

**ITEM 1****PROPOSAL: Extension to existing residential care home for the elderly to include an extended dining/lounge and 3 extra bedrooms. (Amended plans received 27th July 2021 along with Coal mining Risk Assessment) at Langdale Lodge, 56 Selhurst Road, Newbold for Mr Nadeem Sadiq**

Local Plan: no allocation

Ward: St Helens

Plot no:

Committee Date: 15.11.2021

**1.0 CONSULTATION RESPONSES**

Ward Members	No comments received
Local Highway Authority	Whilst the level of off-street parking appears to be somewhat low the application form seems to indicate no increase in staff. On this basis and for an increase of 3 No. bedrooms the Highway Authority does not consider that a recommendation of refusal would be sustainable. Off-street parking should be maximised given that the number of spaces is limited in any case. Conditions recommended.
Coal Authority	Initially objected, a Risk Assessment was then submitted to which the following response was received: the report concludes there are possible unrecorded mine workings within the Deep Hard coal seam at shallow depth and that further investigation is required to assess the risk and any remedial works. Condition recommended. It is also noted that consideration should be given to potential mine gas.

CBC Environmental Health	No objection, recommend condition regarding hours of construction work.
CBC Design Services	The site is shown to be at possible risk of surface water flooding, according to the Environment Agency Flood Maps. Therefore, the proposed floor level of the extension should be set no lower than the existing floor level to prevent increased flood risk. Any new connections to the public sewerage network will require prior approval from Yorkshire Water.
CBC Strategic Planning	Do not appear to be any conflicts with planning policy subject to applying the provisions on policy CLP20 when considering the design and appearance of the extension. As a C2 use it would not be liable for CIL. Given the scale of development and the character of the existing site, a formal measurement of the biodiversity value of the site would not be reasonable, although the applicant should be encouraged to include simple biodiversity enhancement measures into the development such as bat/bird/invertebrate boxes or bricks etc.
Representations	One letter of objection received.

## 2.0 THE SITE

- 2.1 The application site is a red brick two storey care home situated in a residential area with a Primary School and wooded area located to the east of the site. To the rear of the building there is a catslide roof reaching down to single storey accommodation. The form of the building is such that the property largely fills its plot with the main rear elevation adjacent to the gardens of neighbouring properties. There is a parking area to the south of the building with a courtyard external green area being provided adjacent to

the existing gardens of neighbouring properties to the west of the main building.



### **3.0 SITE HISTORY**

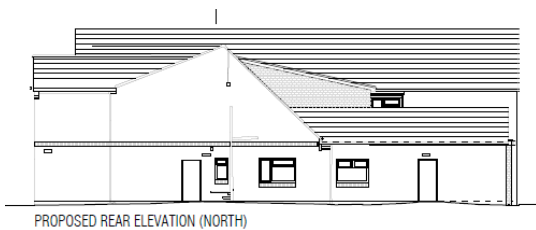
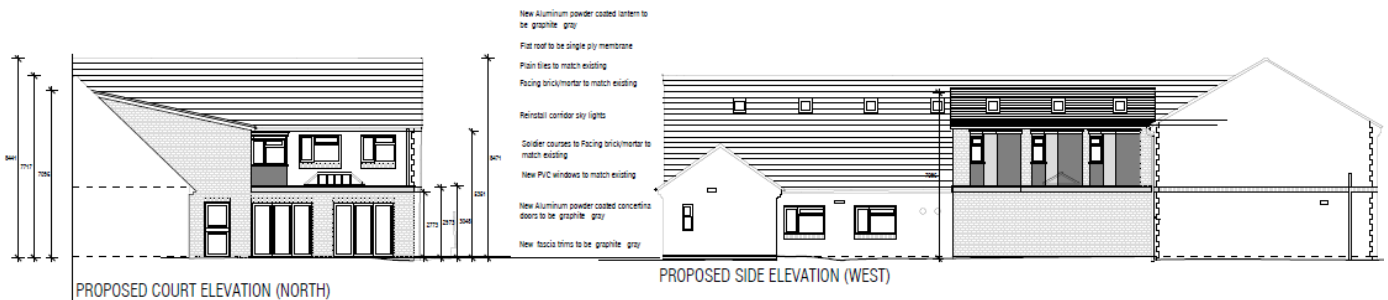
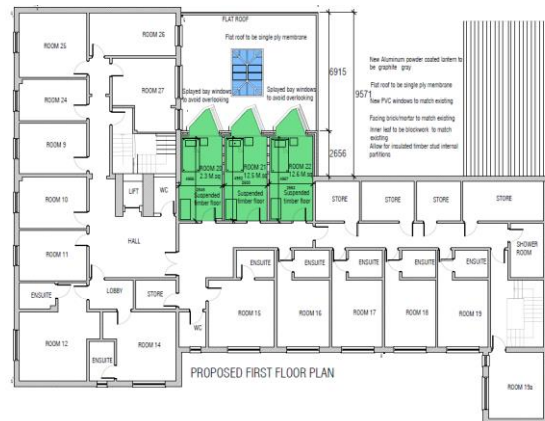
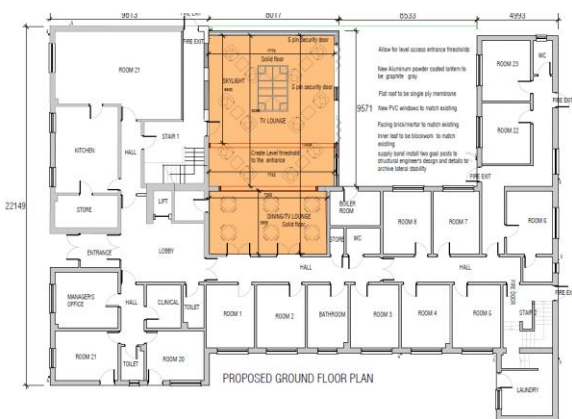
3.1 CHE/16/00033/FUL Enlargement of existing care home and re-configuration of parking and bin store arrangements – Conditional Permission 31.03.2016

### **4.0 THE PROPOSAL**

4.1 The application is for the extension of an existing residential care home for the elderly to include an extended dining/lounge area (for social distancing) on the ground floor and for 3 additional bedrooms to the first floor.

4.2 The proposed extensions are a single storey element to the ground floor with lantern to the roof and above this an extension to the existing cat slide roof, projecting to a lesser extent than the ground floor. The first floor extension is proposed to have three projecting oriel type windows with restricted off

side view facing towards north. The external facing materials are to match the existing with a dark grey roof lantern, doors and fascia.



## 5.0 CONSIDERATIONS

### 5.1 Planning policy

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

### 5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)  
CLP4 Range of Housing  
CLP10 Social Infrastructure  
CLP13 Managing the Water Cycle  
CLP14 A Healthy Environment  
CLP16 Biodiversity, Geodiversity and the Ecological Network  
CLP20 Design  
CLP22 Influencing the Demand for Travel

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

- National Planning Policy Framework (NPPF)
- Designing Out Crime SPD
- Successful Places' Residential Design Guide

### **5.4 Key Issues**

- Principle of development;
- Design and appearance of the proposal;
- Residential amenity;
- Highway safety;
- Biodiversity;
- Ground conditions and contamination.

### **5.5 Principle of Development**

5.5.1 Policy CLP1 sets out the overall approach to growth being to concentrate new development within walking distance of a range of key services this is further detailed in CLP2. The application site is within a built-up residential area where the growth of an existing facility is considered to be appropriate in principle.

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

5.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

5.2.2 The design of the proposed development has been altered through the application process to assess issues of residential amenity as set out below.

The amended design with single storey flat roof to the ground floor extension with lantern is considered to be in keeping with the existing building and will not adversely detract from the visual amenity of the area. The design of the upper floor is an unusual arrangement in order to minimise overlooking from the development. Whilst oriel type windows are not present on the remainder of the building it is considered that the contemporary approach to the window design results in an acceptable design to the building overall. The extensions will largely use materials to match the existing with dark grey used for the lantern, doors and fascia of the extension. The mix of materials is considered to be appropriate in this context resulting in an acceptable design in line with policy CLP20.

5.2.3 Whilst the proposed extension will utilise some of the limited remaining outdoor space it will ensure that social distancing can be enabled indoors yet residents will still have access to a small outdoor area. On balance this is considered to be a reasonable balance in terms of the extent of development overall at the site and the needs of the care home and residents.

### **5.3 Residential Amenity**

5.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

5.3.2 The initial scheme submitted had the potential to overlook neighbouring residents to an unacceptable degree. The amended scheme restricts the view of the upper floor windows allowing residents a view out but ensuring the potential to overlook existing neighbours is minimised. On the basis of the amended plans it is considered the proposal meets the requirements of policy CLP14.

5.3.3 The Council's Environmental Health Officer has requested a condition to restrict operating hours of the construction works which given the proximity of neighbouring residents is considered a reasonable condition in line with CLP14.

### **5.4 Highway Safety**

5.4.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

5.4.2 Whilst it is acknowledged that parking at the site is limited the Highway Authority have noted no objection to the proposal. Given that there are only

3 additional bedrooms proposed with parking only needed for staff and visitors it is considered that the existing parking to the frontage of the site which is unaffected is adequate and will not result in harm to highway safety. Furthermore, the applicant confirms that no additional staff will be generated by the proposed expansion plans. The condition recommended by the Highway Authority is considered to be appropriate.

5.4.3 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

## **5.5 Biodiversity**

5.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.5.2 The submission does not include any measures for biodiversity net gain and whilst the site is limited in terms of biodiversity it is considered that a scheme can be devised to provide a net gain through the provision of improved planting in the outdoor area, bat and bird boxes and bug hotels etc. It is therefore considered reasonable to add a condition for a scheme to be submitted and approved.

5.5.3 On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

## **5.6 Ground conditions and contamination**

5.6.1 Policy CLP14 requires development to have proper consideration in terms of ground condition and human health.

5.6.2 The coal mining risk assessment has been submitted and considered by the Coal Authority. As further investigations and remediation are required conditions as recommended by the Coal Authority will be added to any decision. The Coal Authority have also mentioned the potential for mine gas and therefore whilst not requested by Environmental Health it is considered necessary to impose a condition to address this potential risk. Subject to conditions the proposal is considered to be acceptable in accordance with policy CLP14 in terms of ground conditions and contamination.

## **6.0 REPRESENTATIONS**

- 6.1 One representation has been received noting concern about the lack of parking at the site and the public turning circle is frequently blocked. This is addressed in section 5.4 of the report above. Whilst it is accepted that there is limited parking at the site it is not considered that the proposed extensions will result in any changes which would have an adverse impact on highway safety sufficient to warrant a refusal of planning permission.

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

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

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.
- 8.2 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.



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

## **9.0 CONCLUSION**

9.1 Overall the proposal is considered to be acceptable in accordance with the Adopted Local Plan as set out above.

## **10.0 RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

### **10.2 Conditions**

1. 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 Compulsory Purchase Act 2004

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

Proposed block and site plan 9210/01

Proposed elevations 9210/07

Proposed ground floor 9210/03

Proposed first floor 9210/05

Proposed roof plan 9210/06

**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.

3. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

4. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate:
  - Parking of vehicles of site operatives and visitors
  - Routes for construction traffic, including abnormal loads/cranes etc
  - Hours of operation
  - Method of prevention of debris being carried onto highway
  - Pedestrian and cyclist protection
  - Proposed temporary traffic restrictions
  - Arrangements for turning vehicles

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

5. No development shall commence until;
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason – To ensure ground conditions from former coal mining legacy is appropriately considered in accordance with Policy CLP14 of the Adopted Local Plan.

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any

remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason – To ensure ground conditions from former coal mining legacy is appropriately considered in accordance with Policy CLP14 of the Adopted Local Plan.

7. Within 2 months of the commencement of the development hereby approved, a scheme for biodiversity and ecological enhancement measures shall be submitted to and agreed in writing by the Local Planning Authority. The agreed ecological enhancement measures shall thereafter be installed, retained and maintained throughout the life of the development.

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

8. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination, specifically potential for mine gas and a report shall be submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, specifically mine gas, in accordance with Policy CLP14 of the Adopted Local Plan.

### **11.3 Informative Notes**

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

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

4. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. The applicant should be aware that a Public Right of Way (Footpath 70 on the Derbyshire Definitive Map) abuts the site. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a

right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

8. In accordance with condition 3 above appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:

Bird/owl/bat boxes

(Locating your nestbox:

Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.

Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance. Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.

Bee bricks.