

ITEM 2**DEMOLITION OF MODERN FARM BUILDING AND CONSTRUCTION OF A DWELLING IN GROUNDS OF GRADE II LISTED BARN WITH ASSOCIATED LANDSCAPING WORK PARK HALL FARM, WALTON BACK LANE, WALTON, CHESTERFIELD FOR MR M TAYLOR**

Local Plan: Unallocated, within the built up area

Ward: West

1.0 CONSULTATIONS

Ward Members	No comments received
Local Highways Authority	No objections to the application in principle. Existing access off Walton Back Lane benefits from acceptable levels of emerging visibility in either direction within highway limits due to width of fronting footway/margin. Existing driveway would benefit from an increase in width at either end of the driveway are intervisible therefore considered there are no grounds for a highway objection. Proposal demonstrates sufficient levels of off-street parking. Space for parking in front of the garage serving unit 4 appears to exceed 6.5m setback and the drainage layout indicates provision of a channel drain across the site entrance to mitigate surface water run off to the public highway. Conditions recommended covering site compound arrangements, provision of parking, removal of pd rights for garaging, no gates/barriers and informatives.
Tree Officer	No objections subject to tree protection measures contained within the submitted AIA and TPP be imposed by condition
DCC Tree Officer	No comments received
DCC Rights of Way Officer	No objections to the proposal as the route will be ultimately unaffected by the proposed works. Recommended informative notes

Design services drainage	Site located within flood zone 1 and not in area impacted by surface water flooding. Developer will need to consider the hierarchy of surface water disposal. There appears to be unmapped surface water and foul water public sewers running through the site from 209 Walton Back Lane that run underneath the proposed development. The developer has mentioned the diversion of the surface water sewer which will require prior arrangement with Yorkshire Water and may require a building over agreement and easements. Connections to existing public sewerage systems will require prior approval from Yorkshire Water and any amendments to drainage may require building control approval.
Yorkshire water	No comments received
Environmental health Conservation officer	No comments received Regarding the proposed separate dwelling, I have no objections. In terms of scale, design and materials it is appropriate in my view and will enhance the setting of the barn (given that the existing structure on the site is a functional corrugated agricultural building with no character or significance).
Chesterfield civic society	We are happy to support all three applications. The scheme has been designed by a reputable local architect with considerable relevant experience and will produce two attractive dwellings from a barn which is no longer used for its original purpose, together with one new dwelling. We can see nothing to object to in the proposals. – comments made in respect of submitted heritage, design and access statement, written scheme of investigation and history of building
DCC Archaeology	I submit that there will be a loss of historic fabric, legibility and authenticity to the historic building, meriting production of a pre-conversion historic building record as indicated at NPPF para 205. There will also be impacts to below-

ground archaeology associated with the early post-medieval activity on and around the site, occasioned by the lowering of ground levels within the barn and other external groundworks to create access, landscaping and the new build dwelling. These should also be addressed by archaeological recording (monitoring during groundworks) in line with NPPF para 205. I recommend that the submitted WSI is acceptable in each case, and that the following condition is therefore attached to *each separate consent* granted against any of the three applications

Derbyshire
Wildlife Trust

Comments received – modern barn

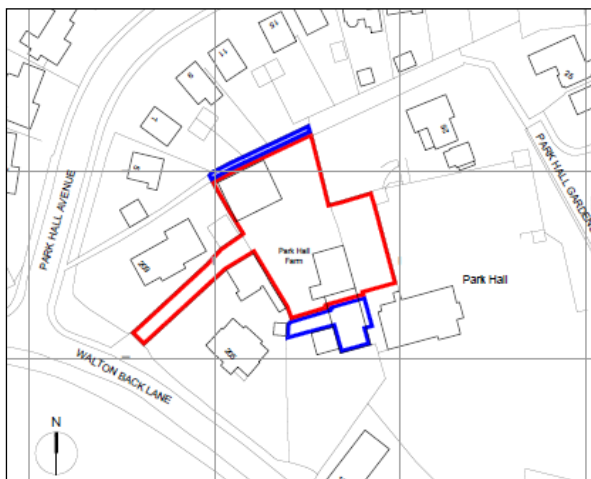
Representations 3 representations received – see report

2.0

THE SITE

2.1

The site subject of this application comprises of barns and land associated with Park Hall Farm, with vehicular access taken from Walton Back Lane. On the site there is a listed stone barn and a modern barn adjacent to the northern boundary of the site. The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Extract of submitted location plan ©



Aerial photograph taken from
Google maps ©

2.2 The site forms part of the setting of Grade II listed barn, historic England reference 'Barn incorporating cottage at Park Hall Farm', listing entry number 1334697 (listed in 1977). The official listing is as follows;

'2. C17/early C18. large barn of coursed stone rubble with quoins and stone slate roof (some patching). Coped gables. Eastern facade has end doors with massive quoins and lintels. Centre door also with quoins originally but now partly filled in With brick and a window. Opposite this former western wagon entrance projects under stone slate roof. A cottage contrived in the south end of the barn probably during the earlier C19.'

2.3 The listed barn is subject to separate applications for residential conversion to two residential units (see site history applications CHE/22/00436/FUL and CHE/22/00437/LBC). Determination of the applications is currently pending with ongoing discussion regarding protected species and associated bat surveys. The southern end of the barn has already been converted to a residential dwelling and is occupied.

2.4 To the east of the listed barn is Grade II listed 'Park Hall', list entry number 1203414 (listed 1968). The official listing is as follows;

'2. Generally of C17 date but some features stylistically earlier and suggest C16 work. The entrance has a reset panel above it inscribed:- 1661 A P I F I. Of coursed rubble with quoins. Main or southern facade of 2 storeys but with eastern projecting gabled wing of 3 storeys. Stone slate roof with copied gable. Diagonal chimney stacks (probably rebuilt). A blocked window on each floor in angle between gabled wing and rest of building. 3 windows, stone mullions, those in gabled wing and all ground floor with dripstone moulds. Of 2, 3 and 4 lights, casements with glazing bars, the top lights with shallow arches. Former off centre door with cambered head, now modern glazing. 1 slope top dormer. 1 storey western outshut contains entrance. Rear gable looks earlier. Interior has some plaster moulded ceilings decorated with roses, oak leaves acorns and blackberries possibly of C16 date. Fireplace and some 6 panelled doors'

2.5 The site is level and provides vehicular access to the existing partially converted listed barn (referred to in the submission as unit 1). The private access also serves to No 209 Walton Back Lane.

2.6

The site is bound by trees protected by Tree Preservation Order (DCC Order 52 – Area 8) including a large sycamore immediately adjacent to the modern barn structure (see photos).



Photos of the application site and modern barn building



Private access from
Walton Back Lane

Listed barn and existing
converted dwelling

2.7

Consent was granted in 2018 for the redevelopment of the site (see site history). The previously approved scheme expired in June 2022 and the current proposal is a re-submission of the previous scheme. The current proposal is largely the same, however the application has been split into a detached dwelling (subject of this application) and works to the listed barn (CHE/22/00437/LBC and CHE/22/00436/FUL). The design and layout of the current proposal

reflects the previous submission, the only alteration is the location of the detached garage which is now proposed to be situated closer to the northern boundary to provide a larger driveway parking space.

3.0 SITE HISTORY

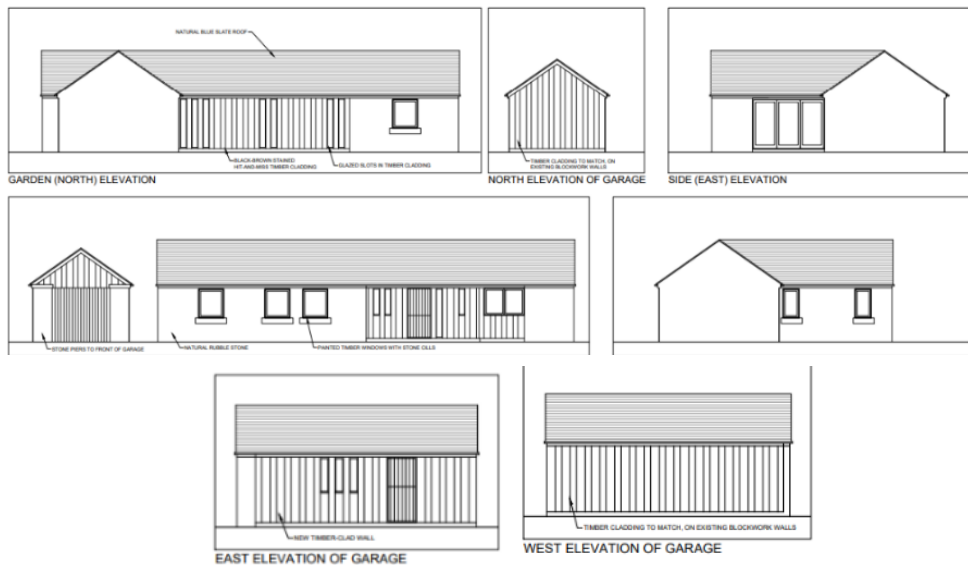
- 3.1 CHE/22/00437/LBC - Renovation and conversion of part of grade II listed barn to create two dwellings with associated landscaping work – **pending determination**
- 3.2 CHE/22/00436/FUL - Renovation and conversion of part of grade II listed barn to create two dwellings with associated landscaping work – **pending determination**
- 3.3 CHE/18/00692/LBC - Renovation and conversion of part of grade II listed stone barn to create two dwellings, construction of new single-storey dwelling in grounds with associated landscaping work – **conditional permission (11.06.2019)**
- 3.4 CHE/18/00691/FUL - Renovation and conversion of part of grade II listed stone barn to create two dwellings, construction of new single-storey dwelling in grounds with associated landscaping work – **conditional permission (11.06.2019)**
- 3.5 CHE/0990/0641 - Outline application for the erection of one bungalow - **refused 19.02.1991.**
- 3.6 CHE/0990/0642 - Conversion of barn into two residential units - **conditional permission 19.02.1991.**

RELEVANT SITE HISTORY AT PARK HALL

- 3.7 CHE/0600/0397 - Listed Building Consent for alterations to form caretakers flat – **conditional permission (25.08.2000)**
- 3.8 CHE/0395/0149 - Conversion of outbuilding to habitable accommodation – **found to be permitted development (19.04.1995)**

4.0 THE PROPOSAL

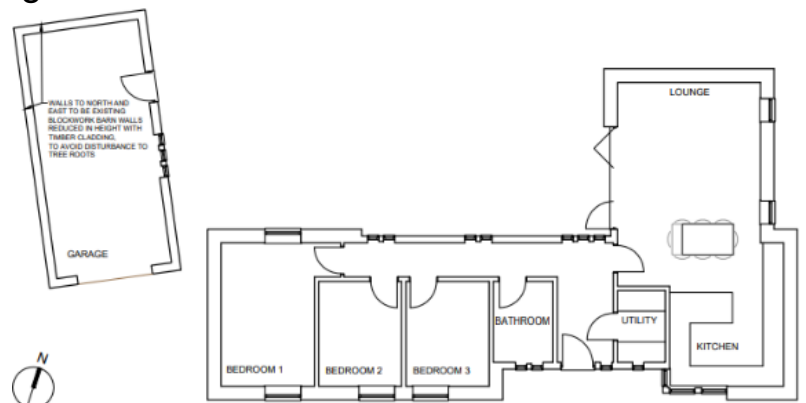
- 4.1 The application proposes the demolition of the modern farm building and the construction of a residential dwelling. Proposed dwelling is single storey in character with a dual pitched roof form and 'L-shaped' footprint. The submitted plans propose a slate roof with facing stone walling, timber windows and stone cills with feature glazing and timber cladding.



Proposed elevations

4.2

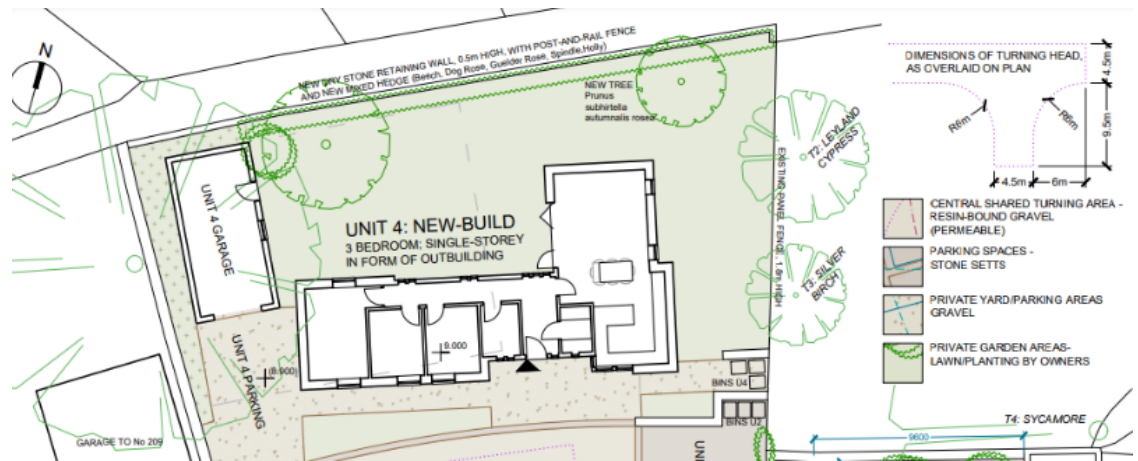
The overall gross internal floorspace of the dwelling is approximately 111sqm and will create three bedrooms, a shared bathroom, utility and open plan kitchen/lounge. A separate detached garage is proposed to the north west of the dwelling which is designed to reflect the new dwelling. To limit potential impacts on the root protection area of the protected tree existing blockwork of the barn will be retained to the north and east elevations and faced in timber cladding to minimize root disturbance.



Proposed floorplan

4.3

The proposal will provide an acceptable level private amenity space which exceeds the minimum recommendations as set out by the adopted Supplementary Planning Document 'Successful Places'. The submitted site plan indicated a proposed new dry stone retaining wall to the northern boundary running adjacent to the existing public footpath (Chesterfield FP 157) linking Walton Back Lane/Park Hall Avenue with Park Hall Gardens. Landscaping plans propose a new mixed native hedge adjacent to the northern boundary, tree planting and gravel parking.



Extracted of proposed site 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.

5.2 Chesterfield Borough Local Plan 2018 – 2035

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

Supplementary Planning Documents

- Successful Places

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport

- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

5.4 Principle of Development

Relevant Policies

- 5.4.1 The application site is unallocated and is positioned within the built up area therefore policies CLP1 and CLP2 are of relevance.
- 5.4.2 Policy CLP1 sets out the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2.
- 5.4.3 Policy CLP2 states that when *'Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council's Spatial Strategy (policy CLP1);*
 - b) are on previously developed land that is not of high environmental value;*
 - c) deliver wider regeneration and sustainability benefits to the area;*
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
 - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
 - h) are not on the best and most versatile agricultural land;'*

Considerations

- 5.4.4 The principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The application site is located within walking and cycling distance of key services located in the defined Walton Local Centre with access to public transport therefore the proposal is considered to accord with the principles of CLP1 and would largely accord with CLP2. The

proposal is within the settlement boundary and would introduce additional housing within the existing built up area and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

5.5 Historic Environment, Listed Buildings and Archaeology

Relevant Policies

- 5.5.1 Local Plan policy CLP21 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.
- 5.5.2 Section 16 of the NPPF states that 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 and continues to states 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 the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 205 require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁹. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 5.5.3 Consultation was undertaken with the Council's Conservation Officer, Derbyshire County Council Archaeologist and the local Civic Society.
- 5.5.4 The Conservation Officer raised no objections to the development with the following comments *I have no objections. In terms of scale, design and materials it is appropriate in my view and will enhance the setting of the barn (given that the existing structure on the site is a functional corrugated agricultural building with no character or significance)*. Conditions were recommended covering works to the listed barn and external materials.

5.5.5 The Derbyshire County Council Archaeologist provided comments in respect of all applications on the site. Key extracts of the full comments are set out below;

'Park Hall Farm contains two Grade II Listed Buildings, the 17th century house at Park Hall itself, dating from 1661 (Derbyshire HER 3957 and an associated barn thought to date between the 17th and early 18th century, with a cottage 'contrived in the south end of the barn probably during the earlier 19th century'. The north end of the barn forms the subject of the current applications. The ensemble represents an early focus of activity within the former medieval deer park at Walton (HER 14619).

Should the local planning authority be minded to grant consent against these policies, I submit that there will be a loss of historic fabric, legibility and authenticity to the historic building, meriting production of a pre-conversion historic building record as indicated at NPPF para 205. There will also be impacts to below-ground archaeology associated with the early post-medieval activity on and around the site, occasioned by the lowering of ground levels within the barn and other external groundworks to create access, landscaping and the new build dwelling. These should also be addressed by archaeological recording (monitoring during groundworks) in line with NPPF para 205.

The previous applications on the site were for the conversion and new build elements as a piece, and the consents included an archaeological condition requiring historic building recording and archaeological monitoring as per the comment above. A WSI for this work was submitted this year by the applicant's archaeological consultant as we indicated that the document was acceptable. This WSI is now submitted as part of each of the three separate applications made here (the conversion now separated out as 22/00436-00437 and the new build covered by 22/00438). I recommend that the submitted WSI is acceptable in each case, and that the following condition is therefore attached to each separate consent granted against any of the three applications'

5.5.6 A condition was recommended by the Archaeologist requiring the development to be undertaken in accordance with the agreed written scheme of investigation.

5.5.7 The local Civic Society raised no objections to the development and made additional comments regard the detail submitted in the heritage, design and access statement, written scheme of investigation and history of building

5.5.8 The proposed demolition of the existing modern barn and the erection of a new single storey dwelling will impact the setting of the listed barn and wider setting of Park Hall. It is considered that the impact of the development on the significance of the heritage assets amounts to less than substantial harm to its significance. The introduction of a new detached dwelling within the courtyard setting of the listed building creates additional built form surrounding the existing stone barn. In allowing further development within the site this will enable the renovation and repair of the listed barn which requires notable works as set out in the submitted structural investigation and heritage, design and access statement. The single storey nature of the proposed development reflects traditional smaller scale stone outbuildings and is considered to be appropriate in this setting which is surrounded by modern residential development (see further discussion on design in the following section). On balance the proposal accords with the provisions of Local Plan policy CLP21 and the NPPF.

5.6 Design and Appearance of the Proposal

Relevant Policies

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

Considerations

5.6.2 The proposed dwelling is single storey in character formed of a dual pitched slate roof with facing stone and timber cladding detail. The massing and scale of the development reflects single storey subservient traditional farm buildings and is acceptable in the site context. Proposed materials requires careful consideration in the immediate site context and should be controlled by condition. The application proposes facing stone, timber windows, timber cladding and a slate roof which is considered to be acceptable in principal in

the context of the character and appearance of the surrounding area.

- 5.6.3 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21.

5.7 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.7.1 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'*
- 5.7.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*

Considerations

- 5.7.3 The proposed development is single storey in character and therefore the development will not adversely impact upon adjoining or adjacent neighbouring properties and adequate separation distances are secured between the development and all neighbours.
- 5.7.4 As the application site is surrounded by residential dwellings it is recommended that a condition be imposed controlling the hours of construction works in the interests of neighbouring amenity
- 5.7.5 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.8 Highways Safety, Parking Provision, Air Quality and Impact on Public Footpath

Relevant Policies

- 5.8.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*

5.8.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.

Considerations

5.8.3 The Local Highways Authority raised no objections to the application in principle. In the submitted comments the Highways Officer stated that the existing access off Walton Back Lane benefits from acceptable levels of emerging visibility in either direction within highway limits due to width of fronting footway/margin. The Highways Officer highlighted that the existing driveway would benefit from an increase in width at either end of the driveway are intervisible therefore considered there are no grounds for a highway objection. The proposal is considered to demonstrate sufficient levels of off-street parking and the space for parking in front of the garage serving unit 4 appears to exceed 6.5m setback. The proposed garage meets the minimum internal dimensions as set out in the adopted SPD Successful Places to be classified as a parking space. The submitted drainage layout indicates provision of a channel drain across the site entrance to mitigate surface water run off to the public highway. Conditions recommended by the Highways Officer covering site compound arrangements, provision of parking prior to occupation, removal of pd rights for garaging, no gates/barriers and included a list of informatives to be attached to the decision

5.8.4 The Public Rights of Way Officer reviewed the scheme and raised no objections to the proposal as the route will be ultimately unaffected by the proposed works and recommended informative notes by attached to the decision

5.8.5 In so far as Air Quality, one electric charging point should be installed per dwelling as part of the build phase and controlled by condition.

5.8.6 Subject to conditions as detailed above the development complies with the requirements of CLP20 and CLP22.

5.9 Flood risk, Drainage and Water Efficiency

Relevant Policies

5.9.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that*

developments are made safe for their lifetime without increasing flood risk elsewhere.

Development proposals and site allocations will:

a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;

b) be directed to locations with the lowest impact on water resources;

c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.

- 5.9.2 Local Plan policy CLP13 states that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

Considerations

- 5.9.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water
- 5.9.4 The Design Services (Drainage) Team reviewed the application and highlighted that the developer will need to consider the hierarchy of surface water disposal and noted that there appears to be unmapped surface water and foul water public sewers running through the site from 209 Walton Back Lane that run underneath the proposed development. The developer has mentioned the diversion of the surface water sewer which will require prior arrangement with Yorkshire Water and may require a building over agreement and easements. No comments were received from Yorkshire Water.
- 5.9.5 Subject to the imposition of relevant conditions the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.10 Ground Conditions and Land Stability

Relevant Policies

- 5.10.1 Local Plan Policy CLP14 states that *‘Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed*

use and shall include:

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

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

- 5.10.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

Considerations

- 5.10.3 The application site is not located in area considered to be at 'high risk' of former Coal Mining Legacy, therefore standing advice from The Coal Authority applies.
- 5.10.4 Having regards to the provisions of CLP14 and the NPPF the application was referred to the Council's Environmental Health Officer for comments. No comments were provided by Environmental Health, however they previously offered no objections to the submissions in 2018.
- 5.10.5 The proposal is considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

5.11 Biodiversity Including Impact on Protected Trees and Landscaping

Relevant Policies

- 5.11.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity'*
- 5.11.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

Considerations

- 5.11.3 The application is supported by a biodiversity enhancement plan, bat activity survey report (dated 2019), arboricultural impact assessment (AIA) and bat survey reports.
- 5.11.4 Immediately to the west of the existing modern barn building is a mature sycamore protected by Derbyshire County Council Tree Preservation Order. The DCC Tree Officer was consulted on the scheme and no comments were provided.
- 5.11.5 Chesterfield Borough Council Tree Officer reviewed the submitted documents and highlighted that the main tree impacts as set out in the submitted AIA follows;
- Two proposed areas for parking within trees' RPAs are to be constructed using an above-ground installation of 3-dimensional cellular surfacing (Cellweb or similar).
 - A garage proposed within a sycamore's RPA is to be constructed within the footprint of an existing barn (itself to be demolished).
 - All new drainage and underground services are to be routed outside of all trees' RPAs.
- 5.11.6 The CBC Tree Officer raised no objections to the development and stated that a Tree Protection Plan (TPP) has been included within the AIA at section 5 of the report which follow the guidelines in BS5837: 2012 'Trees in relation to design, demolition and construction: Recommendations' and provide adequate protection measures so that there are no significant or noticeable effect on the health of any of the retained trees, neither in the short or long-term subject to the development complying with the tree protection measures within the AIA and TPP by Jon Coe Tree Consultancy which should be controlled by condition.

- 5.11.7 The submitted bat activity survey which stated that the open fronted steel barn had negligible suitability for roosting and/or hibernating bats as it lacked any suitable features. Derbyshire Wildlife Trust reviewed the submitted details and confirmed that there would be no protected species constraints with regards to the steel framed barn.
- 5.11.8 Proposed landscaping is indicated on the submitted site plan and it is recommended that full details should be controlled by condition.
- 5.11.9 Subject to conditions as recommended above the development accords with the requirements of CLP16 and the NPPF.

5.12 Developer Contributions and Community Infrastructure Levy

- 5.12.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwellings and is therefore CIL Liab. The site the subject of the application lies within the high CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	111	0	0	£80.00 High Zone	355	288	£10,945

Calculation:

CIL Charge (E) is calculated as outlined below:

Net Area (A) x CIL Rate x BCIS Tender Price Index (at date of permission) (C)

BCIS Tender Price Index (at date of charging schedule) (D)

Therefore, the CIL charge liable for this application is as follows:

$$\frac{111 \times £80 \times 355}{288} = £10,945$$

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and site notice. Three representations have been received and are summarised below (see representations for full comments). It is necessary to note that some aspects of the comments refer to works proposed to the stone barn under separate application CHE/22/00436/FUL

- Overlooking/loss of privacy - Planting to obscure windows may not be effective in short term. Proposed development encroaches on privacy, noted that it falls with regulations (separation distances) but this does not alter concerns
- Waste disposal - Proposed development is to west of property and direction of prevailing winds therefore concerns raised regarding the removal of any asbestos cladding to the barn. Concerns regarding removal of waste and issues with smoke arising from bonfires on the site
- Has applicant considered converting barn into a single two storey dwelling with internal garaging to reduce development costs
- Occupation of dwellings - Proposed development may be intended for investment purposes which could result in a higher turnover of occupancy and higher noise disturbance levels to neighbours and higher traffic pollution
- Noise/disturbance from occupants - Existing issues with noise disturbance from surrounding properties on Park Hall Avenue. Development may lead to such issues becoming worse
- Highway safety, access and parking - There is already one rented property on the site with tenants who have three vehicles. The proposal seeks to create two – four bedroom dwellings and one – three bedroom dwelling which will mean the driveway will service around 8 vehicles not including the occupants at No 209. Frequently find that a vehicle has to wait at the entrance to the driveway until the driveway is clear due to the width which could be a potential hazard to traffic flow on Walton Back Lane and to traffic turning into the lane from Park Hall Avenue. Entrance to the road is shared and two vehicles cannot pass side by side. Noted an incident where there was not enough space to wait on the pavement with a vehicle coming down the road leading to a vehicle waiting/sticking out in the highway on Walton Back Lane nearly causing an accident

- Protected species - Noted that there is to be a review of bat nesting/roosting site during the course of the summer. Bats have been seen in the area but unable to identify nesting/roosting site.
- Stone barn - Concerns raised regarding the maintenance of the grade II listed barn and stone roof tiles falling
- Bin storage - Plans state that a bin store will be on the pavement which could be up to 12 bins on collection day

6.2

Officer comments

- Overlooking/loss of privacy – acceptable levels of separation are proposed between the new detached dwelling and surrounding residential properties which meet the recommendations set out in the adopted SPD Successful Places
- Waste disposal – the applicant would be required to comply with relevant waste disposal regulations if asbestos was present. Concerns regarding bonfires which lead to nuisance should be raised with Environmental Health
- Occupation of dwellings – the proposal is for C3 residential use which could be let or sold.
- Noise/disturbance from occupants -undue disturbance arising from neighbours such as barking dogs, noise/music etc can be raised with Environmental Health for investigation
- Highway safety, access and parking – the Local Highways Authority reviewed the scheme and raised no objections to the proposal. See section 5.8 of report
- Protected species – see section 5.11 of report
- Stone barn – works to the stone barn are to be considered separately under applications CHE/22/00437/LBC and CHE/22/00436/FUL
- Bin storage – the submitted site plan shows bin storage areas for each unit within the application site. The site plan shows that there is sufficient space to leave bins on the pavement on bin collection day.

7.0

HUMAN RIGHTS ACT 1998

7.1

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

9.0 CONCLUSION

9.1 The proposal would introduce additional housing within the existing built up area and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. The proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area and less than substantial harm to the setting the listed buildings. Subject to conditions the proposal will therefore accord with the provisions of policy Local Plan policy CLP20 and CLP21. Due to the siting and scale of the proposal the proposal is not considered to cause significant adverse impacts on the residential amenity of the adjoining neighbours and therefore accords with the amenity considerations of Local Plan policies CLP14 and CLP20. Subject to conditions no highways safety concerns arise and it is considered the site can accommodate sufficient parking for the proposed dwellings therefore subject to conditions the proposal accords with the requirements of CLP20 and CLP22. Subject to conditions and the submission of further details controlled by condition covering drainage and biodiversity the proposal is considered to accord with the principles of CLP13 and CLP16 and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

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

Conditions

Standard time frame

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

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

Approved plans and documents

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

The approved plans relate only to the demolition of the existing modern barn and for the construction of a new detached single storey dwelling.

- Site and Block Plan – New build, drawing number P-10
- New Build Unit 4, drawing number P-06
- Parking details, drawing number P-10

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

Development undertaken in accordance with submitted WSI

3. No development shall take place other than in accordance with the agreed Written Scheme of Investigation for historic building recording and archaeological monitoring: Park Hall Farm Barn, Walton Back Lane, Walton, Derbyshire. Written Scheme of Investigation for Historic Building Recording (The Jessop Consultancy, May 2022). All elements of work within the WSI will be completed as approved unless otherwise agreed in writing by the local planning authority

Reason – In accordance with the requirements of the NPPF and paragraph 205.

Tree protection measures

4. The tree protection measures outlined in the Arboricultural Impact Assessment and Tree Protection Plan by Jon Coe Tree Consultancy Ltd reference JC/343/220518 shall be adhered to at all times throughout any demolition and construction phases. The development shall be implemented in strict accordance with the approved details unless otherwise agrees in writing by the Local Planning Authority.

Reason - Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990.

Highways - site compound

5. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason – To ensure adequate space is retained for site storage during the construction period in accordance with CLP22.

Highways - parking provision provided prior to occupation

6. The development the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

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

Highways - removal of pd rights for garaging

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging/parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason – In the interests of highway safety

Separate foul and surface water

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

Reason - In the interest of satisfactory and sustainable drainage and in accordance with CLP13

Hours of construction

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

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

Landscaping details

10. Notwithstanding the submitted details no development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a. a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b. proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.
- c. a schedule detailing sizes and numbers of all proposed trees/plants
- d. Sufficient specification to ensure successful establishment and survival of new planting.

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

Retention of soft landscaping

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason- To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

Materials

12. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the

local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development in accordance with CLP20 and CLP21 of the Local Plan

Removal of pd rights for outbuildings, extension, fencing, gates, walls

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling, no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To ensure appropriate development is maintained within the setting of the listed buildings Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

No gates or barriers

14. There shall be no gates or other barriers on the shared access/driveway.

Reason - To ensure clear unobstructed access to the site in the interests of highway safety and in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Electric vehicle charging

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

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

Water efficiency

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

Reason - To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework

Biodiversity enhancements

17. The biodiversity enhancements as set out on approved drawing 'Biodiversity – New Build Unit 4', drawing number P-12 shall be implemented in full prior to the occupation of the development and maintained thereafter.

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 170 of the National Planning Policy Framework.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. 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 Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be 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.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
6. The application site is adjacent to a Public Right of Way (Footpath number 157 Chesterfield on the Derbyshire Definitive Map). 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. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).
7. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. The Highway Authority recommends that the first 6m of the access / driveway should not be surfaced with a loose material

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

9. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
10. The application site is adjacent to a Public Right of Way (Footpath No157, Chesterfield on the Derbyshire Definitive Map). 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 and asking for the Rights of Way Duty Officer.
11. Car parking spaces should measure 2.4m x 5.5m (2.4m x 6.5m where in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. fence, hedge, wall, etc. Single garages should be of 3.0m x 6.0m minimum dimension to be included as a part of off-street parking provision.
12. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
13. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter which would be an offence under relevant regulations. Planning consent for a development does not provide a defence

against prosecution under European and UK wildlife protection legislation.

14. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.