

**ITEM 1**

**TWO 3 STOREY BLOCKS OF 18 ONE BEDROOM SHELTERED HOUSING FLATS (USE CLASS C2) AND ASSOCIATED COMMUNAL AREAS, PLUS CAR PARKING, PEDESTRIAN AND CYCLE ACCESS AND LANDSCAPED GARDEN AREAS AT FORMER SITE OF AVENUE VILLA, AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8TA FOR DIGNUS HEALTHCARE**

Local Plan: Unallocated, within the built up area defined by Policy CLP3

Ward: Dunston / Moor

**1.0 CONSULTATIONS**

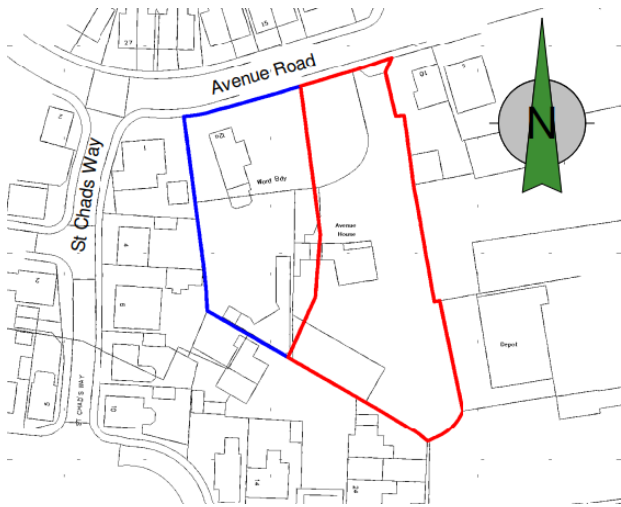
Ward Members	No comments received.
Local Highways Authority	Comments received – see report.
Lead Local Flood Authority	Further information required – see report.
DCC Planning Policy	No comments regarding infrastructure and services.
Derbyshire County Archaeologist	Comments received – see report.
The Coal Authority	Objection due to no Coal Mining Risk Assessment being provided.
Yorkshire Water	Conditions recommended.
Derbyshire Constabulary	No objections in principle, concerns raised regarding appropriate care of potential occupants and security arrangements relating to the application site and adjoining site.
Derbyshire Fire and Rescue	No comments received.

NHS ICP	No comments received.
Derbyshire Wildlife Trust	No comments received.
Chesterfield Cycle Campaign	No comments received.
CBC Strategic Planning	No comments received.
CBC Design Services – Drainage	No comments received.
CBC Estates	No comments received.
CBC Economic Development	Local labour condition recommended.
CBC Leisure Services	No comments received.
CBC Environmental Health	No adverse comments. Conditions recommended regarding construction working hours and the provision of electric vehicle charging infrastructure.
Representations	1 representation received – see report.

## **2.0      THE SITE**

- 2.1      The site subject of this application is situated on the south side of Avenue Road, adjacent to the recent development at St Chad’s Way and to the rear of industrial and commercial uses fronting on to Sheffield Road. To the north are residential properties fronting Avenue Road and the entrance to the Lidl, to the east are residential properties along Avenue Road and commercial units fronting Sheffield Road, to the south and west are properties on St Chad’s Way.
- 2.2      The site is in a sustainable location in walking distance to a range of services in Whittington Moor District Centre (the application site abuts the District Centre boundary) which contains a range of Key Services and is also a main route for a range of high frequency public transport routes. Part of the Strategic Cycle network is also

close by, adjacent to the A61. The application site is within the defined Built up Area as defined by Policy CLP3 of the Chesterfield Local Plan 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 ©

- 2.3 As can be shown from the site plan above, the owners of the site have split the whole site into two, with the other portion of the site (blue line area) receiving planning consent on 31st August 2022 for the erection of a new care home facility with separate detached day units and creation of new access and auxiliary car parking areas (application reference: CHE/21/00926/FUL)
- 2.4 The application site plot is broadly rectangular in shape covering approximately 0.23hectares in area (2300sqm). The prior use of the site was for residential with a number of residential buildings on site and onsite landscaping. As a result of anti-social behaviour issues, the buildings on site were demolished and the site is currently level. The landscaping shown on the Google earth image above has been removed.



Photo taken from within the site looking north to Avenue

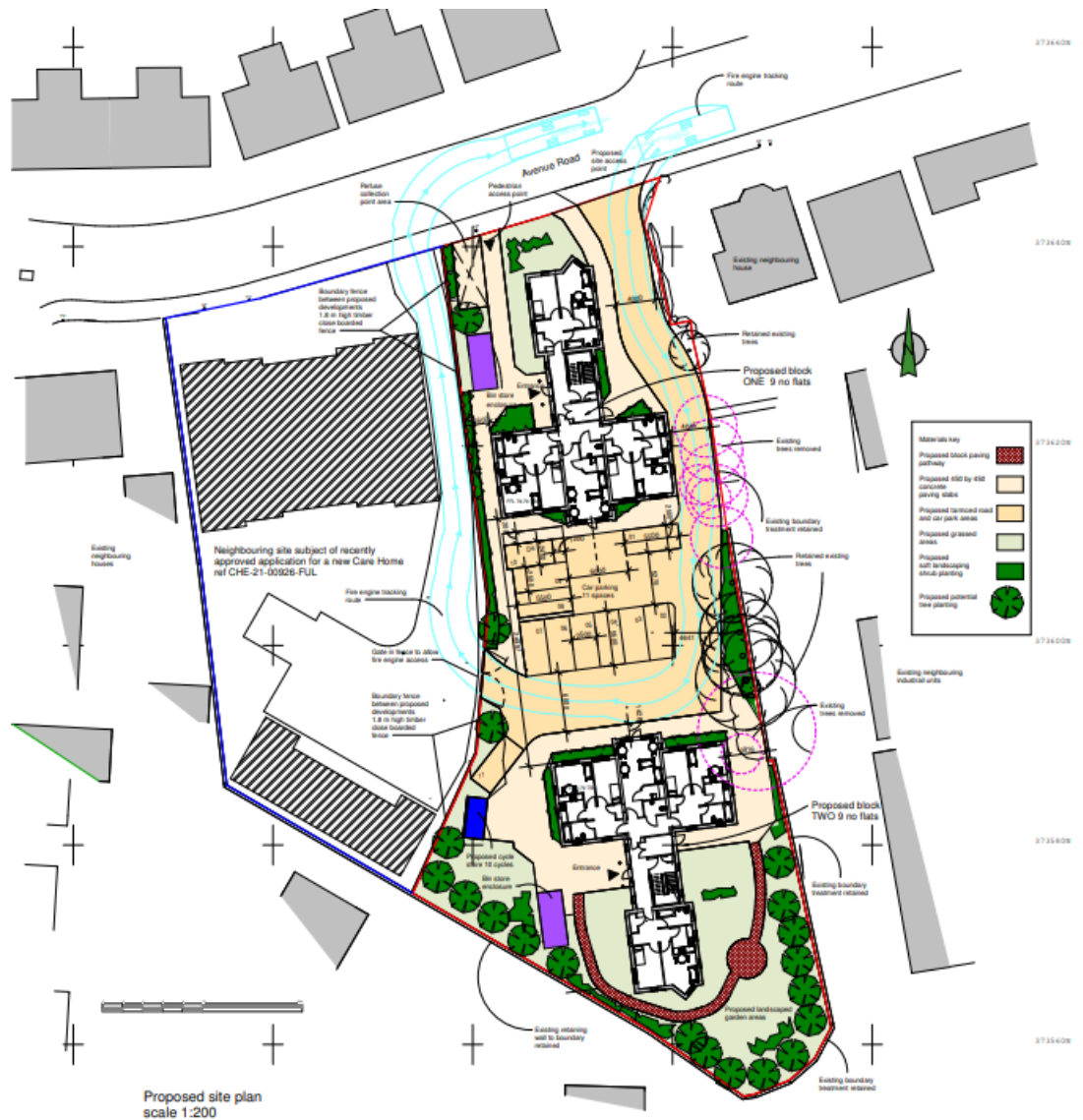


Photo taken from within the site looking east

### **3.0 SITE HISTORY**

- 3.1 CHE/1085/0642 – Permission for the erection of dwelling  
**CONDITIONAL PERMISSION (19/11/1985)**
- 3.2 CHE/0690/0452 – Single storey extension to form multi gym  
bedroom sauna room and laundry room  
**CONDITIONAL PERMISSION (11/07/1990)**
- 3.3 CHE/13/00453/FUL – Two storey extension  
**CONDITIONAL PERMISSION (12/09/2013)**
- 3.4 CHE/21/00926/FUL – Erection of a new care home facility with  
separate detached day units and creation of new access and  
auxiliary car parking areas.  
**CONDITIONAL PERMISSION (31/08/2022)**
- 3.5 CHE/22/00034/OUT - 3 storey residential block with associated  
parking and access (revised plans received 24/05/2022 and  
20/06/2022)  
**CONDITIONAL PERMISSION (31/08/2022)**

### **4.0 THE PROPOSAL**



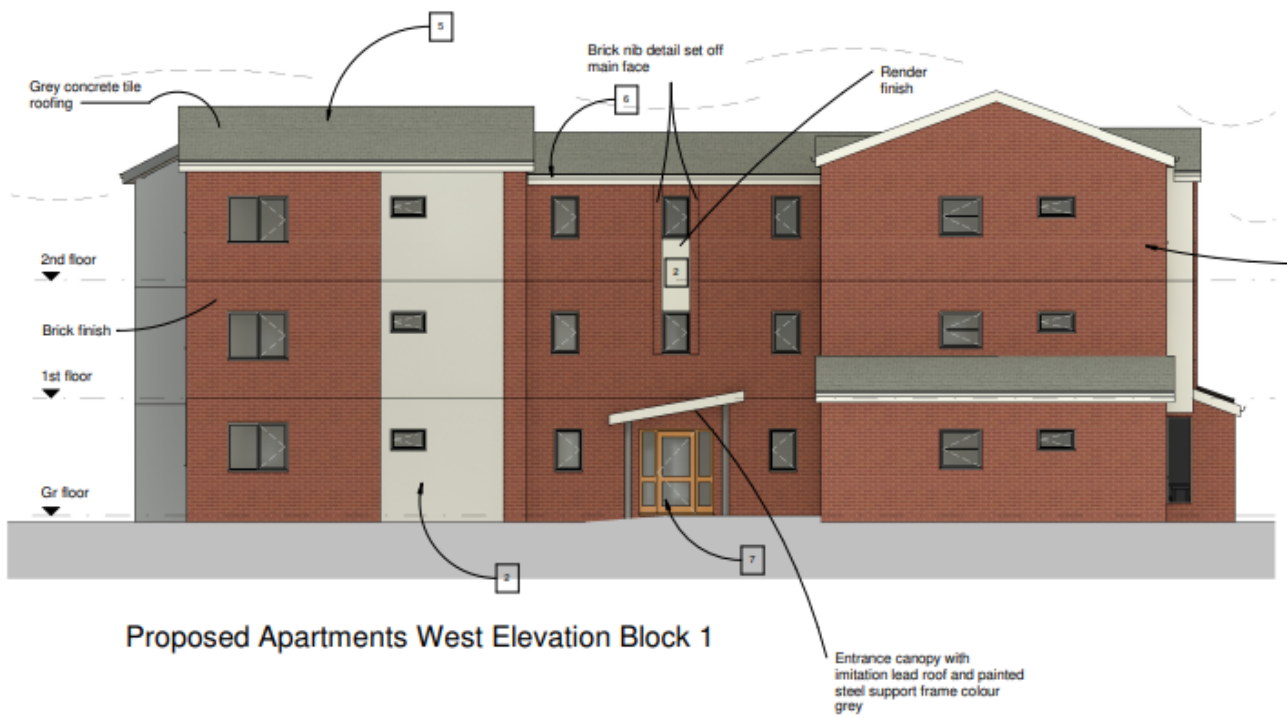
- 4.1 The application seeks full planning permission for the development of 2 no. 3 storey residential blocks which will provide a total of 18 units of C2 sheltered housing accommodation with associated communal areas, a centralised parking area and some landscaping to the south of the site.
- 4.2 The proposed layout for the northernmost block of accommodation (block 1) is similar to that approved under CHE/22/00034/OUT however the area to the south of the site, identified within the outline application for amenity space has now been used to provide a further block of accommodation.
- 4.3 The application proposes two blocks of residential development. To the northern extent of the plot, the application proposes a 3-storey block (block 1) in an inverted 'T' shaped form with frontage

landscaping, bin store enclosure (timber), refuse collection area, with a vehicular access route to the east of the building which leads to a rear car park (space for 11 cars provided) and a further east-west access route to the adjacent site shown as a “fire engine tracking route” which creates a loop between the two sites to provide access / egress for larger vehicles. A separate pedestrian / cycle access is shown from Avenue Road to the western boundary of the application site which provides access to the central car park area.

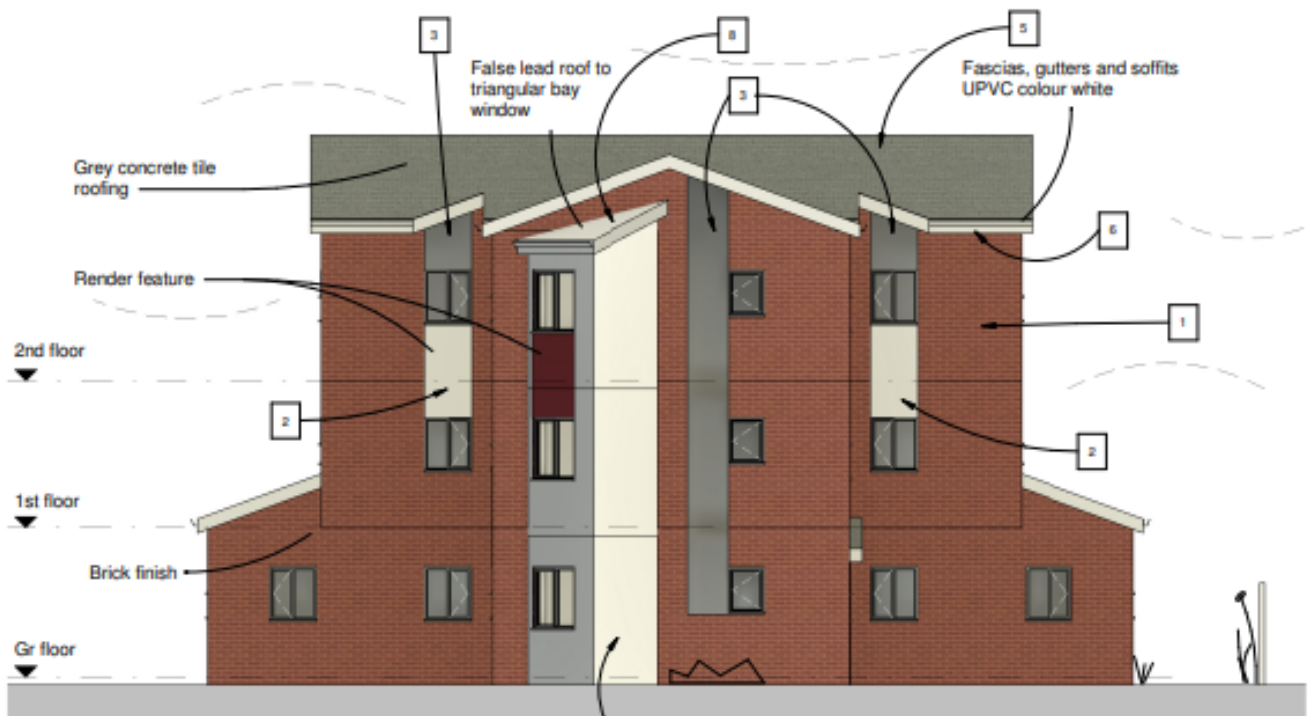
- 4.4 To the south of the site a second ‘T’ shaped 3 storey block of accommodation is proposed (block 2), alongside a cycle storage area (10 cycles), a further bin store enclosure (timber), and some landscaping. The existing boundary treatment to the east and south boundaries is shown as being retained, with the boundary between the application site and the application site approved under CHE/21/00926/FUL being shown as a 1.8m close boarded timber fence, with a gap to enable the vehicular route as described.
- 4.5 Block 1 will have a narrow frontage to the Avenue Road (north) elevation (approx. 6.9m) with a triangular oriel window bay facing the street, with a false lead roof which sits below the ridge of the projecting gable that will form the principal elevation fronting Avenue Road. The gable ridge sits at approx. 10.10m and intersects with a cross gable to the rear of the block which widens the building to approx. 17.7m. The widest point of the building will feature two “lean to” style hips to the ground floor to provide additional ground floor accommodation and will be approx. 13.4m at first floor level and above. The cross gable ridge height sits at approx. 10.55m with an eaves height of approx. 8.6m. The building will be approx. 26.8m deep in total.
- 4.6 To the rear, the proposed elevations show a rear entrance way in which sits below a rear-facing gable which has been “split” which reflects, to a degree, the front-facing elevation of the approved care home on the adjacent site (CHE/21/00926/FUL). To the western elevation an entrance way is shown which provides an entrance for pedestrians using the side access route.



Proposed east (side) elevation – Block 1



Proposed west (side) elevation – Block 1



Proposed north (front) elevation – Block 1



Proposed south (rear) elevation – Block 1

4.7 Block 2 is shown as a “mirror image” to block 1.

4.8 The proposed accommodation blocks are shown to be finished in red brick with grey concrete roof tiles and mixed coloured (white, graphite and earth red) rendering shown throughout to provide an



architectural feature. White upvc windows, doors, fascias and gutters are shown throughout. The majority of the windows are shown as misted windows on the proposed floor plans.

- 4.9 The application proposes 18 units of C2 (residential institutions) accommodation. The sheltered accommodation flats are proposed to be operated by the applicant, Dignus Healthcare, alongside their care home (approved under CHE/21/00926/FUL) on the adjacent site. The applicant has submitted a “statement of purpose” within the application material. This erroneously refers to “School House”, understood to be another accommodation block within the applicant’s portfolio. However, the statement provides a description of the services that will be provided at the site.
- 4.10 The proposed accommodation will be run as a supported living scheme for those who are unable to live independently, for example through mental health issues or learning disabilities. The proposed staffing arrangements for the site are to be 4 no. full time staff for each block during the day (8 in total) with 2 full time staff on site over night (4 in total). Residents are to be aged sixteen and upwards. Dignus is registered with the Care Quality Commission.
- 4.11 Within each block 9 sheltered flats are proposed, 3 no. across each level. Each of the proposed flats range between 47.3 – 48sqm in size and provide a single bedroom, separate kitchen, dining / living area, bathroom and storage. To the ground floor level a common room is provided accessed via the main entrance (for both blocks the main entrance faces inwards within the site, towards the central car parking area), as well as an office, plant room and disabled wc. A central stair case / corridor area connects the three levels of accommodation and those flats to the front & rear of the buildings.
- 4.12 The application is supported by the following documents:
- Design and access statement
  - Statement of purpose

## **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

## **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

## **5.4 Supplementary Planning Documents**

- Successful Places: A guide to sustainable housing layout and design SPD (2013)

## **5.5 Principle of Development**

### **Relevant Policies**

- 5.5.1 The application site is unallocated and is positioned within the built up area of Whittington Moor therefore policies CLP1 and CLP2 are of relevance.
- 5.5.2 Policy CLP1 states that *'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, and to focus on areas that*

*need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'*

- 5.5.3 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;'*
- 5.5.4 The principle of development is therefore assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.5.5 The application site is previously developed land, within the settlement boundary, and sits adjacent to the boundary of the Whittington Moor District Centre, which provides a range of key services and facilities and good public transport accessibility and connections to the strategic cycle network. The application will serve to bring a vacant and under-used site back into use and will help to provide additional supported living accommodation in a sustainable location within the borough.
- 5.5.6 On this basis it is considered that that the principle of residential development is acceptable on this site (as accepted through the approval of outline application CHE/22/00034/OUT) and is therefore in accordance with the Council's spatial strategy as established by policies CLP1 and CLP2 of the Chesterfield Local Plan.

## **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...*”

*All development will be expected to:*

- a) promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;*
- b) 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;*
- c) be at a density appropriate to the character of the area whilst not excluding higher densities in and close to designated local, district and town centres;*
- d) Contribute to the vitality of its setting through the arrangement of active frontages, accesses, and functions, including servicing;*
- e) Ensure that the interface between building plots and streets and also the boundaries of development sites and their surroundings are attractive and take account of the relationship between public and private spaces;*
- f) Provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings;*
- g) Provide adequate and safe vehicle access and parking;*
- h) Provide safe, convenient and attractive environment for pedestrians and cyclists;*
- i) Preserve or enhance the landscape character and biodiversity assets of the borough;*
- j) Be designed to be safe and secure and to create environments which reduce the potential for crime;*
- k) Minimise the impact of light pollution; and*
- l) Be able to withstand any long-term impacts of climate change.”*

- 5.6.2 The proposal is considered to be an over-development of the site and of a poor level of design quality which fails to satisfy Policy CLP20.

- 5.6.3 The previous outline application established the in-principle acceptability of residential development at this site. However, the full

application proposal doubles the density of the site from 9 to 18 residential units (79dph) which is considered to exceed the capacity of the site and undermine its ability to provide a high-quality development scheme and attractive living environment for future residents.

- 5.6.4 Policy CLP20 encourages higher densities close to district centres, however the proposed density of the site is considered to be inappropriate to the character of the area. Avenue Road is a residential street typically of terraced and semi-detached dwellings Victorian dwellings, with one known block of flats within a converted property adjacent to the application site. The proposed volume of built development would be inappropriate in this context and within the site and is considered to be excessive in respect of the size and shape of the application site. Insufficient external amenity space would be provided which would not off-set the scale of the two blocks of 3 storey development within the site. Therefore, it represents an over-intensive development of the plot which fails to reflect the prevailing pattern of development within the locality and would result in adverse impacts on the amenity of existing and future occupiers (see section 5.7).
- 5.6.5 The two blocks of accommodation face inwards to a central courtyard rather than providing a main entrance to the development along Avenue Road. This provides a poor relationship to the street scene with no active frontage which would be harmful to the vitality of the wider street by not creating a positive relationship between public and private realm. The pattern of development along Avenue Road is terraced or close-knit semi-detached dwellings with small front gardens and buildings relatively close to the highway edge. The proposed form of block 1 towards the site frontage would represent an incongruous addition to the street scene which does not reflect the grain of development.
- 5.6.6 The inwards facing blocks would enclose a central courtyard completely dominated by car parking, which provides a poor quality environment for future occupants and does not create a sense of place within the development, nor contribute positively to the locality.
- 5.6.7 Block 2, to the rear of the site, is out of character and represents back land development. Whilst on the adjacent site (CHE/21/00926/FUL) a small block of 2 accommodation units has been approved, this is single storey and nestled against the rear retaining wall within the site which has little impact on surrounding

uses by virtue of its scale. The proposed 3 storey block would be out of character within this part of the site and would be over dominant with respect to the residential properties to the south. Existing vegetation which would have provided a degree of screening has been removed. This is considered to be harmful to the character, form and setting of the site and represent inappropriate development.

- 5.6.8 The proposed materials do reflect the surrounding palette of materials which is predominantly red brick with slate or grey concrete roof tiles and are therefore considered acceptable in this context. The proposal for rendered panels of varying colours would tie the proposed blocks in with the design of the adjacent care home (CHE/21/00926/FUL) which will, if built out, be finished completely in differing colours of render. The proposed materials in this application will help to tie the two schemes together whilst also reflecting the prevailing palette of materials locally.
- 5.6.9 Pedestrian and cycle accessibility into the site will be provided via a separate access to the western side of the proposed accommodation blocks. No information is provided in support of the application relating to enhancing connectivity to the local pedestrian and cycle network.
- 5.6.10 The site is not located within a particularly sensitive area of landscape and is not considered to be significantly harmful. Biodiversity is considered in Section 5.11.
- 5.6.11 Regarding designing for safety and security, Derbyshire Constabulary has been consulted on the proposed application and have no objections in principle. However, concerns have been raised regarding the apparent conflict between the boundary treatments and security measures required by condition under application CHE/21/00926/FUL for the adjacent care home (which included a secure and gated access), to protect the safety of future occupants of the care home and to control access, and the proposed “through” route between the two sites detailed in this application which will enable fire vehicle access. It is not considered that the proposed route through both sites is satisfactory from a safety and security perspective, given the need for appropriate security arrangements to be in place for the adjacent care home approved under application CHE/21/00926/FUL.

- 5.6.12 Derbyshire Constabulary has raised concerns relating to the potential vulnerability of future occupants of the proposed scheme, noting that “large settlements of unsupported individuals with learning difficulties or other special needs are disproportionately affected by incidents of exploitation, abuse or cuckooing of residents”. The supporting statement submitted with the application details staffing arrangements for the site to be 8 staff members during the day, with 4 staff members over night, which is considered to sufficiently address this concern.
- 5.6.13 Policy CLP20 also states that:
- “Major development should, as far as is feasible and financially viable minimise CO2 emissions during the construction and occupation, and also maximise both the use of and the generation of renewable energy.*
- Planning applications for major new development should be accompanied by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:*
- i) Following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy*
  - ii) Optimising the efficient use of natural resources*
  - iii) Reducing emissions through orientation and design”*
- 5.6.14 No information relating to how the proposal will seek to minimise CO2 emissions through the construction or occupation of the development or how the proposal seeks to use less energy, source energy efficiently, or make use of renewable energy, reduce emission through orientation and design, or optimise the use of natural resources.
- 5.6.15 Having consideration for the observations above the proposal is considered to be unacceptable in terms of the proposed form, scale, density, and relationship to the wider locality and therefore fails to accord with the provisions of Policy CLP20 or take into account the guidance provided by the Successful Places SPD. Furthermore, the NPPF, National Design Guide, and National Model Design Code place great emphasis on enhanced designed quality, with the NPPF stating at para 134 that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account

any local design guidance and supplementary planning documents such as design guides and codes”. It is considered that the proposed scheme is of an unacceptable design quality, taking into account the requirements of Policy CLP20 and the guidance set out through the Successful Places SPD, owing to the reasons stated above, which are not outweighed by any benefits brought about by the scheme. Furthermore, insufficient information has been provided regarding any climate change measures to be included within the scheme, and to satisfy expectations relating to designing for safety and security.

## **5.7 Impact on 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 *“have an acceptable impact on the amenity of users and neighbours”*
- 5.7.3 The proposal will retain an acceptable separation distance between the proposed dwellings and the existing residential dwellings opposite which will be generally in line with what currently exists along Avenue Road.
- 5.7.4 To the west, the adjacent part of the site has been granted permission for a care home under application CHE/21/00926/FUL and there are existing residential dwellings to the east. The layout of the proposed accommodation requires that the majority of windows in the elevations of the property are obscured in order to provide sufficient privacy and reduce the potential for overlooking between the application site and adjacent dwellings or uses. Whilst this is generally an acceptable solution to address specific overlooking impacts arising from a small number of openings, a review of the proposed floor plans indicates that the intention is to obscure 39 out of 70 windows to Block 1, and 37 out of 70 windows to Block 2. The result of which is that only 2 or 3 of the windows in each flat will be clear glazing.



- 5.7.5 Given the proposed care nature of the accommodation, which seeks to improve the health and wellbeing of residents and support them into living independently, obscuring the majority of the windows is not considered to provide an adequate level of amenity of future occupants nor to provide a satisfactory level of outlook.
- 5.7.6 To the east, the proposed building is separated from the residential block adjacent (10 Avenue Road) by the vehicular access route into the site which leads to the rear car park and by external space within the curtilage of 10 Avenue Road, with a separation distance of approximately 12m, which is considered to be acceptable in a residential setting.
- 5.7.7 Block 2 is sited within 5m of the boundary to the south which raises concerns regarding the potential for overlooking and overdominance to the residential properties to the south of the application site. Whilst it is acknowledged that the proposed obscuring of windows will help to mitigate concerns relating to overlooking, there are concerns relating to the extent of obscured windows on the amenity of the future occupants of the development as described above. Furthermore, the 3-storey nature of the proposed blocks with an overall height of 10m to the projecting gable end to the south of block 2 is considered to be excessive and will result in overdominance to the rear garden of the properties to the south on St Chad's Way. The removal of the trees has worsened the potential impact as their retention would have provided mature screening to this part of the site and although the proposed site plan shows planting to this area, no detail is provided within a proposed landscaping plan on species in order to make an assessment as to the extent to which the screening would be replaced.
- 5.7.8 It is not considered that the proposal will have any amenity impacts on the commercial uses along Sheffield Road, however there are concerns that these uses (which include 2 automotive uses) will have a potentially adverse impact on the future occupiers of the development due to noise and odour.
- 5.7.9 The proposed central space between the two blocks of accommodation is entirely dominated by the car parking provision which is considered to be an unacceptable design solution which would result in the lost opportunity to provide a high-quality shared garden area that connects the two blocks of accommodation. This is considered to provide a poor quality environment for future occupiers that will have a detrimental impact on their amenity.

5.7.7 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will have an adverse impact on the amenity of future occupants due to the extent to which obscured glazing is required in order to reduce the potential for overlooking to adjacent properties and as a result of the dominance of the central car parking area. Furthermore, Block 2 is considered to give rise for the potential for an unacceptable overdominance impact to the residential properties to the south due to the height of the building and proximity to the site boundary, failing to accord with the requirements of Local Plan policies CLP14 and CLP20.

## 5.8 **Highways Safety, Access, Parking Provision and Air Quality**

### **Relevant Policies**

5.8.1 Local Plan policy CLP20 expects development to ‘g) *provide adequate and safe vehicle access and parking and h)*

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

*‘The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:*

*i. The size of any dwellings proposed.*

*ii. The type, mix and use of the development.*

*iii. The proximity of facilities such as schools, shops or employment*

*iv. The availability of and capacity for safe on-street and public car parking in the area.*

*v. Proximity to and availability of public transport and other sustainable transport options.*

*vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.*

*vii. Local car ownership levels.*

5.8.3 The Council’s Environmental Health Officer has electric vehicle charging points be installed as part of the building phase in accordance with policy.

5.8.4 The Local Highways Authority Derbyshire County Council have queried the level of parking provision and the reduction between the approved outline scheme (CHE/22/00034/OUT), which provided for 9 no. market flats, and the proposed scheme which provides for 18 supported living flats. The LHA have also queried the proposed location for the refuse location.

#### Parking Provision

- 5.8.5 The siting of the proposed parking court within the centre of the site is considered to dominate the scheme and reduce the level of potential outdoor amenity space for the residents. In addition, no justification is provided for the reduction in parking spaces from 17 spaces in the outline application, to 11 spaces in this application, despite the residential capacity being doubled from 9 residential units to 18. Whilst the Borough Council does not have minimum parking standards either within Local Plan policy or guidance within the Successful Places SPD, there is an expectation that parking provision should be appropriate taking into account the size, type, mix and use of the proposed development, the proximity of the site to local employment opportunities and public transport provision, the likelihood of on-street parking issues arising and local car ownership levels.
- 5.8.6 As noted in section 5.5 above, the site is in a sustainable location in close proximity to the services provided by Whittington Moor District Centre, which is well served by public transport, which could justify the proposed reduction in parking provision within the site. However, the supporting information submitted with the application provides no indication of anticipated levels of car ownership or staff parking required to support the functioning of the sheltered living scheme.
- 5.8.7 Furthermore, the proposed layout of the car parking is likely to cause issues in terms of vehicular movements, particularly in spaces 01, 08, 09 and 10 where it would be difficult for vehicles to manoeuvre into and out of these spaces if the surrounding spaces were occupied. Vehicle tracking hasn't been provided within the parking areas which does not provide sufficient confidence that parking spaces would function appropriately without raising safety concerns relating to the pedestrian entrance to Block 1 immediately adjacent to the parking area.
- 5.8.8 External cycle storage (10 spaces) is to be provided which would be less than one space per unit and does not include for any staff

wishing to cycle to work. Given the highly sustainable location of the site, the proximity to the cycle network, and the objective to provide supported independent living for future residents, proposed cycle storage provision is considered to be insufficient when considering the proposed level of accommodation and staffing levels at the site.

#### Refuse collection

- 5.8.9 The proposed site plan shows a refuse collection area and bin storage area to the front of the site adjacent to the Avenue Road frontage. A further bin storage area is shown to the south of the site which is presumed to service Block 2. The southern bin storage area is some 63m away from the refuse collection area to the site frontage, the Successful Places SPD and British Standard 5906:2005 recommend a maximum carrying distance for refuse collectors of 15m. No information has been provided which details anticipated collection methods or responsibility for the transport of refuse from the southern bin storage area to the site frontage.

#### Fire Service Vehicles

- 5.8.10 The proposed site layout shows the provision of a fire vehicle tracking route entering the site and travelling through the car park into the adjacent site via a gated access. The development approved under CHE/21/00926/FUL requires secure gated access in order to protect the safety of future occupants of the approved care home. No information has been provided which details the operation of the shared gate between the two sites and how this would function in the event of an emergency whilst maintaining the safety and security of residents.
- 5.8.11 The provision of the fire route through the site would enable fire servicing to the southern accommodation block (block 2), however details are insufficient to provide an assessment of the functionality of this solution. The Fire Procedure section within the Statement of Purpose submitted as part of the application material provides no information relating to this issue. No comments have been received from Derbyshire Fire and Rescue service.
- 5.8.12 On the basis of the above considerations, the proposal is not considered to satisfy the requirements of Policies CLP20 and CLP22 relating to access and parking provision. The proposed parking layout is considered to give rise to safety concerns relating specifically to manoeuvring into and out of spaces 01, 08, 09 and

10. The proposed refuse storage and collection arrangements remain unclear. The proposed fire access into the adjacent site (which has security requirements to protect the safety of future occupants) and through the application site is considered to be unsatisfactory with insufficient information provided relating to the operation between the gated access between the application site and the adjacent site.

## **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 Policy CLP13 further states:
- “Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.”*
- 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 Lead Local Flood Authority, the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water. The application is supported by a drainage strategy (drawing 101 Rev P3).

5.9.4 The Lead Local Flood Authority have requested that further information is provided in order to make an informed comment on the application, as follows:

- Site plan and impermeable area
- Topographic survey of the site
- Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
- Basic ground investigation (desktop survey as a minimum)
- Major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per NPPF para 165). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout. Underground storage tanks do not offer any other form of amenity or benefit so please explain why other forms of SUDS can not be used
- How the sustainable drainage systems integrate with the open space and green infrastructure should be described and hat multifunctional benefits they provide should be stated, as per para 59 of Planning Practice Guidance.

5.9.5 Yorkshire Water reviewed the application and raised no objections, with conditions recommended.

5.9.6 On the basis of the insufficient information provided relating to the proposed drainage strategy, as detailed by the LLFA comments, it is not considered that the proposal satisfies the requirements relating to the management of surface water as stated in Policy CLP13 or para 165 of the NPPF.

## **5.10 Ground Conditions, Land Contamination 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 183 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.'*
- 5.10.3 The application site is located in defined Development High Risk Area of former Coal Mining Legacy, therefore a Coal Mining Risk Assessment should be prepared which examines and assesses any risk to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, in order to satisfy the LPA that the application site is safe and stable to accommodate the proposed development.
- 5.10.4 No Coal Mining Risk Assessment information has been provided and on that basis the Coal Authority has objected to the application.
- 5.10.5 The application therefore fails to satisfy the requirements of Policy CLP13 and paragraphs 183 and 184 of the NPPF relating to coal mining legacy risks as insufficient information has been provided which demonstrates that the site is suitable for the proposed use and level of development.

## **5.11 Biodiversity 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 174 d).
- 5.11.3 Following demolition of the residential buildings that occupied the site, the site has been levelled and existing landscaping removed. For major applications it is expected that applications are accompanied by a DEFRA Biodiversity Metric 3.0 compliant baseline assessment of the site.
- 5.11.4 No information has been submitted in support of the application which provides a biodiversity baseline assessment, assesses the impact of the scheme, or which identifies biodiversity net gain opportunities in line with the DEFRA Biodiversity Metric 3.0.
- 5.11.5 The previously approved proposal (CHE/22/00034/OUT) which provides for half of the development floorplate as the subject application was noted to have a biodiversity deficit (when considered in combination with the adjacent site – approach considered to be acceptable by Derbyshire Wildlife Trust) and required a scheme of net gain to be implemented (secured by condition). Given that the development floorplate has doubled within this application, it is likely that a more substantial biodiversity loss will arise as a result of the proposal.
- 5.11.6 In addition, the application proposes modest landscaping to the south of the site, however this is a significant reduction in comparison to the indicative landscaped area approved under CHE/22/00034/OUT. In total the application proposes approx. 597sqm of landscaped garden area, as opposed to approximately 1195sqm of outdoor landscaping indicated as part of the approved outline application. This is considered to constrain the opportunity provided to secure biodiversity gains within the site area. The reduction in landscaping within the site is also considered to be detrimental to the overall design quality of the scheme and to amenity of future occupants.
- 5.11.7 On the basis of insufficient information provided and the likely level of biodiversity loss as a result of the proposal (with no mitigation



provided for within the application), the proposal fails to satisfy the provisions of Policy CLP16 and the NPPF.

## **5.12 Historic Environment**

### **Relevant Policies**

- 5.12.1 Para 194 of the NPPF expects LPAs to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.12.2 Derbyshire County Council's archaeology service was consulted on the application on the basis that it is a major application and has noted that there is "clearly some heritage interest in the site" owing to the presence of buildings on the site on the 1<sup>st</sup> Edition 1:25 Ordnance Survey, which means that it is possible "Avenue House may retain evidence of the earliest incarnation in its fabric and below ground evidence relating to the earliest life of the property."
- 5.12.3 It is the view of the archaeology service that insufficient baseline information is provided under NPPF para 194 in order to form a view on the application however it has to be accepted that this issue did not arise on the previous application since there was no consultation requirement.
- 5.12.4 The buildings within the site have been demolished under Permitted Development Rights in order to address anti-social behaviour occurring at the site. However, there is the potential for below ground evidence to exist within the site.
- 5.12.5 On the basis of insufficient evidence being provided, it is not considered that the proposal satisfies the requirements of NPPF Para 194 relating to appropriate assessment of the potential impact of the proposal on any heritage assets contained within the site.

## **6.0 REPRESENTATIONS**

- 6.1 The application has been publicised by neighbour notification letters and site notices. 1 representation has been received and is summarised below (see representations for full comments).

- 6.2 Objections based on the following:
- Residential amenity
  - Traffic or highways
  - Visual impact and overdominance relating to surrounding properties
  - Impact of planting near to site boundaries on adjacent properties
  - Impact of parking on nearby streets and insufficient parking
- 6.3 The above comments are noted and are considered to have been sufficiently addressed within the report.

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

- 8.1 The Local Planning Authority has considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation, due to the significant changes that would be required to the design of the proposal. 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, thereby allowing the applicant to exercise their right to appeal or amend the scheme through pre-application discussion and the submission of a new planning application.

## **9.0**      **CONCLUSION**

- 9.1      The proposal is considered to be over development of the site which leads to the proposal being unacceptable from a design, amenity, access and parking perspective for the reasons as set out in this report, failing to meet the requirements of policies CLP14, CLP20 and CLP22 of the Chesterfield Local Plan, Successful Places SPD, and provisions within the National Planning Policy Framework.
- 9.2      Insufficient information has been provided in relation to climate change measures, ground conditions, coal mining risks, drainage, biodiversity, and the historic environment, which prevents a full consideration of how the proposal accords with other policies within the Local Plan policies and provisions within the NPPF.

## **10.0**     **RECOMMENDATION**

- 10.1     It is recommended that the application be **REFUSED** for the following reasons:
1.      The proposal is considered to constitute over development of the site which would compromise the amenity, health and wellbeing of future occupants of the development and amenity of surrounding occupiers, due to the scale and density of development, which would be out of character within the site and locality, contrary to Local Plan policies CLP14 and CLP20. The proposed design would be incongruous within the streetscene and provide a poor relationship to Avenue Road by way of its form and layout. The proposed design quality is considered to be of an unacceptable standard, dominated by car parking, with insufficient landscaping and external amenity space and a reliance on obscure glazed windows, contrary to Local Plan policies CLP14 and CLP20, the Successful Places SPD, para 134 of the NPPF, and the National Design Guide.
  2.      The southern block (block 2) would be overdominant and have an unacceptable adverse impact on the amenity of residents to the south of the site, contrary to Local Plan policy CLP14.
  2.      Proposed parking and access arrangements are inadequate and are not commensurate with the scale of development and would give rise to pedestrian safety issues. Access between the application site and the adjacent site has not been sufficiently addressed, contrary to Local Plan policies CLP20 and CLP22.

3. The application provides insufficient information relating to climate change, coal mining risks, ground conditions, drainage, biodiversity and the historic environment, contrary to Local Plan policies CLP20, CLP13, CLP14, CLP16 and CLP21, and paras 183 – 184 and 194 of the NPPF.

### **11.3 Informative Notes**

The Local Planning Authority has considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation, due to the significant changes that would be required to the design of the proposal. 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, thereby allowing the applicant to exercise their right to appeal or amend the scheme through pre-application discussion and the submission of a new planning application.