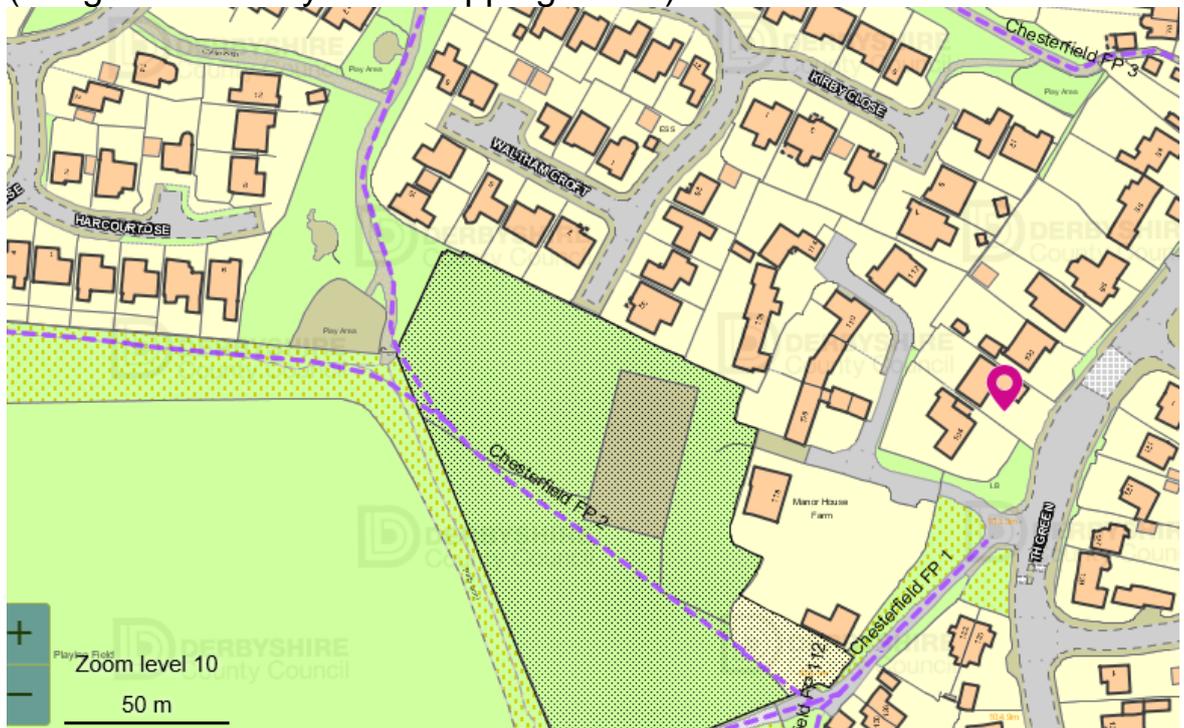
The application site is green field land located to the south of an existing housing estate the nearest roads of which are Seagrave Drive and

Waltham Croft. The site extends to 0.319 hectares of land bounded by existing hedgerows to the north, west and south. With land levels generally rising to the east.



- 2.2 To the east is the riding arena associated with the residential properties to the north east of the site. Beyond the hedge to the west is a play area. There is the definitive route of footpaths FP2 and FP104, which deviates from the FP2 route at the application site then leads west whereas FP2 leads in a northerly direction through the housing estate.

(Image from Derbyshire Mapping Portal)





Route of FP2 looking north west

2.3

There are a number of Listed Buildings in close proximity to the site:  
Range of Farm buildings likely dating from the 17<sup>th</sup> century located to the North of The Manor House – Grade II



Image from Historic England

The Manor House which is a Medieval and late 16<sup>th</sup>/17<sup>th</sup> century building with 19<sup>th</sup> Century additions with former moat, located to the south east of the application site – Grade II



Image from Historic England

Further to the east is the Hasland Hall School - Grade II

### **3.0 SITE HISTORY**

3.1 There is no recent planning history relating to this site.

### **4.0 THE PROPOSAL**

4.1 Outline planning pemrission is sought for the erection of up to 7 dwellings on the site with all matters reserved for subsequent approval. To demonstrate how dwellings could be accomodated on the site an indicative plan has been submitted with the application. The indicative plan has been revised to now show the route of the footpath which runs to the south of the site. It should be noted that the plan is indicative only to indicate how development could be accomodated on the site. Any such consideration for the detail of layout, scale, appearance, landscaping and access would need to be considered through a reserved matters application if the outline were accpeted.

Indicative plan:



## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy**

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

5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP10 Social Infrastructure

CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

### **5.3 Other Relevant Policy and Documents**

National Planning Policy Framework (NPPF) -

Part 2. Achieving sustainable development

Part 4. Decision-making

Part 5. Delivering a sufficient supply of homes

Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport

Part 11. Making effective use of land

Part 12. Achieving well-designed places

Part 14. Meeting the challenge of climate change, flooding and coastal change

Part 15. Conserving and enhancing the natural environment

Part 16. Conserving and enhancing the historic environment

## 5.4 **Key Issues**

- Principle of development
- Heritage impacts
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Biodiversity and hedgerow
- Drainage
- Ground conditions
- Climate change and air quality

## 5.5 **Principle of Development**

5.5.1 The application site appears to be within the defined built up area of the town as defined in the Adopted Chesterfield Local Plan 2018-35:



The orange line which runs to the west of the site is a proposed local cycle network which would run along the walking route adjacent to the site. The Green horizontal hatched land is adjacent Green Belt designation which is outside of the application site. The additional green hatching further to the south west being sports facilities and play provision.

5.5.2 Policies CLP1 and 2 of the Adopted Local Plan set out the strategic approach to the siting of sustainable development. CLP1 states that the

overall approach to growth will be to concentrate new development within walking distance of a range of Key Services, focussing on areas of regeneration and that; the council will make provision for the delivery of a minimum Objectively Assessed Need (OAN) of 240 new dwellings per year. This is reiterated in Policy CLP2 where it states that; Planning applications for developments that are not allocated in the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:

- a) deliver the council's Spatial Strategy (policy CLP1), this is the first priority followed by developments that;
- b) are on previously developed land that is not of high environmental value;
- c) deliver wider regeneration and sustainability benefits to the area;
- d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
- e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;
- f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;

5.5.3 In considering this site, given the presence of a substantial housing area to the north of the site, the presence of bus routes to the east on The Green, the local medical centre and school all being within walking distance of the site, it is considered that the proposal meets the requirements of policies CLP1 and 2 in terms of the siting of development within a sustainable location with appropriate access to services and facilities. Therefore, the principle of residential development in locational terms is appropriate in this case.

5.5.4 Whilst local residents have raised the issue of Green Belt, the site is adjacent to and not within the defined Green Belt and therefore the Green Belt Policies do not apply in this case.

5.5.5 In establishing the locational suitability of the site for housing development the more detailed matters of this particular site require further consideration.

## **5.6 Heritage impacts**

5.6.1 There are two listed buildings within close proximity of the application site. The Manor House and the associated Barns. In addition, there is

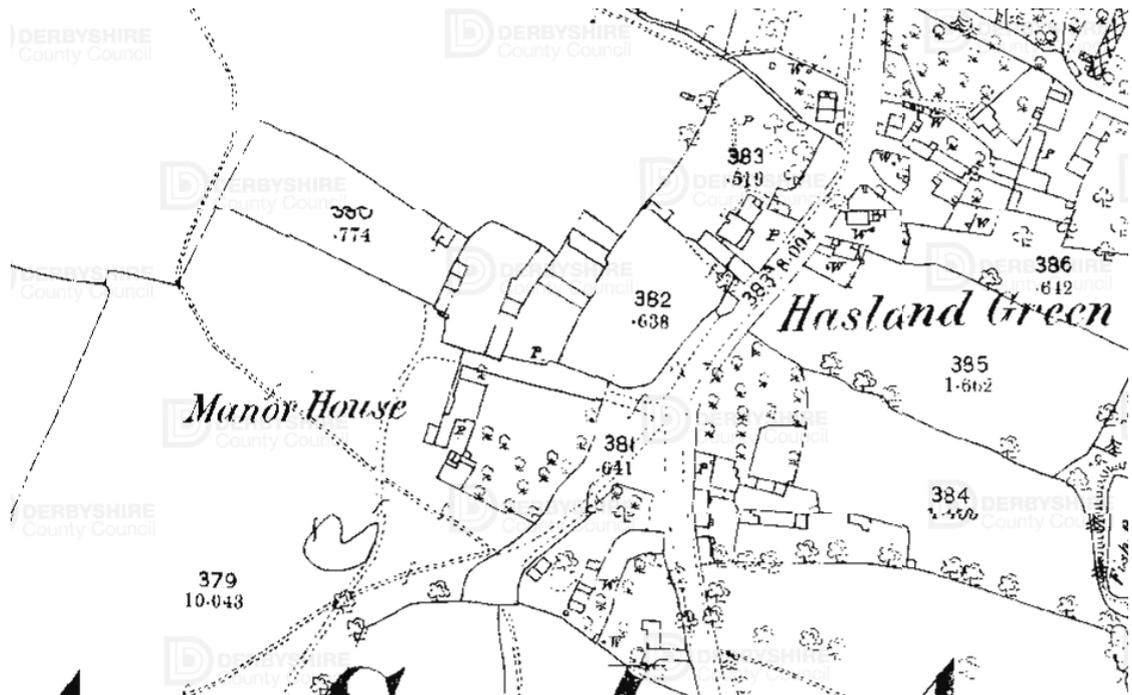
the potential for below ground archaeology at the application site which needs to be carefully considered.

Considering first the designated heritage assets –

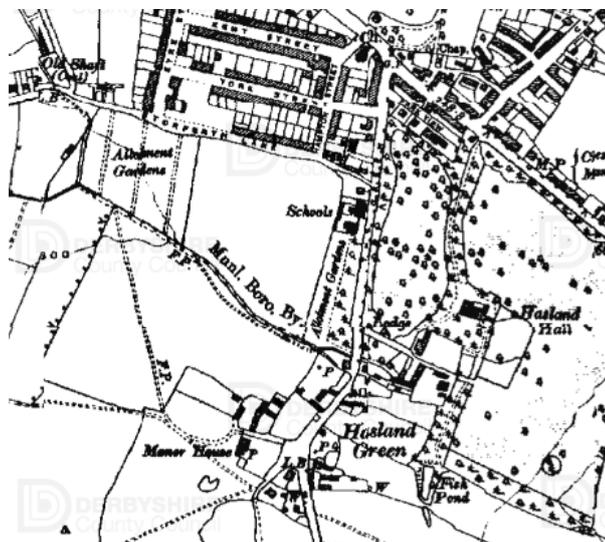
- 5.6.2 Policy CLP21 of the Adopted Local Plan states that; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. The Policy goes on to note in part that: In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will: b) protect the significance of designated heritage assets and their settings including Listed Buildings. Where a development is likely to result in harm to, or a degree of loss of significance of designated heritage assets and/or their setting, planning applications should be accompanied by evidence that sets out:
1. a description of the significance of the affected assets and their setting and an assessment of the nature and degree of impact on this;
  2. an evaluation of how harm or loss would be avoided, minimised or mitigated; and
  3. a clear and convincing justification for the development and the resulting harm or loss.
- 5.6.3 This policy is in line with the requirements of Part 16 of the NPPF which states that; in Para 193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In Para 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In Para 196. 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 the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.6.4 The setting of a listed building can be a wide-ranging area not just the curtilage of the building itself. In this case what was the original curtilage has likely been divided over the time and is unlikely to reflect the land associated with the listed Manor House and the historically associated

Barns which are listed in their own right. The significance of a listed building is partly derived from its setting and therefore in assessing the impact of development upon the significance of a designated heritage asset the impact upon the setting is an integral consideration.

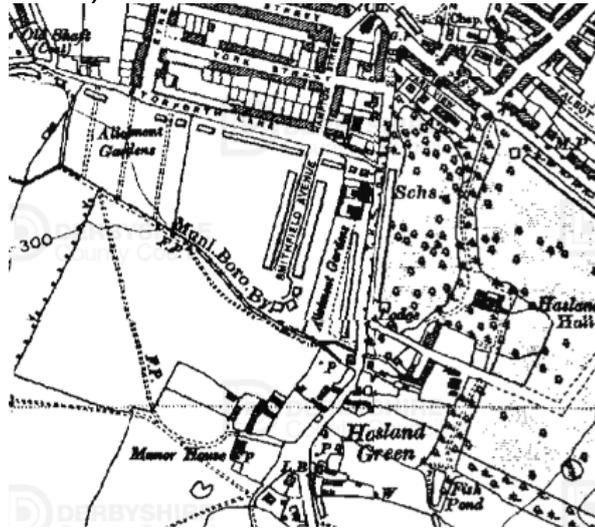
5.6.5 In this case the listed buildings would have been surrounded by open fields adjacent to the village of Hasland Green. The 1843 to 1893 map (source DCC) demonstrates this:



There is then little change on the maps from 1891 to 1904, the development progressed on the northern side of Storforth Lane with allotment gardens leading towards the site.



With further encroachment shown on the 1919 to 1939 map (Source DCC).



This has then progressed to the current context of housing development being immediately to the north of the Manor House and surrounding the barns on three sides. There is a clear divide at the application site with housing development to the north and the protected Green Belt to the south. Given the extent of erosion of the original setting to the Manor House in particular, the unchanged setting of open fields to the west of the Manor House, is integral to understanding the original context of the listed building. The house retaining its position within this landscape setting has retained its visual prominence in the area, preserving the setting which is a fundamental part of its significance.



(Source Google earth)

Furthermore, the route and position of footpaths across this land provide the public with an opportunity to appreciate the significance of the

Manor House in its context as shown in the view across the menage below.



5.6.6 Whilst previous development has taken place close to the Manor House, its status has not been compromised. In addition, the relationship between the Manor House and the former agricultural buildings remains legible and the footpath route through this area provides an open view of the heritage assets. The application site assists to provide the Manor House with a clear separation from surrounding built form of development. The openness of the rural landscape to the west and south provides a significant feature in defining the character and setting of the building.

5.6.7 The intrusion of further housing development into the land to the west of the listed Manor House will therefore erode the setting of the building and result in harm to its significance. The harm in this case is considered to be less than substantial harm. In accordance with para 196 of the NPPF that harm needs to be outweighed against the public benefits of the proposal. The benefits in this case would be the provision of up to 7 dwellings to serve the needs of the Borough, the economic benefit of the construction and future resident spend. Given the recent adoption of the Local plan there is no shortfall in the supply of housing, to which 7 dwellings would only be of minor benefit. Equally due to the limited units proposed the economic benefits are relatively minor. It is also considered that the users of the footpath will be channelled into a route between the hedge and rear garden fences limiting the open aspect which will be negative in terms of users perspective of the heritage

environment. It is therefore considered that the public benefits arising from the proposal do not outweigh the harm identified in this case.

- 5.6.8 In terms of the impact of development upon the significance of the designated heritage assets, in particular the Manor House the proposal is considered harmful and contrary to policy CLP21 of the Adopted Local Plan and Part 16 of the NPPF.

In considering non-designated heritage assets –

- 5.6.9 Policy CLP21 in regard to non-designated heritage assets such as those on the local list or below ground archaeology states that; In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:

d) identify and, where appropriate, protect important archaeological sites and historic environment features;

e) identify and, where appropriate, protect non-designated heritage assets of local significance, set out in and referred to as the Local List.

- 5.6.10 The NPPF in Para 197 advises that; The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 5.6.11 Through the application process concern has been raised regarding the potential for below ground archaeology. The Development Control Archaeologist has advised that due to the proximity of the site to the listed Manor Farmhouse further information is required prior to determination to assess the likely potential for below ground archaeology. The listed Manor House is considered to have been built as a medieval great hall, but also now features C16th, C17 and 19th century phases of building and it is thought that the building was originally surrounded by a moat, now in-filled and it is possible that remains of this feature may survive. In considering Google Earth images it is likely that ridge and furrow or building foundations remain and therefore an archaeological desk-based assessment is required which should include a heritage impact assessment relating to the potential impact of the development on the setting and significance of the adjacent designated heritage asset. Depending on the results of the assessments there may then be a requirement for pre-determination

archaeological field evaluation of the site involving geophysical survey and trial trenching of any below ground features indicated by the geophysics.

- 5.6.12 Given the fundamental concern set out above in terms of the impact of the development upon the setting of the listed Manor House this detailed and likely costly archaeological work has not been requested at this time. The applicant should however be aware that as submitted the application fails to establish a detailed understanding of the heritage importance and impacts of the development (Para 189 of the NPPF) which whilst a flaw of the submission is not put forward as a reason for refusal given lack of request for the additional submission and the ‘in principle’ objection to the proposed development.

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

- 5.7.1 Notwithstanding the heritage concerns set out above. Local concern has been raised that the development would not be in keeping with surrounding development. Policy CLP20 of the Adopted Local Plan seeks that; All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context, that development will be expected to a) promote good design, and b) respect the character, form and setting of the site and surroundings.

- 5.7.2 The application is in outline form only and therefore the detail of development is not for consideration at this stage, merely the principle. However, should the development be considered acceptable in principle, there is no reason why a scheme could not be suitably designed to reflect positively on the prevailing design and style of housing to the north of the site. In this respect there are no concerns in regard to design and appearance.

## **5.8 Impact on Neighbouring Residential Amenity**

- 5.8.1 Concern has been raised that the development will result in overshadowing and overlooking of the existing neighbouring properties. Policy CLP14 of the Local Plan sets out that; All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts.

5.8.2 As the amended layout is indicative only, the detail of potential amenity impacts cannot be fully considered at this stage and would need to be subject to a more detailed assessment should the proposal be considered acceptable, through a reserved matters submission. Whilst it is acknowledged that the topography of the site would lead to a further constraint in terms of considering amenity impacts, nevertheless it is considered that the development could be accommodated on the site without causing undue harm to the amenity of neighbouring residents. In this respect the proposal is considered to be acceptable in accordance with policy CLP14.

## 5.9 **Highways Safety and Parking Provision**

5.9.1 Local concern has been raised regarding highway safety, the presence of the footpath to the southern edge of the site and parking. The main aim of the Local Plan is to encourage sustainable travel through walking and cycling. Policy CLP22 of the Local Plan encourages more sustainable travel. The policy goes on to note that; Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.9.2 Whilst the submission does not seek consideration of access and parking at this stage, the indicative layout indicates the only reasonable access point to the site would be from the southern end of Seagrave Drive. The Local Highway Authority has considered the application and has raised no concerns regarding the proposed development.



End of Seagrave Drive adjacent to site

5.9.3 The location of the public footpath was brought to the attention of the applicant's agent through the application process and the Indicative layout amended to show the route of the footpath. It is considered possible to develop the site for housing whilst retaining the route of the footpath with an appropriate buffer to ensure this is an attractive route for users. The Indicative layout does not demonstrate this well, but it is considered feasible to have a layout of up to 7 dwellings that appropriately incorporates this feature.

5.9.4 The proposal is considered acceptable in terms of highway and pedestrian safety in accordance with Policy CLP22 of the Local Plan.

## **5.10 Biodiversity and Hedgerow**

5.10.1 Concern has been raised that the proposal will result in loss of habitat and harm to local wildlife. Policy CLP16 of the Adopted Local Plan requires that development will;

- protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
- avoid or minimise adverse impacts on biodiversity and geodiversity; and
- provide a net measurable gain in biodiversity.

5.10.2 To support the application the applicant's agent has submitted an ecological appraisal which has been assessed by Derbyshire Wildlife Trust. The Trust consider that the Ecological Appraisal provides sufficient information to enable the application to be determined. It is recognised that there will be a loss of species-poor grassland, however enhancements will be made to existing hedgerows and within the creation of a buffer along the southern boundary. In addition, specific enhancements to the dwellings themselves will provide habitat for bats and birds and maintain connectivity for hedgehogs. Whilst it was noted that the Trust do not encourage the incorporation of hedgerows within gardens due to their vulnerability to future removal detailed consideration of the layout through any reserved matters would consider this.

5.10.3 It is therefore considered that subject to more detailed consideration at the reserved matters stage and subject to conditions recommended by

the Trust, the proposal is acceptable in terms of biodiversity in accordance with Policy CLP16 of the Adopted Local Plan. The comments from local residents relating to the loss of part of the hedge to create an access route are noted. However, given the potential for further planting within the site to compensate for this, the loss of a small element of hedge is not considered to be of such harm that it would warrant refusal of the application. Landscaping details would be subject to consideration under a reserved matters application.

## **5.11 Drainage**

- 5.11.1 Concern has been raised regarding the impact of the development on drainage and water capacity in the area. Policy CLP13 of the Local Plan advises that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. In addition, the policy notes that; Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.
- 5.11.2 The Council's Design Services team has commented that they would want to see full drainage details, prior to any approval, regarding the disposal of surface water and foul drainage from the proposed site. Again, as there are fundamental issues with the principle of the development in this case it has not been considered necessary to request this additional information which could also be agreed by condition.
- 5.11.3 Yorkshire Water has recommended conditions regarding separate systems of foul and surface water and the requirement to complete surface water prior to any piped discharge. They have also noted that they promote the surface water disposal hierarchy. Such matters have not been fully resolved at this stage given the in-principle concerns with the proposed development. In addition, it would be feasible to resolve such matters by condition.
- 5.11.4 To ensure water efficiency in line with Policy CLP13 a condition would be imposed on any permission.

5.11.5 It is considered that subject to conditions the development is acceptable in terms of drainage and flooding matters in accordance with policy CLP13.

## **5.12 Ground conditions**

5.12.1 The application site is within the High Risk Area in respect of former coal mining activity. Policy CLP14 of the Adopted Local plan requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and
- c) a strategy for any necessary mitigation and/or remediation and final validation.

A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.

5.12.2 The application is supported by a Coal Mining Risk Assessment which has been considered by the Coal Authority. The report concludes there is a potential risk posed to the development from former coal mining activity. It is therefore recommended that intrusive site investigations are carried out on site in order to establish the risks/issues. On this basis The Coal Authority has recommended conditions to secure the appropriate investigations and remedial works or mitigation necessary to address the risks. On this basis the proposal is considered to meet the requirements of policy CLP14.

## **5.13 Climate Change and Air Quality**

5.13.1 Policy CLP14 of the Adopted Local Plan requires in part that; The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account ... air quality and other environmental impacts.

5.13.2 Whilst there is no air quality management zone in Hasland it is recognised that new development will introduce potential air quality impacts overall. In order to minimise the potential impacts on air quality overall it is necessary to ensure that new dwellings have electric vehicle charging to reduce harmful emissions which could be secured via condition. Through the construction process dust and noise may result which can also be controlled via a condition. Subject to these measures it is considered the development is generally acceptable in terms of air quality impacts.

5.13.3 Whilst there are no specific policy considerations for tackling climate change the Adopted Local Plan overall seeks to secure this through the provision of sustainable development with an emphasis on walking and cycling and easy access to services and facilities. As established earlier in this report the site is in a suitably sustainable location where measures such as electric vehicle charging could be secured via condition.

## **6.0 REPRESENTATIONS**

6.1 The concerns raised in the submitted representations are covered in the sections of the report above as follows:

Planning principles/policy - section 5.5

Heritage matters - section 5.6

Visual impact - section 5.7

Residential Amenity - section 5.8

Footpath and highway safety - section 5.9

Wildlife and hedgerow - section 5.10

Drainage section - 5.11

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

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

7.3 The recommended refusal is considered to be no more than necessary to deal with the principle objections to the development of the site in the interests of the heritage significance of the context and which interfere as little as possible with the rights of the applicant. The applicant has a right of appeal against a refusal

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

8.1 The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner is considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

## **9.0 CONCLUSION**

9.1 Overall the proposal is considered to be result in harm to the setting of the adjacent listed buildings, in particular the Manor House, contrary to the requirements of local and national policies as set out above.

## **10.0 RECOMMENDATION**

10.1 It is therefore recommended that the application be **Refused** for the following reasons:

1. Development of housing on the open fields to the west of the listed Manor House and associated barns will erode the remaining element of the original rural setting of these listed buildings and result in harm to their setting and significance. This harm is considered to be 'less than substantial harm'. As such the proposal is contrary to policy CLP21 of the Adopted Chesterfield Local Plan 2018-35 and Part 16 of the NPPF. The harm in this case is not considered to be outweighed by public benefits arising from this development.