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**SPECIAL NOTE: ITEM 4 - 20/01005FL - CALOW
WILL BE CONSIDERED IN THE MORNING. THE
OTHER APPLICATIONS AFTER 12.30PM**



**North East
Derbyshire
District Council**

Contact: Alan Maher

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Date: 21 June 2021

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 29 June 2021 at 10.00 am in the Killamarsh Sports Centre, Stanley Street, Killamarsh S21 1EL.**

If you attend this meeting then you will be deemed to have understood and accepted the need to follow the appropriate Social Distancing and Health and Safety measures for the meeting. These will be explained to Members and all others attending the Meeting upon their arrival at Killamarsh Sports Centre.

As part of the Social Distancing and Health and Safety measures, a maximum of **twenty** members of the public can attend this meeting at any one time. In order to ensure this, you will be required to register your interest to attend and in particular, if you wish to attend for a specific item. The arrangements for this are explained below.

Yours sincerely

A handwritten signature in cursive script that reads "Sarah Steuberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group
Councillor Diana Ruff Councillor Alan Powell Councillor William Armitage Councillor Peter Elliott Councillor Mark Foster Councillor Heather Liggett Councillor Maureen Potts	Councillor Lee Hartshorne Councillor Maggie Jones Councillor Jacqueline Ridgway Councillor Kathy Rouse
Liberal Democrat Group	Independent Group
Councillor David Hancock	Councillor Andrew Cooper

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Please notify the Senior Governance Officer, Alan Maher by 4.00 pm on Friday 25 June 2021 of any substitutions made for the meeting.

TO MEMBERS OF THE PUBLIC WISHING TO ATTEND THE MEETING

If you would like to attend this meeting then please contact: Alan Maher 01246 217391 to register your request.

Health and Safety Measures

- This meeting will be held fully in person, as such the venue has been assessed for capacity in order to arrange safety of all present.
- Social distancing will be observed at all times.
- All members of the Public attending the meeting as asked to wear a face covering (unless exempt) for the duration of the meeting.
- Members of the Planning Committee will be permitted to remove masks when seated in order to effectively engage in the meeting.
- Speakers will be permitted to remove masks when addressing the Committee.
- Microphone covers will be used where possible. If you use a microphone with a cover on, you will be asked to remove the cover and dispose of it when you have finished speaking.
- One way systems will be used to assist in social distancing.
- The room will be well ventilated in accordance with risk assessments.
- Hand sanitiser will be available for all to use and the room and equipment will be sanitised between sittings.

Equality and Diversity

- A hearing loop is not available for this meeting.
- If an elected member, or public attendee requires the team to make reasonable adjustments to enable them to participate/access the meeting, please contact Alan Maher at least 3 days in advance of the meeting to discuss how we may assist.
- An audio recording of the meeting will be taken and uploaded retrospectively to the Council's website.

AGENDA

1 Apologies for Absence and Substitutions

To receive any apologies for absence and notices of substitutions from Members.

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 5 - 10)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 20 April 2021.

4 NED/20/01005/FL - CALOW (Pages 11 - 62)

Hybrid planning application, comprising: full planning application for the construction of 73 dwellings, access and associated works (Phase 1) and outline planning application for the construction of up to a further 144 dwellings and associated works. (All matters reserved except access) (Phase 2). (Major Development/Affecting a public Right of Way), Dark Lane, Calow

(Planning Manager – Development Management)

Please note that the Committee is likely to consider adjourning following Item 4 and consider the rest of the agenda in the afternoon. The afternoon session is expected to start at 12.30 pm, and comfort breaks will be taken between applications as and when required.

5 NED/20/01124/FL - UNSTONE (Pages 63 - 89)

Construction of two, 3 bedroom semi-detached affordable houses on the redundant car park (Amended Plans) (Amended Title), previously associated with the Fleur De Lys Hotel and Public House. Fleur De Lys Hotel, Main Road, Unstone

(Planning Manager – Development Management)

6 NED/21/00083/FLH - DRONFIELD (Pages 90 - 95)

Two-storey side extension at 115 Snape Hill Lane, Dronfield

(Planning Manager – Development Management)

7 NED/20/01305/FL - ECKINGTON (Pages 96 - 114)

Application for the demolition of former public house and erection of 4 no. 3-bedroom dwellings at Butchers Arms, Main Road, Marsh Lane, Sheffield

(Planning Manager Development Management)

8 NED/21/00344/FL - WINGERWORTH (Pages 115 - 123)

Proposed loft conversion with 2 front dormers, 1 rear dormer, and hips converted to gables. Single storey rear extension at 95 Windsor Drive, Wingerworth, Chesterfield

(Planning Management Development Management)

9 Late Representations - Summary Update Report

(Planning Manager – Development Management)
TO FOLLOW

10 Planning Appeals - Lodged and Determined (Pages 124 - 128)

(Planning Manager – Development Management)

11 Matters of Urgency

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



North East
Derbyshire
District Council

***We speak
your language***

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

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If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 20 APRIL 2021

Present:

Councillor Diana Ruff (Chair) (in the Chair)

Councillor Jayne Barry (Vice-Chair)

Councillor William Armitage

Councillor Peter Elliott

Councillor Maureen Potts

Councillor Jacqueline Ridgway

Councillor Ross Shipman

Councillor Andrew Cooper

Councillor Mark Foster

Councillor Alan Powell

Councillor Kathy Rouse

Councillor Heather Liggett

Councillor Steve Clough – in attendance for the Killamarsh application

Councillor Suzy Cornwell – in attendance for the Holmewood application

Also Present:

A Kirkham

N Calver

J Fieldsend

P Slater

A Maher

M E Derbyshire

Planning Manager - Development Management

Governance Manager

Legal Team Manager (non contentious)

Principal Planning Officer

Senior Governance Officer

Members ICT & Training Officer

PLA/ Apologies for Absence and Substitutions

90/2

0-21 Councillor C Huckerby submitted her apologies. She was substituted by Councillor H Liggett.

PLA/ Declarations of Interest

91/2

0-21 There were no Declarations of Interest.

PLA/ Minutes of Last Meeting

92/2

0-21 The minutes of the meeting held on 16 March 2021 were approved as a true record.

PLA/ NED/20/00919/FL - Killamarsh

93/2

0-21 The report to Committee explained that an Application had been submitted for the development of 50 dwellings, along with associated roads, sewers, gardens, parking and garages, at land between the old canal and the north side of Primrose Lane, Killamarsh. This would be a major development and a departure from the Development Plan.

The Application had been referred to the Committee by the Ward Member, Councillor S Clough, who had raised concerns about it.

Committee was recommended to grant permission for the application, subject to completion of the necessary 'Section 106' Agreement, or an agreement, reached between the Council as Planning Authority and the developer to carry out specific work to help offset the impact of the development on local people, as well specific conditions set out in the report.

The report to Committee explained why Members were recommended to approve the Development. Members heard that the proposed development offered, on the whole, a design that would be in keeping with the character and appearance of the surrounding area. The report contended that the development would not have a detrimental impact on neighbouring residents or on highway safety within the area. It also highlighted the potential social benefits, through the delivery of 20% affordable housing.

Before Members discussed the application, those registered to speak were asked to address the Committee. Councillor S Clough spoke in opposition to the application. Three other people also spoke against the application. These were E Cookson, C Nundy and J Bennett. The Agent for the application, M Edgar (DLP Consultants), spoke in support of it.

Committee considered the application. It took into account the relevant Planning Issues. These included the Principle of Development, the policies in the Council's Adopted and Draft Local Plans, whether the Development would have economic and social benefits, the environmental impact, the potential impact on neighbours and also the implications for road safety.

Members discussed the application. As part of this they reflected on the number of dwellings proposed for the site and how this differed from the figure identified in the Draft Local Plan. In this context, Committee was reminded that although the site had been identified as suitable for approximately 30 new homes, this figure was not intended to be a maximum. Members were informed that the Committee could approve a higher number of dwellings on the site, if it thought that this would be appropriate.

Committee discussed the proposed number of dwellings, the proportion that would consist of affordable housing and how this would be achieved, both on the site and through funding for properties elsewhere. During the discussion some Members expressed concern that the proposed number of dwellings would be significantly greater than identified in the Draft Local Plan. They questioned whether given the additional dwellings it would be a sustainable or appropriate development. They also expressed concern that it might have an adverse impact on the local area and questioned its economic benefits to the local community.

Committee discussed extensively the potential for the application to increase the volume of traffic and the implications which this might have for road safety in the local area. Committee noted the information on the potential increase in the volume of traffic. Some Members expressed concern about the lack of information submitted and, the impact of the Development on traffic volumes and road safety and especially the impact on would be the access junction of the development on to the main highways network.

At the conclusion of the discussion, Councillor W Armitage and R Shipman

moved and seconded a motion to reject the application.

The motion was put to the vote and approved.

RESOLVED

That the application be rejected against officer recommendations on the following grounds.

The application was considered unacceptable as it represented the development of a greenfield site and the proposals for a development of 50 dwellings would exceed the 30 dwellings set out in the North East Derbyshire Local Plan 2014-2034 (Publication Draft) (PDLP) housing allocation. It would therefore constitute development that is not sustainable and which would adversely affect the character of the area and so to grant permission would be contrary to policy GS1 of the Adopted North East Derbyshire Local Plan and policies SS1 and LC1 (as amended by Main Modifications) of the North East Derbyshire Local Plan 2014-2034 (Publication Draft).

The application had not been accompanied by a capacity assessment of the existing junction of Primrose Lane and Sheffield Road and there was insufficient information submitted to allow a proper assessment of the issue of highway safety. Notwithstanding that, the development of the site for 50 dwellings would introduce additional vehicles movements that would be severely harmful to and impact on highway safety. To grant permission would, therefore, be contrary to policy T2 of the Adopted North East Derbyshire Local Plan and ID3 (as amended by Main Modifications) of the North East Derbyshire Local Plan 2014-2034 (Publication Draft) (PDLP).

PLA/ NED/20/00861/FL - Holmewood

94/2

0-21

The report to Committee explained that an application had been submitted for construction of a new cold store building, with associated plant room, service yard, car parking and landscaped 'bund' to the perimeter. The report explained that this would be a major development affecting a public right of way and would involve an amendment to an earlier plan. The application site would be on land to the rear of Dukes Close, Wood Street and Cavendish Close, Holmewood.

Before Members discussed the application, those registered to speak were asked to address the Committee. L Tye, M VonGyer and N Smith spoke against the application. The ward Member, Councillor S Cornwell also spoke against the application. The applicant, A Lawrence, spoke in support of the application.

The report to Committee recommended that the application be approved subject to a Section 106 agreement with the developer and the conditions set out in the report.

The report to Committee explained the reasons for this. It highlighted the economic benefits of the proposed development. It contended that although there would be a degree of change for the residential areas as a result of the proposal, these would not be significantly detrimental. It also contended that the

proposed enhanced landscaping would improve the visual outlook for the occupiers.

Committee considered the application. It took into account the relevant Planning Issues. These included the Principle of Development and Application of Policy. Members were reminded of the specific policies which allowed premises to be extended in an existing employment area.

Committee considered the impact on the character of the area, including the loss of the existing wildlife habitat and the impact on neighbouring properties. Members also considered the potential economic implications of the development, including the number of new jobs that would be created.

Members discussed the application. They considered the loss of woodland and how far the proposed landscaping would help to offset this. Members also discussed the visual impact of the proposed development and considered what additional landscaping might help to mitigate this further. Committee then discussed the possible impact on neighbours of the development. In this context, Members heard about the improved freezer unit technology that would be installed on the site and the contribution that this would make to reducing noise levels.

At the conclusion of the discussion Councillor W Armitage and M Foster moved and seconded a motion to approve planning permission for the application, subject to the additional landscaping conditions, as specified at the meeting.

The motion was put to the vote and was approved

RESOLVED -

That the Application be approved, subject to the conditions specified in the report and those determined by Committee at the meeting, to be finalised by the Planning Manager, Development Management, in consultation with the Chair of the Committee and the prior completion of a section 106 agreement.

PLA/ Tree Preservation Order (TPO) 272 - Hardwick Wood, Wingerworth

**95/2
0-21**

The report to Committee explained that a Provisional Tree Preservation Order (TPO) had been made for Hardwick Wood, Wingerworth. Members were advised that an objection had been received to the confirmation of the Order. Committee was asked to decide if it wished to confirm the Order without modification, confirm the order with modifications or to not confirm it, in which case the Order would then lapse.

Members were informed of the reasons why the Provisional Tree Preservation Order had been made. They heard that the area of trees covered by the Order now formed part of a wider woodland and was an important local amenity, with some wider ecological benefits. It was explained that officers had concluded, therefore, that the trees ought to be protected and considered that the Provisional Tree Preservation Order ought to be confirmed.

Before Members discussed the Provisional TPO they heard from A Holden, the

Site Owner for the trees covered by the Order, who spoke against its confirmation. There were no other speakers.

Planning Committee then considered the Provisional Order. As part of this, Members discussed the access arrangements in the wood, the proposed route to the Site Owner's property, the possible loss of trees which this might involve and the potential implication for wildlife in the area. They also discussed the option for the Site Owner to make an application for a Tree Management Order to undertake necessary work to facilitate their access through the woodland. Any proposed work, it was explained, could then be considered on its merits.

At the conclusion of the discussion Councillor J Barry and Councillor D Ruff moved and seconded a motion to confirm the Provisional Tree Preservation Order without modification.

RESOLVED -

That Tree Preservation Order (TPO) 272 – Hardwick Wood, Wingerworth, be confirmed without modification.

PLA/ Tree Preservation Order (TPO) 275 - Gomersal Lane, Dronfield

96/2

0-21

The report to Committee explained that a Provisional Tree Preservation Order (TPO) had been made at Highdale Fold, Gomersal Lane, Dronfield. Members were advised that comments had been received about the potential confirmation of the Order. Committee was asked to determine if it wished to confirm the Order without modification, confirm the Order with modification or not to confirm it, in which case the Order would then lapse.

Members heard the reasons why the Provisional Tree Preservation Order had been made. In particular, that the woodland was considered to be under threat from the potential loss of or pruning back of trees. Committee was informed that the wood was considered important visually due to its location within an otherwise generally urban environment. Officers had concluded that the woodland provided significant amenity value to the local area and that the site should be formally protected by confirming the Order.

Before Members discussed the application, those registered to speak were asked to address the Committee. F Allen, the owner of the trees covered by the Provisional TPO spoke against its confirmation. C Lewis spoke in support of confirming the Order without modification.

Planning Committee considered the Provisional Tree Preservation Order. There was a consensus that the Tree Preservation Order ought to be confirmed. However, Committee also felt that the site owner be encouraged to apply for a Tree Management Order, so that any necessary works on the woods could be identified and be considered on their merits.

At the conclusion of the discussion Councillor M Foster and Councillor A Powell moved and seconded a motion to confirm the Provisional Tree Preservation Order without modification.

RESOLVED -

That Tree Preservation Order (TPO) 275 – Gomersal Lane, Dronfield, be confirmed without modification.

PLA/ Planning Appeals - Lodged and Determined

97/2

0-21

Members considered the Planning Appeals that had been lodged and determined. Committee noted that four Appeals had been lodged. No appeals had been allowed and one had been refused.

PLA/ Matters of Urgency

98/2

0-21

There were no matters of urgency.

PLANNING COMMITTEE – 29 JUNE 2021

Reference Number: 20/01005/FL

Application expiry: 30.06.2021

Application Type: Hybrid full and outline permission

Proposal Description: Outline planning application for the construction of up to 80 no. dwellings and associated works (all matters reserved except access) (Major Development/Affecting a Public Right of Way) (Amended Title/Amended Plans/Amended Details) (Further Amended Plans)

At: Land from the east of Dark Lane to the west of Oaks Farm Lane, Calow

For: Woodall Homes Ltd

Third Party Reps: Reps from 89 local residents

Parish: Calow Parish

Ward: Sutton Ward

Report Author: Graeme Cooper

Date of Report: 8 June 2021

MAIN RECOMMENDATION: Grant, subject to conditions and S106

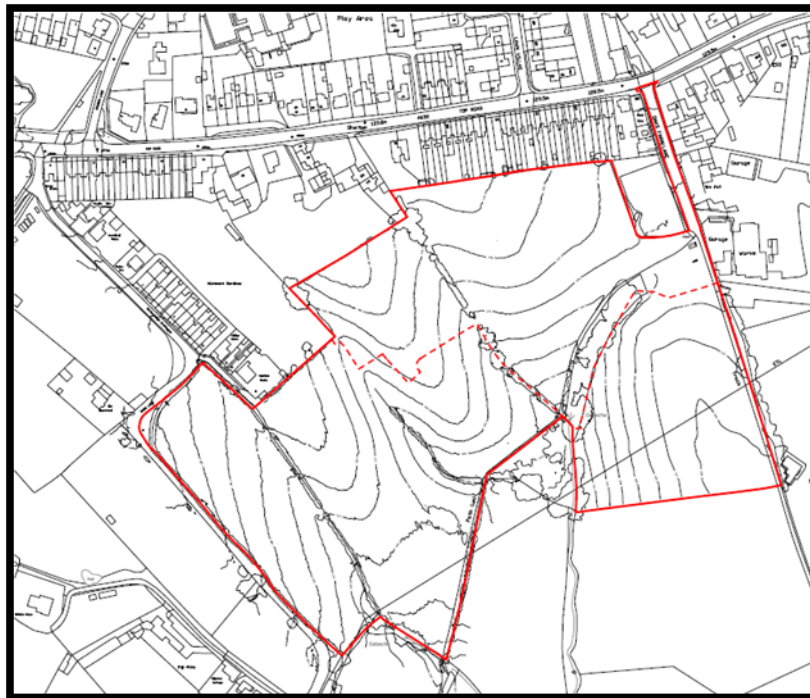


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 The local ward member (Cllr Kerry) contacted Officers during the course of the application's consideration to formally request that it be considered by members of planning committee due to it being outside the village settlement on agricultural land. Concerns were raised at the site access from both Top Road and Dark Lane which are considered to be substandard. Members of planning committee are therefore required to determine the application in line with the Council's constitution.

2.0 Proposal and Background

Site Description

- 2.1 The site is situated to the south of Calow, outside the defined Settlement Development Limit. It is made up of rolling agricultural land intersected by mature hedgerows and tree planting.
- 2.2 The northern extent of the site is framed with a mix of hedgerow, fencing and walling, where it backs onto properties on Top Road. Most of these properties have long narrow gardens which abut the application site.
- 2.3 To the rear of numbers 50-56 Top Road permission has been granted in outline (reference NED/18/00777/OL) for up to 20 dwellings. This permission remains extant and would abut the application site.
- 2.4 The western extent of the site is framed to the north and west by Dark Lane. Properties on Dark Lane abut the site in its north west corner. The western boundary with Dark Lane is made up of a mature hedgerow.
- 2.5 To the south the site abuts other agricultural/equestrian uses and is edged with mature hedgerow planting and some areas of scrub and trees. A public right of way (PRoW 11) runs from Dark Lane to the west across the southern part of the application site and connects to Oaks Farm Lane to the east.
- 2.6 To the east, Oaks Farm Lane connects the application site from Top Road. This road is rough in nature and serves other residential properties, a children's care home, a recreation area and a number of garage businesses. Oaks Farm Lane doubles as a public right of way (PRoW 12).
- 2.7 Most of the application site is Grade 4 (Poor) quality agricultural land, with a small pocket in the southern corner Grade 3 (Moderate/Good) quality.

Proposal



Figure 2: Original masterplan

- 2.8 The original application (figure 2 above) was for a hybrid scheme of full planning permission for 73 dwellings (Phase 1) and outline permission for a further 144 dwellings with all matters reserved other than access (Phase 2).
- 2.9 Access into Phase 1 would be from Oaks Farm Lane, with access into Phase 2 being from Dark Lane.
- 2.10 The proposal included a central area of public open space and further open space to the southern extent of the wider site.
- 2.11 The scheme illustrated that the public right of way connecting Dark Lane to Oaks Farm Lane would be realigned through the site.
- 2.12 Officers raised concerns at the proposed development which resulted in the following amendments being received.

Amendments



Figure 3: Latest amended scheme indicative layout

- 2.13 The latest amended scheme (figure 3 above) has been submitted for up to 80 dwellings with all matters reserved, other than access details. Essentially the proposal has removed Phase 2 of the original scheme and taken on board comments provided by the Council's Landscape Consultant.
- 2.14 Indicative layout drawings (Drawing 9597-L-03 Rev A) have been submitted illustrating a single point of access into the site from Oaks Farm Lane. Approximately 80 dwellings are illustrated on the indicative layout with the southern extent of the site retained as green open space.
- 2.15 It has been confirmed that the revised scheme would provide 20% affordable housing, with a mix to be agreed at the reserved matters stage.
- 2.16 In addition to the above, a landscape design note, legal advice note, updated travel plan and transport assessment, planning statement addendum, heritage impact assessment and flood risk assessment have been submitted for consideration.

3.0 Relevant Planning History

- 3.1 20/00823/EIA - EIA Screening Opinion for proposed residential development (No EIA required)
- 3.2 14/00157/CM - CM4/0114/156 Derbyshire County Council consultation on proposal to drill exploratory boreholes, erect containerised units, associated plant and equipment, extract natural gas, generate electricity and ancillary operations (Objection – appeal dismissed 28 October 2015 – reference: APP/U1050/W/15/3002704)
- 3.3 03/01507/FL - Installation of combined sewer overflow chamber and control kiosk (Conditionally Approved)
- 3.4 Two applications (13/00840/CM and 12/00862/CM) relating to County Council applications for exploratory bore holes and associated plant and equipment to extract natural gas were withdrawn and no decision made.

4.0 Consultation Responses

- 4.1 **Parish Council** submitted the following comments in relation to the original scheme:

1. Traffic and access – The Parish Council has major reservations regarding a number of issues identified in the applicants' transport assessment and which have been highlighted in the comments from the Highways Authority. Namely;

i) The traffic surveys carried out to assess traffic flow and queueing traffic levels were carried out on the 8th September 2020.

This clearly would not reflect a realistic and genuine traffic demand as there has been a dramatic decline in traffic on the roads during the COVID 19 pandemic. The Parish Council would request that the survey is redone if and when traffic levels return to normal or that the survey is amended following assessment of historical traffic surveys to provide a realistic picture of traffic flow under business-as-usual conditions

ii) The consideration of number of trips in the transport assessment do not take into account trips from other committed developments in the locality and so do not present an accurate representation of the likely cumulative traffic impact on the local road network

iii) The transport assessment has only considered a traffic assessment at the junctions of Dark Lane and Oaks Farm Lane onto Top Road. It is locally well documented that residents from the nearby Traversgate development are unable to turn right out of the development in rush hour traffic. Consideration should also be given to the impacts of the traffic generated by the development on the wider network.

iv) Trip numbers in the transport assessment have been generated using the category of “Affordable Housing” when only approximately 30% of the development is identified as affordable provision. This would also reduce the figures for number of trips on any traffic assessment.

v) Visibility splays information for the Oaks Farm Lane/Top Road junction have not been provided. The line of sight here is severely impacted by parked cars on Top Road. The Parish Council would like to see what mitigation measures are proposed to ensure a satisfactory visibility splay is achievable and maintainable.

vi) It is relevant that one of the reasons given by the planning authority for refusal of an adjacent site (15/00154/OL refers) with proposed access on to Dark Lane was that “The development would access onto Dark Lane where on road parking is prevalent and off-road parking limited. Access to the main highway network is already restricted. The additional traffic arising from the development would have a detrimental impact on the existing highway network as Dark Lane is too narrow to accommodate the additional traffic and the access from the site to Dark Lane and both North and South to Top Road and Calow Lane respectively would have an adverse impact on highway safety and the cumulative impact from the development would be severe and so in contrary to section 4 of the National Planning Policy Framework and policies GS1,GS6, H12 and T2 of the North East Derbyshire Local Plan.

2. Settled development boundary limit and local plan – The site is not identified for residential development in either the NED Local Plan or the Emerging Local Plan and is also located outside the settlement development limit for Calow.

i) The refused application for 15/00154/OL refers to the following as a reason for refusal – “The application is considered to be unacceptable as the site is located outside the settlement development limit for Calow as set out in the Councils Local Plan. The loss of this green field site would have a detrimental impact on the character of the area and as an area of local countryside and its loss is not outweighed by the social and economic benefits of the scheme contrary to paragraph 17 of the National Planning Policy Framework and policies GS1, GS6, H3 and H12 of the North East Derbyshire Local Plan. The Parish Council considers that, given the proximity of this site to the site of the proposed development, the same reasoning should apply

3. The Parish Council considers that the scale of the proposed development is such that it would have a disproportionate impact on the visual amenity of a large proportion of the Southern aspect of the village and as such would be unacceptable. Due to the proposed size of the development, there are a large number of dwellings which are at the perimeter of the development and the proposed development will be inescapably dominant. The current residents of the existing dwellings at the boundary to the development will suffer a detrimental impact to their residential amenity if the development goes ahead.

4. The site is currently in use as productive agricultural land and as such provides an important service to the local and wider communities. The

fields are currently sown with winter wheat and are always farmed. At a time when pressures on food production are likely to increase considerably over the next few years, the Parish Council would not approve of the loss of such land for development purposes.

5. A portion of the proposed site forms part of a previous application (14/00157/CM) for the extraction of Natural Gas. Although this previous application was refused under appeal (APP/U1050/W/15/3002704 refers), there is a concern that there remains a large reservoir of gas underneath the proposed development site. It is of note that the nearby village of Arkwright was abandoned due to the presence of methane. The Parish Council would request that a full geological survey is carried out by the applicant to assess for the likelihood of Methane/Natural Gas, prior to the application being considered by the Planning Authority.

4.2 Further **Parish Council** comments to amended plans:

This Council has the following objection comments on the application:

1. Traffic and access – The Parish Council has major concerns regarding the proposed access and in particular the poor sightlines at the junction of Oaks Farm Lane and Top Road. The application has failed to take into account that there is a line of vehicles parked outside the properties on Top Road at most times of the day. This severely impacts on the visibility of traffic pulling out of Oaks Farm Lane and this is further highlighted by a recent serious accident within 100 yards of this junction. The addition of vehicles from potentially a further 80 properties will only serve to exacerbate this issue.

The Parish Council would like to see what mitigation measures are proposed to ensure a satisfactory visibility splay is achievable and maintainable.

2. Settled development boundary limit and local plan – The site is not identified for residential development in either the NED Local Plan or the Emerging Local Plan and is also located outside the settlement development limit for Calow.

i) The refused application for 15/00154/OL refers to the following as a reason for refusal – “The application is considered to be unacceptable as the site is located outside the settlement development limit for Calow as set out in the Council’s Local Plan. The loss of this green field site would have a detrimental impact on the character of the area and as an area of local countryside and its loss is not outweighed by the social and economic benefits of the scheme contrary to paragraph 17 of the National Planning Policy Framework and policies GS1, GS6, H3 and H12 of the North East Derbyshire Local Plan.

The Parish Council considers that, given the proximity of this site to the site of the proposed development, the same reasoning should apply

3. The Parish Council considers that the scale of the proposed development is such that it would have a disproportionate impact on the visual amenity of a large proportion of the Southern aspect of the village and as such would be unacceptable. Due to the proposed size of the development, there are a large number of dwellings which are at the perimeter of the development and the proposed development will be inescapably dominant. The current residents of the existing dwellings at the boundary to the development will suffer a detrimental impact to their residential amenity if the development goes ahead.

4. The site is currently in use as productive agricultural land and as such provides an important service to the local and wider communities. The fields are currently sown with winter wheat and are always farmed. At a time when pressures on food production are likely to increase considerably over the next few years, the Parish Council would not approve of the loss of such land for development purposes.

5. The Parish Council requests that the application is considered at Committee and not delegated as an officer decision

4.3 **Ward Member** comments:

Cllr Kerry - I am against this application, it is outside the village settlement on agricultural land. The access to the site both from Top Road and Dark Lane are both substandard. I request that this application goes before the full committee.

4.4 No further comments were received from **local ward members** to the amended scheme.

4.5 **Councils Planning Policy Team** provided comments on the Council's current planning policy position. These included clarity on the relevant policies to be considered in assessing the scheme and the current housing land supply position. This being 8.3 years as of May 2020.

A more comprehensive policy assessment was also provided confirming that the current development plan and emerging plan are restrictive towards housing development on this site and, as the emerging local plan position is well advanced, there are few objections to the relevant policies in the emerging plan and it broadly aligns with the NPPF, great weight can be afforded to these policies.

The final point raised relates to the 'call for sites' process. This site formed part of two sites considered and Officers concluded that they did not represent an appropriate extension to the settlement.

No further formal comments were provided in relation to the amended scheme.

4.6 **Highways Authority** initially requested more information following the submission of the original scheme.

Following the submission of the amended proposals the **Highways Authority (HA)** note that the proposal is for the outline planning application to construct 80 dwellings and associated works (all matters reserved except access). I note that the proposal is for a combination of two, three-bed and four-bed dwellings. I am aware that the Highway Authority provided comments on the previous proposal for the same planning application reference for 217 dwellings. For this application, the scale of the development has been reduced from 217 dwellings to 80 dwellings. I also note that as part of the revised proposal, 20% affordable housing will be provided. They have noted the revised illustrative masterplan for approx. 80 dwellings.

Detailed comments were provided in relation to parking, the proposed access and the internal road layout details of which would be considered in more detail at the reserved matters stage.

The transport assessment was considered and comments provided on the traffic impact assessment, highway safety, the proposed access and site accessibility. It is considered that improvements to the bus stop in line with previous comments be provided.

Moving onto the Travel Plan (TP), it appears that most of the original HA comments have been incorporated into the revised TP which is fit for purpose. Monies towards bus taster tickets (£49/dwelling) and Travel Plan Monitoring (£5,075) should be secured by way of legal agreement.

Subject to amendments requested above being taken into consideration no objection is raised by the HA subject to conditions covering the submission of a construction management plan, details of residential estate roads and footways, inclusion of when washing facilities, upgrading of Oaks Farm Lane, formation of a new vehicular access into the site with adequate visibility splays, the first 5m of any road being solid bound in construction, submission of cycle storage within the scheme, submission of estate road/footway construction and the site being provided with adequate swept path provision for refuse and emergency vehicles.

4.7 **Refuse Team** need new swept path drawings with the correct refuse vehicle, won't enter private driveways, turning heads need to be large enough and collection points need providing. No further comments were made in relation to the amended scheme.

- 4.8 **Ramblers Association** note that Calow FP 11 crosses the site and footpath 12 runs along the eastern edge of the site in question. Having examined the drawings and documents relating to the proposal we would offer no objection to the said proposals.

They are encouraged by and welcome the fact that the proposals appear to preserve both the line and nature of Calow footpath 11. We also note that the proposals include provisions for ensuring future residents of the site will have easy access to green spaces and that the same is linked to the existing footpath network. We believe this to be an encouraging and enlightened view. We trust the every effort will be made to ensure both footpaths 11 and 12 are kept free and safe to use during the development of the site.

In light of amended plans, the Ramblers Association note that the route of the public right of way varies from its definitive line. Having considered the proposal we can see no reason why Calow Footpaths 11 and 12 should be adversely affected by the proposed development. As a consequence, providing both the line and character of Calow Footpaths 11 and 12 are maintained, we have no formal objection to make. We would request that every effort is made to maintain the aforementioned footpaths in a safe and usable state during the period of construction. We would further request that any damage to the surface or adjacent boundaries of the footpaths is made good at the earliest opportunity.

No further comments from the **Ramblers Association** were received.

- 4.9 The **Peak & Northern Footpaths Society** (PNFP) made the following comments:

There is doubt about the exact line of the footpath where it connects with Oaks Farm Lane. The definitive line as shown on the County Council website mapping, is slightly different to that shown on the applicant's paperwork. Only the definitive line is relevant as to any proposed development that may be granted consent at Reserved Matters stage. If there is a divergence between the route actually walked and the legal line of the footpath, only the legal line can be taken into account. If a diversion is required, the applicant must take this into account at a later detailed stage.

- 4.10 **Environment Agency (EA)** raised no objection to the proposed development but made comments relating to land contamination and historic land fill being within 250m of the site. The EA advise that the LPA consult with the Environmental Health Department.

No comments were raised to the amended scheme.

- 4.11 **Lead Local Flood Authority (LLFA)** raised no objection to the proposal subject to conditions.

The LLFA also raised no objections subject to conditions based on the amended scheme.

- 4.12 **Councils Drainage Engineer** raised no comments to either the original or amended schemes.

- 4.13 **Yorkshire Water (YW)** raised no objection to the proposed waste and surface water details, subject to conditions.

YW were consulted on amended plans and again raised no objection subject to conditions.

- 4.14 **Environmental Health** considered the submitted reports relating to land contamination and air quality. An updated dust mitigation scheme is requested and a number of conditions.

An updated Air Quality Assessment has been submitted (ref: B10601/1.0) which is considered acceptable to the Councils EHO.

No further comments were received from the Councils EHO in relation to amended plans.

- 4.15 The **Coal Authority** objected to the proposal as the submitted Phase 1 report does not consider or address the potential risks posed by past coal mining activity. It is requested that a Coal Mining Risk Assessment, or equivalent report, is submitted to support this planning application.

A Coal Mining Risk Assessment (CMRA) has been submitted and the Coal Authority (CA) re-consulted. As a result of the CMRA, the CA withdraws its objection subject to conditions.

The **Coal Authority** raised no additional comments to the amended scheme.

- 4.16 **Derbyshire Wildlife Trust (DWT)** considered the original and amended plans and reviewed the Ecological Appraisal (FPCR, September 2020) and the new Illustrative Masterplan. No additional survey work is required however DWT encourage the use of a metric (e.g. DERA 2.0) to determine biodiversity net gain. Currently net gain is described in qualitative terms only. Areas of habitats to be lost should be provided, along with anticipated habitat creation.

Whilst the report assesses that there is unlikely to be a significant impact to farmland birds, proposals will result in the loss of arable land. Records

of bird species within 2 km of the site include a range of farmland bird species, including those on the Red List of Birds of Conservation Concern. We advise that as part of habitat creation proposals, measures are included to benefit these species. These should include hedgerow retention and native hedgerow planting to achieve no net loss, buffering of hedgerows by the retention and creation of hedgerow margins and 'living bird tables', creation of wildlife-friendly SuDS features with marginal wetland habitats/reedbeds that are fenced off to prevent access to dogs. These elements can be secured during the detailed design but should be considered at an early stage.

We are pleased to see that the 'important' hedgerows are retained in their entirety and buffered with open space. This should be maintained in any future layout changes. We also note that the majority of hedgerows are to be retained. All hedgerow loss should be compensated for by new native planting to achieve no net loss and ideally a net gain in hedgerow on site.

DWT conclude that if the LPA are minded to approve the scheme conditions relating to the approved layout, construction environmental management planning (CEMP) and Landscape and ecological management planning (LEMP) are included in any decision.

- 4.17 The **Councils Economic Development Unit (EDU)** requested a condition covering employment and training relating to the proposed development.
- 4.18 **National Grid** raised no comments to any submitted scheme.
- 4.19 **Cadent Gas** raised no objection to the amended plans, but pointed to advice in their correspondence letter which should be included as an informative note.
- 4.20 The **Councils Parks Officers** considered the amended scheme and note that the proposal is for around 80 dwellings. The Parks Officer considers that this could attract an estimated £57,441.12 of s106 monies towards existing offsite provision with a 10 year maintenance fee of approximately £17,646.95, or an estimated £74,665.44 of section 106 monies towards new off-site provision with a 10 year maintenance fee of approximately £22,938.57. These estimates are based on the last available update (April 2020) to Appendix 2 of the council's Supplementary Planning Document, and uses an average given the unknown size of the dwellings and is calculated based the number of dwellings being 80.

The nearest existing facilities to the proposed development is at Eastwood Park, Top Road, Calow, which is owned by Calow Parish Council and maintained by North East Derbyshire District Council, and whilst being a relatively recently installed play area may benefit from additional/replacement equipment to increase the play value to local

residents. However, considering the size of this development, we might seek provision of on-site facilities in the form of Local Area for Play (LAP), Locally Equipped Area for Play (LEAP), along with contribution to a Multi-Use Games Area (MUGA).

Referring to the Illustrative Masterplans submitted in February 2021, the applicant is proposed provision of an “equipped area of play” towards the south-east of the site boundary. This area is indicated to be bordered on two sides proposed pathways and on the third side by new structural planting. Ideally any play area would be separated by fencing, with a minimum two entrances, not in the direct vicinity of any pond, and not in a position overhung or overshadowed by trees. If trees are to be planted to the north and west sides of the play area, as indicated on the plans, I would suggest these are positioned so and of a species such they do not overshadow or overhang the play area over time. We would seek to be further consulted with regards the proposed provision and layout for the play area, particularly if the play area is proposed to be adopted by the District Council.

With regards any open spaces, the following comments are made:

Referring to Illustrative Masterplan, there are proposed public open space areas to the south and west boundaries, with further public open space at the entrance to the site from Oaks Farm Lane end, and a central green corridor. There are also additional strips of land which may or may not be public open space (it is unclear whether these may be open plan garden areas, or proposed open space) particularly around where there are shown to be parking areas. The application/plans indicate some of the existing landscaping assets would be retained. It is unclear as to how these areas would be managed/maintained and whether there is any public open space proposed to be passed to the District Council. If there are any open space(s) to be adopted by NEDDC then this would be subject to the appropriate maintenance fee contained within Table 1 of Appendix 2 of the council’s Supplementary Planning Document.

If the public open space(s) is to be adopted by NEDDC, then the relevant Officer states:

- We would seek to be consulted regarding the landscaping and planting schemes.
- We would seek further information with regards condition of any existing trees to be retained.
- We would ask for details with regards the depths and gradients of the attenuation ponds, to assess the suitability/accessibility for maintenance.

- We would seek assurance that the access would be appropriate and of suitable standard for the necessary maintenance equipment/vehicles.
- We would request clarification as to the ownership of any boundary hedgerows or fencing between the open space(s) and neighbouring property/private land.

4.21 **DCC Archaeologist** comments are as follows:

The applicants have commissioned an archaeological desk-based assessment in support of this application. Unfortunately insufficient information has been provided to enable us to provide informed advice on this extensive development proposal. Specifically there is no evidence that a field visit has been made to the site, as the report contains no photographs or detailed description of the land in question. This is a normal requirement of any archaeological DBA and in line with Chartered Institute for Archaeologists standards and guidance for such reports.

Other supporting reports include photographs of the site which show mature hedgerows. The impact of the proposals on these historic landscape features should be considered in the archaeological DBA in relation to the relevant hedgerow regulations. Also, whilst early mapping is referenced in the report (section 3), relevant map extracts are not reproduced in the document.

4.22 The **DCC Archaeologist** considered amended details noting that the Heritage Impact Assessment which has recently been submitted, in relation to the potential for below ground archaeology on the site, suggest that this will be low, and is most likely to relate to small scale historical quarrying. There is reference to the potential for the survival of Romano-British remains in this location however, section 2.1.6 stating:

‘Roman activity is extensively documented across Derbyshire. Following the Roman conquest of the region in the 1st century AD, forts were established at Little Chester by Derby (ca. 35km south of the Site) and Chesterfield (ca. 3km west of the Site). A Romano-British settlement was also established at Bolsover, ca. 6km east of the Site. Roads were constructed to connect these, and other, centres across the Roman provinces’. There is also the suggestion that the existing route which links Chesterfield to Bolsover may have Roman origins (2.1.9).

Sites from this period occur extensively on the Coal Measures geology and cannot be entirely discounted from the proposed development area in the absence of field investigation. Taking this in to account the DCC Archeologist recommends that the site be archaeologically evaluated by means of geophysical survey and, if necessary, trial trenching in advance of development. Therefore subject to conditions no objection is raised.

- 4.23 **DCC Infrastructure** initially requested education mitigation contributions of £1,112,921.70 towards education provision at Hasland Hall Community School and £146,132.34 towards Special Educational Needs and Disability (SEND) provision in the locality. A contribution towards demand for library services of £5,160 (full 76 dwellings) and £10,140 (outline 144 dwellings) is requested. A monitoring fee (£70 per trigger to be monitored) is also requested. Finally an advisory note be included relating to super-fast broadband.
- 4.24 In light of the amended scheme for a reduced number of properties **DCC Infrastructure** confirmed that no financial contributions would be required towards primary and secondary education due to there being sufficient capacity available. A “stock only” contribution towards Chesterfield Library of £5,620 (£70.25/dwelling) is requested. A monitoring fee of £70/trigger is requested. A note is requested on any permission relating to broadband provision.
- 4.25 **CCG Hardwick** raised no comments.
- 4.26 **NHS** requested to comment on infrastructure contributions towards healthcare however no formal comments were ever received.
- 4.27 **Housing Enabling Officer** provided comments on the latest amended scheme:

The Strategic Housing Market Assessment OAN Update 2017 estimates that 236 additional units of affordable housing are required each year over the next five years to fully meet affordable housing need in the district.

Calow is a popular village with an affordable housing need. The proposal of a 20% affordable housing provision (10% affordable rent and 10% affordable home ownership) helps to meet this need. There is evidence that there is a higher demand for 3 bed houses than 2 bed. Therefore we would propose that of the affordable rented properties, 65% are 3 bed houses and 35% are 2 bed houses In line with the National Planning Policy Framework, 10% of the housing provision should be offered as affordable home ownership. For these properties we would propose that 80% are 3 bed houses and 20% are 2 bed houses. For both tenures the 3 bedroom properties should have capacity for 5 people and the 2 bedroom properties should have capacity for 4 people, to increase stability of tenure.

The units would ideally be owned and managed by a Housing Association which has stock in the district or in that of a neighbouring Local Authority, for ease of management. The rented properties should be advertised

through the Council's choice based lettings system with nominations taken from the Council/Rykneld Homes.

- 4.28 The **Designing out Crime Officer (DCO)** was consulted on both the original and amended scheme. The original comments were taken into account by the applicant in designing the indicative layout.

The DCO sees no reason why he would object to the residential development as amended. Whilst it's understood that the layout now submitted is for illustrative purposes only, I'd draw attention to the far north western corner of this plan, close to the allotment garden boundary, where parking provision for 3 plots is sited to the rear in a small court tight up to the site boundary. This has the potential to be under supervised and accessible from outside of the site dependent upon peripheral boundary treatment, consequently a generator of apprehension, crime and/or misuse. The facility doesn't accord with aims set out within the planning statement addendum for parking security provision. Consequently the DCO recommends that this small portion of the site is amended when further detail is drawn up at the reserved matters stage.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a three site notices (one on Top Road, one of Dark Lane and another on Oaks Farm Lane). A number of material objections have been received from 89 local residents and other members of the public from outside this authority to both the original and amended scheme and can be summarised as follows:

Highway Safety

- Increase in traffic movements resulting from proposed development, resulting in congestion on Top Road
- A632 cannot cope with additional traffic movements
- Difficult to cross Top Road during rush hours
- No direct cycle access to the proposal site
- Top Road not suitable for cyclists
- Top Road already very busy
- Noise impact from additional traffic movements
- Dark Lane is a single track road frequently used by walkers, cyclists and horse riders and is increasingly used as a rat run – development will increase risk for these users
- No pavement on Dark Lane and there are 2 blind bends
- Dark Lane is narrow and hard in the most part for vehicles to pass each other
- Traversgate development of 31 dwellings is difficult to exit, so what is 217 dwelling going to be like?

- New residents would be reliant on motor vehicle
- Traffic survey details submitted with application inadequate due to pandemic
- Dark Lane at point of proposed junction will be 3.7m not 5.5m (page 42 of transport assessment)
- Parked cars on Dark Lane make it difficult to navigate
- Roads around Calow not fit for purpose
- Top Road congested and blocked by parked vehicles which is a hazard to emergency vehicles
- Position of access on Dark Lane in an inappropriate location and unsafe
- Witnessed head on collisions on Dark Lane due to its rural nature
- Oaks Farm Lane is unmade road
- Visibility from Oaks Farm Lane inadequate
- Rural lanes not suitable for additional traffic
- Rural lane should not be upgraded as they would be out of keeping with character of the area
- Dark Lane has limited footpaths and is hazardous to users
- No off street parking for residents on Dark Lane, so road is essentially single track not suitable to serve a large residential development
- Dark Lane is used as a “rat run”
- Main route towards M1 and Markham Vale
- Risk of emergency vehicles becoming stuck on Top Road if more houses are built
- Limited street lighting on Dark Lane
- Local roads used to park cars of staff and visitors to the hospital
- Church uses park on roads in locality
- Dark Lane regularly used by agricultural vehicles
- Dark lane cannot cope with 60% of traffic from this development as it is a weight limited 60mph road
- 4 fold increase in traffic would lead to congestion and increased queuing
- Dark Lane not designed for HGV vehicles and unsuitable for construction traffic
- Residents Travel Plan (TP) submitted has relied on poor evidence undertaken during pandemic which is unrepresentative of reality
- Assumptions in TP considers new residents will work from home, this is not the case in lockdown 2 in November
- Residents on Top Road struggle to exit their driveways in peak times due to current traffic levels, proposal will make this worse
- Hexa Consulting report is misleading in that there have been more than 3 accidents on Top Road

- The access to and from the proposed new development is not of an adequate standard for the anticipated traffic flow- in excess of 434 cars
- Top Road main feeder route to the Royal Hospital which cannot cope with additional traffic
- Additional traffic from 20 dwellings approved off Top Road (18/00777/OL) is yet to be built – proposal before LPA would exacerbate the problem
- Road not suitable (Dark Lane & Top Road) for HGV traffic
- People using hospital park on local roads causing increased parking issues
- Top Road main route for ambulances
- Top Road and Dark Lane junction is hazardous for users
- Traffic problems and congestion will outweigh any benefits of scheme
- Well used bridleway that exists onto Dark Lane close to the junction with Top Road – increase in vehicular movements would be harmful to users
- Dark Lane currently closed (1/12/2020) causing disruption to road network, this would be exacerbated by an additional 140+ homes.

Infrastructure

- Difficult to get appointment at local doctors
- No provision of additional facilities
- Limited existing facilities in the village
- Limited employment in village
- Increased loading on local facilities from cumulative developments in Chesterfield
- Infrastructure around Calow not fit for purpose including Insufficient shops, school, transport
- Pressure on local schools
- Limited local facilities (inc 1 primary school, 2 convenience stores, 2 sandwich shops, pharmacy, community centre and doctors)
- Calow can't cope with additional population growth (approx. 25% from 2011 census)
- Have the local CCG been consulted? [*Officer note: The local CCG have been consulted and have not commented on the proposal.*]

Landscape

- Loss of Green Belt land [*Officer note: the site is designated as open countryside, not Green Belt*]
- Loss of agricultural land which has been used for hundreds of years for food production
- Loss of trees and established hedgerows
- Loss of open green space

- Urbanising effect on edge of Calow
- Loss of greenfield land over brownfield sites
- Loss of local settlement gap [*Officer note: the site is not allocated as a settlement gap in the PDLP*]
- Outside SDL for Calow
- Detract from character of countryside
- Rural character of area lost to development
- Proposal would destroy green infrastructure
- Proposal outside SDL and contrary to Local Plan policy H3
- unwarranted intrusion of urban spread beyond the well-defined edge of the Calow
- Loss of green space is not outweighed by benefits of the scheme
- Natural open space valued by local residents
- The proposal reduces a settlement gap [*Officer note: this is not a defined settlement gap*]
- Development would erode separation between settlement and countryside
- Retained hedgerows are likely to die as a result of proposed development

Amenity

- Proposal will be detrimental to air quality in this location, especially during peak periods
- Increased noise and light pollution from development
- Increased noise and pollution from additional traffic movements
- Dust pollution
- Light pollution on Dark Lane and in general
- Loss of privacy from development overlooking our garden
- Loss of rural walking routes
- Increased stress and pressures on mental health resulting from proposed development
- Unspoilt landscape of great importance to residents
- Current background noise levels are 27db at night and 90db in the daytime of Dark Lane – proposal will increase noise disturbance on residents (increasing noise to approx. 40db. [*Officer note: these are unverified noise readings.*])
- Proposal will cause sleep disturbance and health anxiety – contrary to the NPPF
- Minimal green space is included within the scheme
- Development would be harmful to the wellbeing of local residents
- Air quality in area already poor, this development will exacerbate this problem
- Welfare and well-being of residents impacted by proposed development

Ecological/Environmental

- Loss of green space and habitats resulting from proposed development
- Loss of open space will have negative impact on existing residents in Calow
- Site used by birds and other wildlife including badgers and hedgehogs
- No proposals included to make scheme wildlife friendly
- Harm to already endangered hedgehogs, shrews, pheasants, grouse, bats, hares, foxes, buzzards, little owls and tawny owls
- Loss of native hedgerows and habitats
- Loss of important flora and fauna
- Proposal would be environmentally harmful to village
- Proposal in direct conflict with NEDDC climate emergency
- Proposal does not use less environmentally damaging and more environmentally responsible materials and utilise renewable energy sources and innovative design e.g. passive solar design, landscaping, waste-management, flood control strategies
- Very little new planting proposed to compensate for size of development
- Development could be harmful to local buzzard population

Flood Risk/Drainage

- Brook bordering site would become overwhelmed from development due to increased run off
- Flooding concerns for residents who back onto development and those down stream
- Proposed development will include vast areas of hardstanding increasing surface water drainage from the site
- Foul sewerage system unable to cope [*Officer note: capacity issues relating to foul drainage are a matter for YW or relevant authority*]
- Increased pressures on waste services
- Flash flooding concerns – inadequate culvert system on and around site

Design

- Proposed contemporary housing out of keeping with traditional properties in the locality
- Development would not be carbon neutral and proposal lacks any detail of how this might be achieved
- Limited open space proposed as part of scheme
- Development would use vast amounts of concrete
- 3 storey dwellings would be out of character for the area
- Service road should be constructed to serve existing properties on Top Road

Other Matters

- Increased risk to equestrian and livestock from development encroaching into countryside
- No immediate local employment opportunities
- Not notified of development [*Officer note: 3 site notices have been placed on site 1 on Dark Lane, 1 on Top Road and another on Oaks Farm Lane. All residents who border the site were notified in writing. The Council do not notify land owners of adjoining sites. All consultation is undertaken in accordance with Councils Statement of Community Involvement*]
- Plenty of other Brownfield sites available
- Mental health of existing residents at risk as a result of proposal
- Pylons close to development – risk to future residents health
- Lack of housing need in the area
- Mining risk (movement and gas risk) on and around the site
- Cumulative impact of numerous residential developments in and around the area are harmful
- Risk to livestock and horses from fireworks launched from proposed development
- The submitted plans illustrate the public right of way being diverted from its defined route (PRoW 11)
- Proposals block right of access into neighbouring field [*Officer note: Private rights of access are not material to the determination of this application.*]

5.2 2 supporting comment was provided:

- Proposed development has opportunity to ease on street parking issues on Top Road by providing off street parking to the rear of existing properties [*Officer note: no additional parking for residents on Top Road is provided in the proposal.*]
- Improvements to Dark Lane welcomed
- Sensible extension to Calow
- Objectors do not own the view of countryside
- Development will create jobs in these difficult times

5.3 Campaign for the Protection of Rural England (CPRE) objected for the following reasons:

1. The site is not included either in the saved Local Plan (2005) or in the Emerging Local Plan (ELP) as suitable for development.
2. The development of the site would represent an encroachment onto open countryside beyond the Calow settlement area.

3. The proposed development would have an adverse impact on the character of the landscape and local environment, which would not be outweighed by any significant benefits.

To expand on these three points:

The ELP policy SS9 identifies the site outside the SDL of Calow in open countryside. ELP is close to adoption (early 2021) and para 48 of NPPF states that greater weight should be given to these emerging policies. Significant weight should be given to the ELP. Development would be contrary to current local plan policy GS6. It would be a clear encroachment into open countryside beyond the agreed and traditional settlement pattern of Calow. The applicant's Planning Statement describes the site as being 'to the edge' of the defined settlement - in fact, it is substantially outside it, and not 'to the edge' at all. The Statement also characterises Phase 1 of the proposed development as 'infill'. This is absolutely not the case. The southern boundary of the proposed Phase 1, and half of its western boundary, encroach into open countryside and are bounded by agricultural land, so cannot be described as 'infill' in any meaningful sense.

Adverse impact on landscape, CPRE have carefully read the applicant's Landscape Assessment submission made for this application. In our view, the assessment underplays the impact of the proposed development on the landscape character of the area. It seems to focus entirely on 'visual effects', i.e. whether or not the development could be seen from various viewpoints and from various angles. We would point out that landscape character is a much broader concept encompassing views, tranquillity, openness, and the experience of being in it. On this broader measure, the landscape character of this area would be seriously harmed by the development of this site.

Entering the proposed site on foot, either from Oaks Farm Lane to the east of from Dark Lane to the west, the rural quality of the area, with undulating agricultural land and open fields, stretching to the south towards Hasland and with far-reaching views over to the high ridge at Ashover, is striking. Oaks Farm Lane is actually a farm track, and Dark Lane a country lane, totally unsuitable to accommodating an access road to the site and any additional road traffic.

The area is a pleasant and tranquil contrast from the busy A632 running through Calow and the urban area to the north. This may not be a nationally significant landscape such as is found in, for example, a national park, but it is pleasant, rural, and affords people living in Calow and the surrounding small settlements a valuable restorative resource. Furthermore it is agricultural land, currently in use as such. An encroachment of a housing development of any size into this environment

would, in our view, undermine the rural asset value of the area to the surrounding communities of the district.

- 5.4 A number of comments have been received from third parties which are not material to the determination of this application. These comments include loss of view, littering, anti-social behaviour, private rights of access, construction phase disturbance, developer greed, the Council should redevelop Brownfield sites [*Officer note: the Council are not the developer and can only consider applications put forward on their own merit*], there should be a full public consultation [*Officer note: the LPA has notified all residents who abut the site and placed 3 site notices around the site*], Dark Lane should be given quiet lane status, all residents on Dark Lane were not notified [*Officer note: see previous comment – this was in accordance with Councils neighbour notification procedure contained in the Statement of Community Involvement*] and the decision should be delayed to allow residents more time to consider its details.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

- 6.1 The following policies of the Local Plan are material to the determination of this application:

- GS1 Sustainable Development
- GS5 Settlement Development Limit
- GS6 Open Countryside
- GS9 Planning Obligations
- GS10 Crime Prevention
- H3 New Housing Outside SDL's
- H7 Affordable Housing Provision in Settlements with Population of 300 or Fewer
- H12 Design and Layout of New Housing
- NE1 Landscape Character
- NE3 Protecting & Managing Features of Importance to Wild Flora & Fauna
- NE6 Development Affecting Nationally Rare Species
- NE7 Protection of Trees and Hedgerows
- NE9 Development and Flood Risk
- BE1 General Design Principles
- BE5 Percent for Art
- R5 Providing for Children's Play Space through New Development
- T2 Highway Access and the Impact of New Development
- T5 Walking and Cycling
- T9 Parking Provision
- CSU4 Surface and Foul Water Drainage
- CSU6 Contamination Land

Emerging North East Derbyshire Local Plan (Under Examination)

- 6.2 The Publication Draft Local Plan (PDLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Consultation on Main Modifications was undertaken in 2020 ending on 31st January 2021. All comments/representations received have now been forwarded to the Inspector and it is expected that the plan will be adopted in early summer 2021.
- 6.3 The PDLP is therefore at an advanced stage and, in accordance with paragraph 48 of the NPPF, should be attributed significant weight in decision making.
- 6.4 The following emerging policies of the PDLP are material to the determination of this application:

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS9	Development in Countryside
LC2	Affordable Housing
LC4	Type and Mix of Housing
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place making
SDC13	Environmental Quality
SDC14	Land Potentially affected by Contamination or Instability
ID1	Infrastructure Delivery and Developer Contributions
ID3	Sustainable Travel
ID6	Green Infrastructure
ID7	Greenways and Public Rights of Way
ID9	Open Space, Sport and Recreation Facilities

National Planning Policy Framework (NPPF)

- 6.5 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

Other Material Planning Considerations

- 6.6 Successful Places Guidance, adopted December 2013.

- 6.7 Sustainable Buildings SPD, adopted November 2011.
- 6.8 Recreation and Open Space SPD, adopted October 2007.
- 6.9 Developer Contributions SPD, adopted October 2007.
- 6.10 Affordable Housing SPD, adopted January 2008.

7.0 Planning Issues

- 7.1 This is an outline application, with all matters reserved other than access, for up to 80 dwellings. Access into the site is to be taken from Oaks Farm Lane to the east.

Principle of Development

- 7.2 The application site is a green field site located outside the settlement development limit for Calow in what is defined as an open countryside location. For clarity, Oaks Farm Lane lies within the settlement boundary of Calow. The development of the site would therefore conflict with the saved North East Derbyshire Local Plan (LP) policies GS1, GS6 and H3 which generally seek to restrict new housing outside the defined settlement development limit. Policies SS1 and SS9 of the PDLP, likewise seek to direct development to defined settlements and restrict development in countryside areas.
- 7.3 Policy NE1 (landscape character) seeks to conserve and/or enhance the varied and distinctive landscape character of the District. The loss of distinctive features that contribute towards and add value to the landscape character of an area will not be permitted. Policy SDC 3 of the PDLP mirrors this policy seeking to restrict development to that which would not cause significant harm to the character of the landscape.
- 7.4 The NPPF confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise although it does not limit new development in countryside areas per se setting out that new development in rural areas must recognise the intrinsic character and beauty of the countryside.
- 7.5 Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In this case, Officers conclude that generally this basket of policies, other than policy H3 which restricts housing development to certain categories, are in accord with the

- development plan and so the “tiled balance” does not apply retaining the predominance of the Development Plan.
- 7.6 The Council’s latest Five Year Housing Land Supply Statement 2020 (amended version 22 May 2020) confirms that the land supply figure stands at 8.3 years. However it should be taken into account that there is no upper limit on the level of housing that may be granted.
- 7.7 During the course of preparing the PDLP the application site was considered as a potential development site as part of the Housing Land Availability Assessment (LAA) in 2017. The site (CAL/2503) (see below), links with another (CAL/2502) and scored ‘Amber’ in that site assessment process. Officers considered that it was not judged to represent a logical extension to the settlement due to a lack of developer interest and questions over the access arrangements into the site, as such the site was not taken forward as a housing allocation in the PDLP. No detailed technical landscape assessment was undertaken for the site through the LAA but it was noted that the DCC document on Areas of Multiple Environmental Sensitivity (AMES) identified the area as having no specific significance. This was based upon the combined indicators used in the study (historic, ecological and visual) which were applied at a broad spatial scale based upon areas of defined landscape units.
- 7.8 Overall, therefore, the policies of the Development Plan seek to restrict new development in countryside areas although the PDLP is less restrictive directing development to defined settlements.



Figure 4: LAA screen capture illustrating part of application site

Affordable Housing

- 7.9 Local Plan Policy H7 considers that the Council will seek to negotiate the provision of affordable housing on sites in excess of 0.1ha in size. The site is in excess of 0.1ha, however it is officer opinion that this policy is out of date and carries little weight in the decision process.
- 7.10 The PDLP is moving close to adoption and includes policy LC2 which requires all new housing proposals of 10 or more dwellings to provide 20% affordable housing in areas which are not identified as “high value areas”. This policy represents the most up to date policy position based on the best evidence and Officers place greater weight on it in this case than that of the Local Plan.
- 7.11 The Council’s Housing Enabling Officer (HEO) stated that there was an estimated need for 236 additional affordable homes each year over the next 5 years. It is noted that Calow is a popular village with an affordable housing need. The HEO considers that the 20% affordable housing proposed (10% affordable rent and 10% affordable ownership) helps meet this demand. There is evidence that there is a higher demand for 3 bed houses than 2 bed. Therefore it is requested that of the affordable rented properties, 65% are 3 bed houses and 35% are 2 bed houses. In line with the NPPF, 10% of the affordable housing provision should be offered for

ownership. For these properties the HEO proposes that 80% are 3 bed houses and 20% are 2 bed houses. For both tenures, the 3 bedroom properties should have capacity for 5 people and the 2 bedroom properties should have capacity for 4 people, to increase stability of tenure. Ideally the affordable units will be owned and managed by a Housing Association. These should be advertised and let in accordance with the Councils affordable housing policy.

- 7.12 The proposal will include 20% affordable housing provision, the precise mix to be agreed at the reserved matters stage.
- 7.13 Officers consider that the provision of 20% on site affordable housing a benefit of the scheme which weighs in the favour of development and can be secured by way of S106 agreement.

Infrastructure Considerations

- 7.14 Local Plan policy R5 and GS9, along with PDLP policy ID1 and ID9 require developments to make financial contributions towards education, play space and health provision.
- 7.15 The County Council's Infrastructure team made comments about the proposals impact on demand for school places. No financial contributions towards primary and secondary education were requested based on the amended scheme as it was considered there was sufficient capacity available. A "stock only" contribution of £5,620 is requested towards Chesterfield Library. The usual monitoring fees were also requested.
- 7.16 CCG Hardwick and Derbyshire Community Health Services NHS Trust made no requests for financial contributions towards healthcare contributions.
- 7.17 The Council's Street Scene Team requested that the development provide financial contributions towards the upgrading of local play facilities in Calow and/or maintenance of any new on site provision. The developer is however providing new on site recreation facilities that will be managed and maintained by a private management company at no cost the Council. As such no s106 contributions are required in this instance however it is considered necessary to require the developer to submit a scheme for the delivery and maintenance of all on site public space as part of any reserved matters application. The scheme of recreation should accord with the provisions contained in policy R5 of the Local Plan and details contained in the Recreation and Open Space SPD. This can be secured by way of condition.
- 7.18 The developer has agreed to make the requested financial contributions towards the local library in Chesterfield and where necessary for

monitoring the Travel Plan along with the provision of bus taster tickets. This can be secured by way of S106 agreement.

Street Scene/Landscape Considerations

- 7.19 The application site (see figure 5 below) forms agricultural fields to the south of Calow village. The site is edged to the north by residential development in the form of terraced properties on Top Road. To the north west corner of the site outline permission has been granted (ref 18/00777/FL) for 20 dwellings, this scheme will abut the application site. Properties on Dark Lane back onto the site in the far north west corner of the site, with allotment gardens also in this location. To the north east is the site of a recently constructed 8 bed care facility and access onto Oaks Farm Lane.

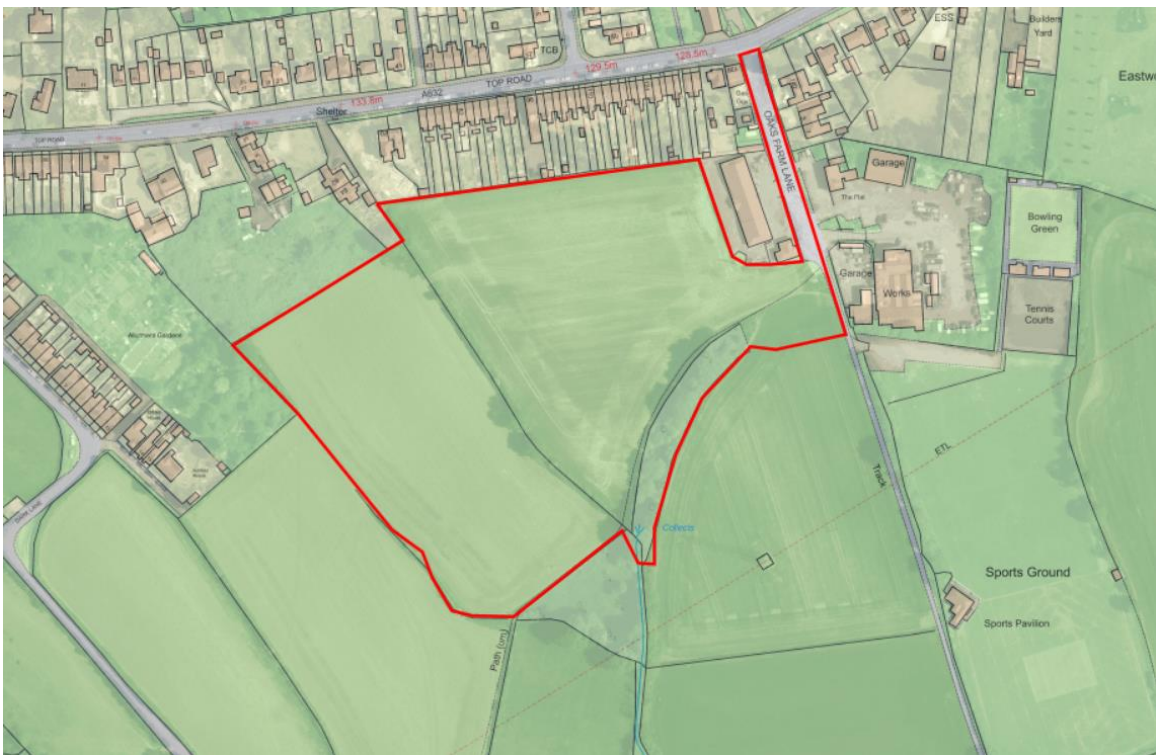


Figure 5: Approx. site layout overlaid on Google maps

- 7.20 Oaks Farm Lane is an unmade road serving a number of properties, care home and business units, along with the sports fields to the east. A public right of way crosses the southern extent of the site. Beyond this footpath is a strong landscape buffer formed of scrub and trees. This follows a stream which crosses the site. Land to the south west and west is rolling open agricultural land which extends up to the boundary of Dark Lane.
- 7.21 The original scheme included a much larger development area which extended from Oaks Farm Lane to Dark Lane. After concerns raised by

Officers the scheme has been reduced to the scheme seen below in figure 6.

- 7.22 The amended indicative scheme illustrates a scheme of up to 80 dwellings served by Oaks Farm Lane. A strong landscape buffer would be provided to the south western extent of the site and open space will create a further buffer between any built form and the public footpath to the south.



Figure 6: Latest amended scheme indicative layout

- 7.23 A Landscape and Visual Appraisal (LVA) prepared by FPCR was submitted in October 2020. This report provided a full landscape and visual impact appraisal of the original submission which extended from Dark Lane to Oaks Farm Lane.
- 7.24 The Council engaged a Landscape Expert (LE) to undertake a full assessment of the site and the information submitted with the application.
- 7.25 The LE for the Council notes that the site is not located in any national or local designations and agrees with the assessment of the LVA in that the value of the landscape comprising the site and its local context is considered to be of medium sensitivity.

- 7.26 Furthermore, the LE considered that the wider scheme would have a moderate/major adverse impact on the local landscape character which is more than that identified by the submitted LVA. The LE goes on to consider that the visual effects of the proposal would be medium to high and the effects would be moderate/major adverse similar to that identified in the submitted LVA.
- 7.27 Finally, the LE considered that if only Phase 1 land were developed, and the number of dwellings within it were reduced to allow the layout to be optimised, then the degree of landscape and visual harm would be reduced significantly. In view of this, officers went back to the applicant with these findings and an amended scheme was formulated.
- 7.28 A further Landscape Design Note prepared by FPCR was submitted on 8 February 2021. This statement considered the issues raised by the Council's landscape expert in respect of landscape and design matters. The statement considers that the overall landscape effect would be reduced significantly if only phase 1 was redesigned as a standalone development. The development would not extend south of the line of housing on Dark Lane and the business uses along Oaks Farm Lane and as such is considered to relate better to the rest of Calow village. Furthermore reducing the southern extent of development would avoid connecting Calow and Top Alley.
- 7.29 It goes on to state that the impact on the historic landscape pattern south of the village would be reduced. It also avoids the loss of an historic hedgerow. The impact on the public footpath crossing the site would be reduced and view of the listed church would not be blocked. Overall it is concluded that there is unlikely to be any significant harm to the character of Dark Lane.
- 7.30 The report concludes that if only Phase 1 (the proposal before members) were developed and the number of dwellings reduced to allow the layout to be optimised, then the degree of landscape and visual harm would be reduced significantly. It also considers that the indicative layout shows that an attractive and well-designed development can be delivered. New housing would be observed alongside and within the context of the built up area of Calow and would be located within a green infrastructure of trees, hedgerows and green space that would assimilate built development into the landscape and provide a sensitive and appropriate interface between the built development and the wider countryside.
- 7.31 The LE reviewed this amended indicative layout and updated design note on behalf of the LPA. The LE considers that the amended site area is significantly smaller than the original site, and now covers a slightly larger area of land than the original 'Phase 1' area. The LE's review of the original application found that, if Phase 1 were redesigned as a standalone

development, then the landscape harm would be of a level similar to that identified in the submitted LVA.

- 7.32 He goes on to state that, although the amended site is slightly larger than the Phase 1 area, residential development on this site could be achieved without overall significant harm. He did however recommend a small amendment to the proposal which is seen in the latest amended scheme. The proposed development has been realigned to coincide with the historic field boundary. This offers a more sympathetic response to the site's historic landscape pattern and the localised undulation between Fields 2 and 3 which is seen as part of attractive views towards the church from, especially from Footpath 13.
- 7.33 The amended indicative scheme sees no reduction in numbers but illustrates a solid landscape edge to the scheme. The LE considers that the overall density shown in the indicative scheme is appropriate for this countryside edge location.
- 7.34 In view of the above, Officers conclude that the site is not a "valued landscape" as described in the NPPF and that the proposed amended indicative scheme before members would have an acceptable and limited impact in landscape and visual terms. Furthermore, the scheme has an opportunity to interact with the open countryside in a positive manner which is of a density which is appropriate for this countryside edge resulting in a proposed development that would have an opportunity to conserve the landscape character in this location and would not result in the loss of any distinctive features that contribute towards and add value to the landscape character of this location.

Impact on Heritage Assets

- 7.35 A Heritage Impact Assessment, prepared by Locus Consulting dated February 2020 was submitted with the application. The report correctly considers the heritage significance in the locality of the site, including historic fields boundaries, archeological features (this is considered in more detail below) and nearby listed structures.
- 7.36 The Church of St Peter is identified as the nearest heritage asset to the site which is likely to be impacted by the proposed development. A thorough assessment of the Grade II listed building is included in the assessment.
- 7.37 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Section 16 (paragraphs 184 – 202) relates to Conserving and Enhancing the Historic Environment. The NPPF states that Heritage Assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that

- they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.38 The statutory requirement of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses. The statute is a material consideration of significant weight for determination of proposals.
- 7.39 Local Plan policy BE9 states that development affecting the setting of a listed building will only be permitted if it preserves or enhances that setting and includes where appropriate the retention of trees and other landscape features.
- 7.40 The LE considered the impact on important heritage features. In his comments it is noted that the latest amended indicative scheme has been realigned with historic field boundaries and retains existing landscape features and offers a more sympathetic response to the site's historic landscape pattern and the localised undulation between Fields 2 and 3 which is seen as part of attractive views towards the church from, especially from Footpath 13.
- 7.41 Officers conclude that the proposed development, as amended, would result in a low degree of harm to the Grade II listed church from within its rural setting. There will be no impact on any designated or non-designated heritage assets. Furthermore, Officers consider that the proposed development would lead to a less than substantial harm to the significance of the grade II listed church and historic landscape features in and around the site. Overall officers consider that that the public benefits of the scheme would outweigh any minor harm to the architectural interest and setting of the Grade II listed church of St Peter.

Residential and Neighbouring Land Uses Impact

- 7.42 The properties most likely to be affected by the proposed development would be those to the north on Top Road, those backing onto the site from Dark Lane to the west and those on Oaks Farm Lane to the east.
- 7.43 The application before members is in outline with all matters reserved other than the details relating to the access. An indicative layout has been provided for approx. 80 dwellings.
- 7.44 The Council's Successful Places Planning Guidance provides guidance on separation distances, gardens sizes and the general layout of development to avoid loss of privacy for existing and future residents.

- 7.45 In view of the above, Officers consider that there is no reason up to 80 dwellings cannot be accommodated on the site without giving rise to any loss of privacy and amenity. However it is noted that these details would be considered at the reserved matters stage.

Highway Safety Considerations

- 7.46 The amended scheme indicates that a single point of access will be taken from Oaks Farm Lane to the east.
- 7.47 The Highways Authority (HA) considered the submitted transport assessment and provided comments on the traffic impact assessment, highway safety, the proposed access and the site accessibility.
- 7.48 In considering the submitted details, the HA request improvements to the bus stop on Top Road. Parking and the internal road layout details will be considered in more detail at the reserved matters stage. A revised Travel Plan will be required as will S106 contributions towards the provision of bus taster tickets for future residents. Where necessary a sum towards the monitoring of any Travel Plan will also be required and secured by way of S106.
- 7.49 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.50 No highway objection is raised subject to conditions.
- 7.51 The scheme is in outline only with an indicative layout provided. The Councils Refuse Team have no details to comment upon, as such a scheme of refuse collection will be required at the reserved matters stage.
- 7.52 In view of these comments, Officers consider that the proposed development would not lead to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network be severe.

Footpath Considerations

- 7.53 The application site includes a public footpath (FP11) which crosses the site from Oaks Farm Lane to its south west corner. Another footpath extends along Oaks Farm Lane (FP12) to the south. It is likely that the proposed development will impact the route of these footpaths along Oaks Farm Lane and at the entrance to the site.

- 7.54 Local Plan policy T5 seeks to develop and improve routes for walkers, cyclists and horse riders. Designated routes will be protected from development.
- 7.55 The HA note that the proposal might affect public rights of way 11 and 12. These routes must remain unobstructed on its legal alignment at all times, and the safety of the public using these routes must not be prejudiced either during or after development works take place. Any amendment to the route of these footpaths will require the relevant permissions. A note should be included in any permission issued by the LPA to this effect.
- 7.56 The Ramblers Association examined the submitted details and raised no objection to the proposed development. They request that every effort is made to maintain the aforementioned footpaths in a safe and usable state during the period of construction.
- 7.57 The Peak and Northern Footpaths Society question the route of the footpath on the submitted plans as this varies from that on the submitted indicative layout. They note that a diversion may be required for part of this footpath.
- 7.58 Officers note that the scheme before members is indicative only and the precise design of the scheme would be able to accommodate either the current route or any improvements to the public right of ways crossing the site and on Oaks Farm Lane.

Drainage Considerations

- 7.59 The site falls in a Flood Zone 1 with a low probability of flooding. Mapping illustrates that the site is susceptible to low risk surface flooding on its western half, along the southern boundary and along Oaks Farm Lane.
- 7.60 The application is accompanied by a Flood Risk Assessment and Drainage Strategy prepared by Hexa Consulting dated 14 October 2020. The report considers flood sources, the probability of flooding, surface water and foul water drainage.
- 7.61 The Lead Local Flood Authority (LLFA) considered the submitted amended details and raised no objection to the proposal subject to conditions.
- 7.62 Yorkshire Water Authority raised no objection to the proposed waste and surface water details subject to a number of conditions.
- 7.63 The Councils Drainage Engineer raised no comments to either original or amended proposals.

Land Contamination/Air Quality/Land Stability Considerations

- 7.64 A Phase 1 Geo-Environmental Site Assessment dated July 2020 has been submitted along with a Desk Based Coal Mining Risk Assessment dated November 2020 both prepared by Omnia Environmental Consulting. In addition to this an updated Air Quality Assessment dated November 2020 was also prepared by Omnia Environmental Consulting.
- 7.65 The Council's Environmental Health Officer (EHO) considered the submitted details relating to land contamination and air quality. An updated dust mitigation scheme was requested and submitted by the applicant. The EHO concluded that no objection should be raised subject to conditions.
- 7.66 The Environment Agency (EA) raised no objection to the proposed development but made comments relating to land contamination and historic land fill being within 250m of the site. The EA advise that the LPA consult with the Councils Environmental Health Department. As seen above, no objection was raised by the EHO.
- 7.67 The Coal Authority (CA) was consulted on the submitted details and initially raised a holding objection to the proposal until a Coal Mining Risk Assessment was submitted. Following the submission of this report the CA withdrew their objection, subject to conditions.

Archeological Considerations

- 7.68 An Archeological Desk Based Assessment prepared by Locus Consulting dated September 2020 has been submitted with the application, which considers the archeological impact of the proposed development on the site. The report concludes that there is a low likelihood of the proposed development impacting upon local archeological interest.
- 7.69 DCC Archeologist was consulted on the proposed development and submitted reports. Further information was requested to evidence a field visit to the site.
- 7.70 A Heritage Impact Assessment was submitted prepared by Locus Consulting dated February 2020 which considered below ground archaeology. In response to the submitted reports provided by the applicant the DCC Archeologist recommends that the site be archaeologically evaluated by means of geophysical survey and, if necessary, trial trenching in advance of development. Therefore subject to conditions no objection is raised.

Ecological Considerations

- 7.71 The application is accompanied by an Ecological Appraisal, prepared by FPCR dated September 2020. It concludes that the proposed development is not likely to have an adverse impact on any site afforded a nature conservation designation. In addition there are no habitats present, other than hedgerows which are of principle importance and should be considered a priority for conservation. The site does not appear to support any protected or notable species and significant effects are unlikely. Any trees removed from site should be surveyed to ensure bats are not present and any vegetation removed from site should be outside the bird breeding season.
- 7.72 DWT do not advise any further survey work is required, however they encourage the use of a metric to demonstrate biodiversity net gain. Habitat creation should be secured during the detailed design of the scheme. DWT are pleased to see important hedgerows retained in the scheme and buffered with open space. No objection is raised by DWT subject to the retention of important features, agreement of a Construction Environmental Management Plan (CEMP) and Landscape and Ecological management Plan (LEMP).
- 7.73 The NPPF at para 175 states that when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or as a last resort, compensated for then planning permission should be refused.
- 7.74 In view of the above, officers consider that the proposal seeks to mitigate the impacts on biodiversity and retain important features. Whilst the proposal would result in the development of open fields the illustrative plans indicate significant areas of open space and improved planting. These are matters that would be considered when the landscaping and layout are determined but officers are satisfied that the proposal has the potential to enhance the biodiversity of the site.

Other Considerations

- 7.75 Officers note the comments of the Designing Out Crime Officer in relation to the design of the scheme, however the submitted layout is purely indicative and any specific design details would be considered at the reserved matters stage.
- 7.76 The Councils Economic Development Unit requested that a condition be included on any approval covering employment and training relating to the proposed development. This is an overarching aim of the Council to enhance training and employment in the District and as such should be included as a condition on any approval.

8.0 Summary and Conclusion

- 8.1 Officers note that the site lies within the countryside as defined by both the LP and PDLP where new housing development is normally strictly controlled. In this respect, with the exception of Policy H3, which is not considered up to date, the proposal would fail to accord with the provisions of the Development Plan.
- 8.2 However, Officers note that the site is located in close proximity to Calow, an otherwise sustainable settlement. The NPPF does not, in itself, preclude development in countryside areas providing the impact on the area is acceptable and no adverse and fundamental impact is identified. In addition, the PDLP is only required to make provision for the requisite number of houses identified as required over a period in North East Derbyshire and it is not a maximum number of houses that may be provided.
- 8.3 Both the submitted information provided by the applicant and the landscape advice of the Council's own appointed advisor identify that in its amended form the scheme would not harm the landscape character of the area. It is not a valued landscape as such in terms of the NPPF definition. In this respect the proposal would accord with the wider aims of the Development Plan and the PDLP.
- 8.4 The NPPF goes on to state that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental.
- 8.5 In the short term there would be economic benefits from the build phase of the development and in the longer term, whilst there would be no direct employment provision on the site, there would be economic benefits to existing services and facilities within Calow. These weigh in favour of the application.
- 8.6 There would be a number of social benefits resulting from the grant of permission in that it allows occupiers of the new properties to support local services. The scheme would also provide 20% affordable housing along with financial contributions towards recreation facilities, the library in Chesterfield and towards highways contributions. These elements also weigh in favour of the scheme although some elements are merely mitigation of the scheme and so the weight in respect of those elements is limited.
- 8.7 With regards to the environmental impacts of the development these require careful consideration. The character of the local landscape and

surrounding area is not considered to be unduly sensitive and the proposal will not result in the loss of any distinctive features which contribute to the local landscape character. Indeed the amended scheme seeks to protect and provide a green buffer away from those important features and would respond to the historic landscape pattern of the agricultural fields. Officers note, therefore, that the indicative layout would have an acceptable impact in landscape and visual terms. The scheme would interact with the open countryside in a positive manner and is of a density which is appropriate for this countryside edge resulting in a proposed development that would have an opportunity to conserve the landscape character in this location and would not result in the loss of any distinctive features that contribute towards and add value to the landscape character of this location. There would be views of the proposed development from Oaks Farm Lane to the east and Dark Lane to the west, along with views from existing footpaths which cross the site. However, Officers conclude that the proposed development would appear as a natural extension to the built form of Calow and so any negative environmental harm carries little weight.

- 8.8 In addition, the PDLP identifies Calow as a Level 2 settlement with good levels of suitability. These settlements provide the locations for housing growth and are important economic, commercial and social locations in the District. This site would be a reasoned extension to it and so this weighs in favour of the scheme.
- 8.9 Officers conclude that the proposed development would lead to a less than substantial harm to the significance of the grade II listed church and historic landscape features in and around the site. It is considered that the public benefits of the scheme in this case would outweigh any minor harm to the architectural interest and setting of the Grade II listed church of St Peter.
- 8.10 The development is considered to provide a safe access to the public highway, ecological, archeological, drainage, ground stability, air quality and contamination issues can all be addressed through appropriate conditions on any permission granted.
- 8.11 Matters relating to the schemes design and impact upon the privacy and amenity of neighbouring residents and land uses should be considered at the reserved matters stage.
- 8.12 When weighing all matters, whilst contrary to the policies of the Development Plan, the encouragement to deliver sustainable development as set out in the PDLP and the NPPF is considered in this instance to outweigh that. The scheme has a limited and localised impact on the area and otherwise creates a logical extension to Calow. It protects the historic character of the area and results in other limited benefits as discussed above.

8.13 Accordingly, the proposal is recommended for approval subject to the prior completion of a legal agreement and conditions.

9.0 Recommendation

9.1 That planning permission is **CONDITIONALLY APPROVED**, subject to the **S106 agreement**, in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager (development Management):-

S106 Heads of Terms

Library	£5,620
DCC Travel Plan & Monitoring Inc. bus taster tickets.	£8,995
Affordable Housing	20% on site provision

Conditions

1) Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.

[Reason: To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990.]

2) Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is started.

[Reason: The application is in outline only and not accompanied by detailed plans.]

3) Unless otherwise required by any condition contained in this decision notice the development hereby permitted shall be carried out in accordance with the details shown in the following plans:

- 600145-HEX-00-GEN-DR-C-0100 Rev P02 (Oaks Farm Lane, General Arrangement Layout)

- 600145-HEX-00-GEN-DR-C-0111 P03 (Refuse Vehicle Access Tracking)
- 600145-HEX-00-GEN-DR-C-0113 Rev P01 (Visibility Splays)

[Reason: For clarity and the avoidance of doubt.]

Construction/Design Details

- 4) Before development commences, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside, and neighbouring street scene.]

- 5) The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include an assessment of the reserved matters scheme against the Building for Life 12 criteria. Thereafter the details submitted as part of the assessment shall be implemented in full and retained as such thereafter.

[Reason: In the interest of good design, all in accordance with policy BE1 of the North East Derbyshire Local Plan, policy SDC12 of the Publication Draft Local Plan and the Successful Places Interim Planning Guidance.]

Landscaping and Public Open Space

- 6) All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside, and neighbouring street scene.]

- 7) The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme for the delivery and future maintenance of all on site public open space, including a landscape management plan and a timetable

for implementation relative to the completion of dwellings hereby approved. Any approved public open space shall be implemented in full in accordance with the approved timetable and shall be maintained in accordance with the approved scheme thereafter.

[Reason: In the interest of providing adequate outdoor recreation space in accordance with policy R5 of the North East Derbyshire Local Plan.]

Employment

- 8) Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

[Reason: In the interests of creating sustainable development in accordance with policy GS1 of the North East Derbyshire Local Plan and in the interest of the overarching aims of the Council.]

Climate Change

- 9) The details to be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters shall include a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy and the National Planning Policy Framework.]

Environmental Health

- 10) Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

[Reason: In the interest of highway safety and amenity of neighbouring residents.]

- 11) Before the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report Ref B10606/1.0 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

12) No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by Condition 11 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described. In the Phase I contaminated land assessment (desk-study) report Ref B10606/1.0 submitted with the application and through the process described in Condition 11 above and,

c) Upon completion of the remediation works required by Condition 11 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved

methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

[Reason c11 & 12: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. All in accordance with policy CSU6 of the North East Derbyshire Local Plan and emerging Local Plan policy SDC14.]

Ecology

- 13) Any reserved matters application should follow the general parameters of layout, scale and landscaping set out and illustrated in the proposed site layout (Illustrative Masterplan 9597-L-03). In particular, the reserved matters of layout and landscaping shall provide for undeveloped areas of green infrastructure and include wildlife-friendly attenuation basins, native planting and no net loss of hedgerow. Hedgerows shall remain beyond the curtilages of dwellings wherever practicable. The woodland shall also be retained, protected and buffered from development.

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain, along with safeguarding important landscape features. All in the interests of policies NE1, NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2, SDC3 and SDC4 of the Publication Draft Local Plan

- 14) No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones” to include on-site hedgerows and woodland.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and will include for badger, nesting birds and amphibians).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2 and SDC4 of the Publication Draft Local Plan.]

15)A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP shall combine both the ecology and landscape disciplines, and management prescriptions shall be transposed to any separate maintenance contract to be implemented on site during the lifetime of the development. The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management, including retention and creation of hedgerows (no net loss), retention and protection of woodland, measures to benefit farmland bird species such as living bird tables.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
- i) Locations of bat boxes, bird boxes, insect bricks, hedgehog holes and habitat piles (include specifications/installation guidance/numbers).
- j) Specifications for attenuation basins to ensure beneficial habitat creation, including measures to prevent access to dogs.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2 and SDC4 of the Publication Draft Local Plan.]

Archeology

- 16) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- No development shall take place other than in accordance with the archaeological Written Scheme of Investigation.

No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

[Reason: in the interest of recording and understanding any significance of heritage assets to be lost, all in accordance with para 199 of the NPPF and policy BE6 of the North East Derbyshire Local Plan.]

Drainage

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

[Reason: In the interest of satisfactory and sustainable drainage.]

- 18) No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre lines of

each of the public sewers i.e. protected strip widths of 6 (six) metres per sewer, that cross the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

[Reason: In order to allow sufficient access for maintenance and repair work at all times.]

- 19) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

[Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.]

- 20) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Flood Risk Assessment and Drainage Strategy ref: 600145 Rev V03 dated 3 March 2021, author Ania Wojnowska and “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”,
 - b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),
- have been submitted to and approved in writing by the Local Planning Authority.

[Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.]

- 21) Prior to the commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority before the commencement of any works, which

would lead to increased surface water run-off from the site during the construction phase.

[Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.]

- 22) The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

[Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.]

- 23) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

[Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.]

Highway Safety

- 24) Prior to any works exceeding demolition and site clearance, a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
 - Routes for construction traffic, including abnormal loads/cranes, etc
 - Hours of operation
 - Method of prevention of debris being carried onto the highway (including details of wheel washing facilities on site)
 - Pedestrian and cyclist protection

- Proposed temporary traffic restrictions
- 25) Prior to any works exceeding demolition and site clearance, conduction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
 - 26) The proposed site shall not be taken into use until Oaks Farm Lane is upgraded to a 5.5m carriageway width, with a single footway on the northbound side of the carriageway measuring 2m in width and separate footway on the eastern edge of the carriageway of varying widths owing to space available within the redline boundary will be provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
 - 27) No part of the development shall be occupied until a new vehicular access has been formed to the proposed development site in accordance with the application drawing No: 600145-HEX-00-GEN-DR-C-0113/P01, provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centerline of the accesses, for a distance of 47m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.
 - 28) The Highway Authority recommends that the first 5m of the proposed access road should not be surfaced with a loose material (i.e. unbound chippings or gravel).
 - 29) There shall be no gates or other barriers within 5m of the nearside highway boundary, and any gates shall open inwards only.
 - 30) No part of the development shall be occupied until parking of residents and visitors vehicles and details of secure cycle parking facilities for the occupants of, and visitors to, the development have been provided within the site in accordance with the details/plans which need to be agreed as part of a subsequent Reserved Mattes application. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
 - 31) The carriageways of the proposed estate roads shall be constructed in accordance with the above condition 25 up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and

footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

- 32) Before any other operations are commenced, the internal layout/internal design of the roads needs to be agreed as part of a subsequent Reserved Matters application. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicles and fire tender vehicles, waste strategy management document, drainage proposal, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross corner visibility, forward visibility, pedestrian visibility, etc should be provided, all in accordance with current guidance in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highways Authority.

[Reasons c24 - 32: In the interest of highway safety, all in accordance with Policies T2 and T9 of the North East Derbyshire Local Plan and policy ID3 of the Publication Draft Local Plan.]

Land Stability

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

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 34) Prior to the occupation of each specific phase of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable

for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

[Reason c33 & 34: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.]

Informatives:

- a) DISCON
- b) NMA
- c) Provision of bins
- d) The applicant should note that Derbyshire County Council (DCC) operate the Digital Derbyshire Programme which helps provide access to high speed broadband services for residential and business users. You are encouraged to make enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable. More information on how to incorporate broadband services as part of the design of new development is available by following the link below: <https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>.
- e) No clearance of trees, hedgerow or scrub shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
- f) The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>.

- g) The applicant is advised to review the consultation comments of Cadent Gas and take into account the informative notes contained in the letter dated 7 April 2021.
- h) The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements; and
There is a combined sewer overflow (CSO) and an outfall to watercourse, under the control of Yorkshire Water, located within the site. Vehicular access, including with large tankers, could be required at any time. The proximity of the existing combined sewer overflow (CSO) and outfall to the site may mean a loss of amenity for future residents / workers. In order to minimise the risk of odour, noise and nuisance, industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing CSO and outfall. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.
- i) The applicant is advised to read the comments of Yorkshire Water prior to the submission of any reserved matters application.
- j) Highways Informative notes, as per comments dated 23 April 2021.
- k) LLFA Informative Notes. As per comments dated 4 May 2021.

PLANNING COMMITTEE – 29 June 2021

REFERENCE NUMBER: 20/01124/FL **Application Expiry Date:** 16 February 2021
Application Type: Full Planning Permission

Proposal Description: Construction of two 3 bed semi-detached affordable houses on the redundant car park, previously associated with the Fleur De Lys Hotel and Public House (Amended Plans) (Amended Title)

At: Fleur De Lys Hotel, Main Road, Unstone, Dronfield, S18 4AB

For: Mr Daniel Williams - Platinum Development Holdings Ltd

Third Party Reps: 3 **Parish:** Unstone Parish Council
Ward Name: Unstone Ward

Author of Report: Phil Slater **Date of Report:** June 2021

MAIN RECOMMENDATION: Grant subject to conditions and s106



Figure 1: Site location plan

1.0 Reason for Report

- 1.1 This is an application for affordable housing on a site where the previous application (different applicant) was refused by the planning committee in 2020. Councillor Dale as ward member has called to application into planning committee on the grounds that the site is in the green belt and there is a continuing flood risk.

2.0 Proposal and Background

- 2.1 The application site relates to part of the car park of the former Fleur De Lys Hotel site, fronting Main Road (B6057). The former pub building is situated within the Settlement Development Limits for Unstone whereas the car parking area lies outside of the Settlement Development Limits (SDL) and within the Green Belt.

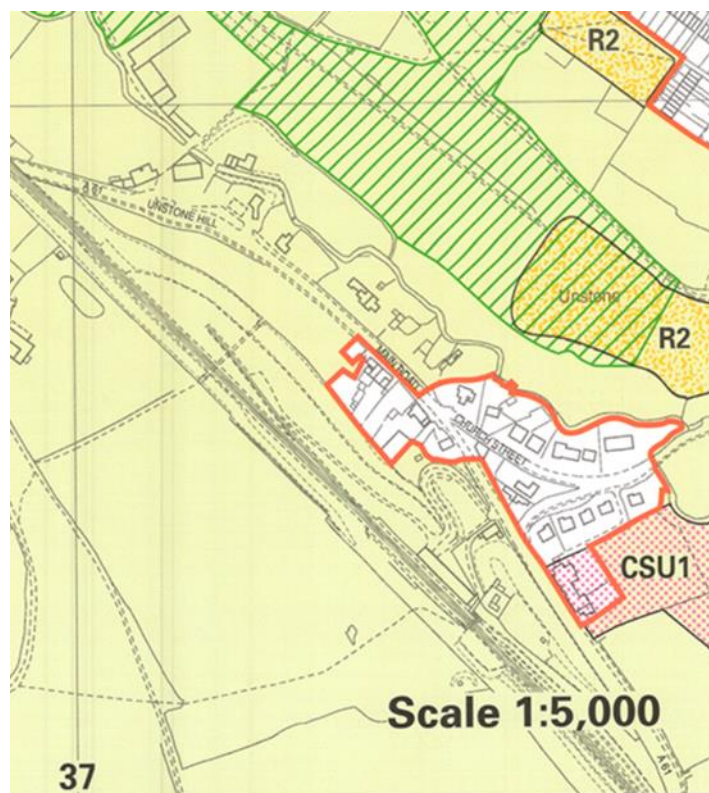


Figure 2: Extract from Adopted Local Plan showing SDL

- 2.2 The former public house is vacant, and has an extant planning permission for the change of use to residential with associated parking to the rear. It is to comprise of 8no. one bedroom flats, and includes an increase in the ridge height of by 1.8 metres.
- 2.3 This application as originally submitted proposed the construction of a detached 4 bedroom 2 storey house and a 3 bedroom 2 storey house.

The proposed dwellings were of traditional design with the 4 bed unit located on the site frontage and the 3 bed unit sited to the rear.

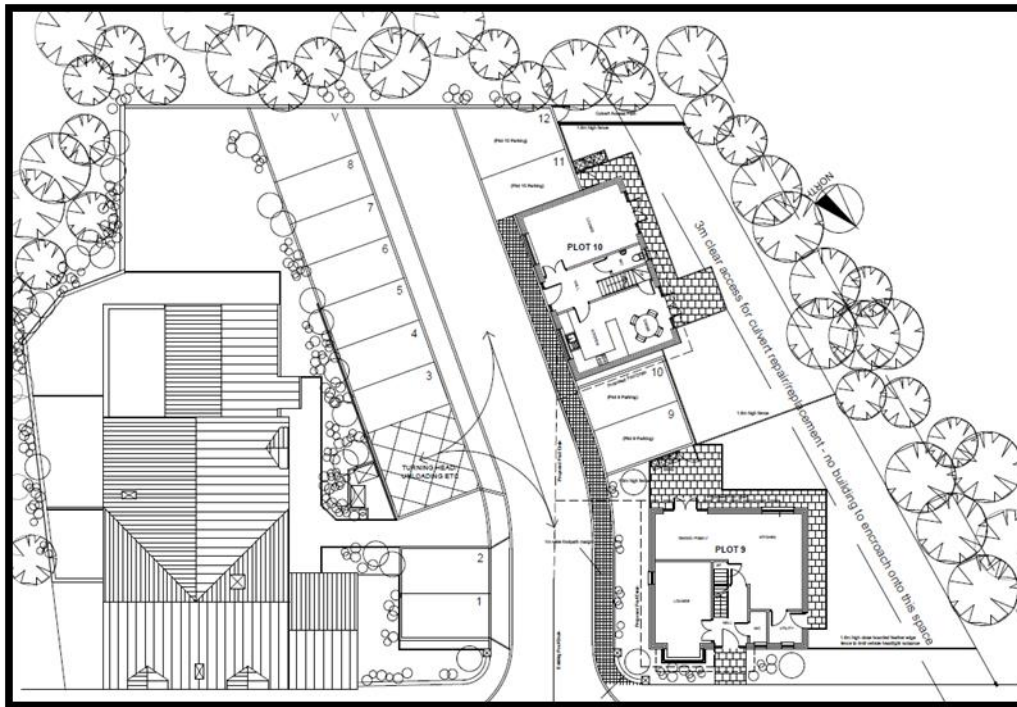


Figure 3: Original site layout submitted for previously refused scheme



Figure 4: Proposed visuals of scheme previously refused

- 2.4 The submitted Design and Access Statement set out that the previous reasons for refusal have been addressed in this scheme as the front of the properties have been set 2m from the back edge of the footpath and each property has its own dedicated parking, providing 2 parking bays per property.
- 2.5 There was concerns the previous application had proposed the building be placed directly along the 3m easement line, this proposal set the buildings back a minimum of 1m from the required 3m easement line and also provides an access path at the top end of the site; this path is for sole use

to allow the culvert gully to be cleaned and maintained by the local water authority.

Amendments

- 2.6 Following comments from the Councils Housing Officer and discussions with officers, the application has been amended. The application now proposes the construction of two 3 bed semi-detached dwellings as affordable housing (Discounted Market Sales housing, as defined in Annex 2 of the NPPF).

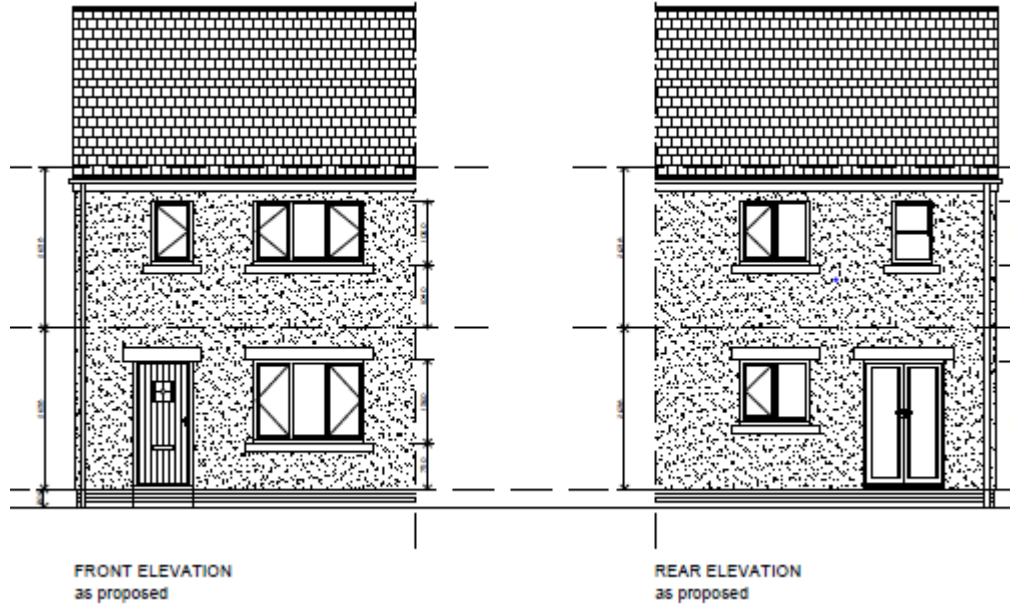


Figure 5: Proposed house type

- 2.7 Each unit would have two car parking spaces and an additional 2 visitor spaces are provided for the existing flats under construction. Turning space and an access path to the culvert are also provided.

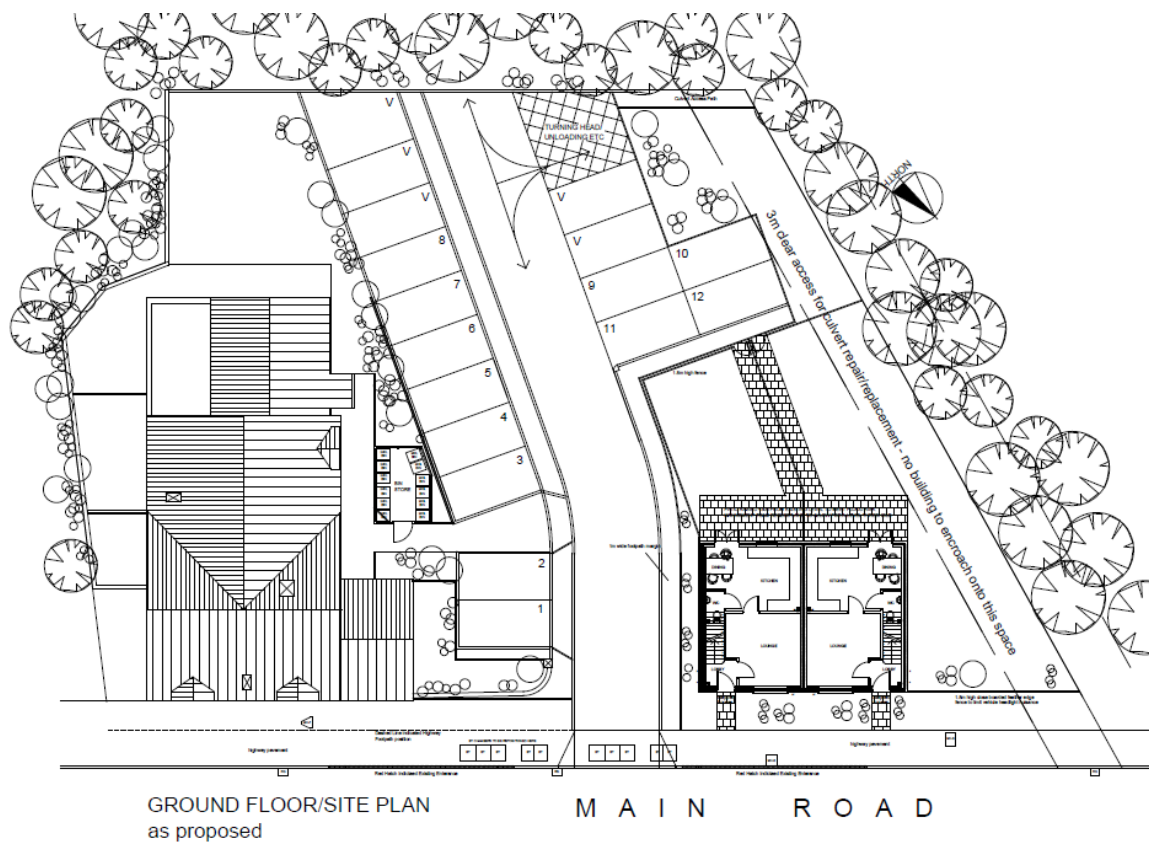


Figure 6: Proposed amended layout

3.0 Relevant Planning History

- 3.1 NED/06/00522/FL - Redevelopment of site by the construction of 6no. single bedroom apartments and 3 two bedroom two storey town houses and associated car parking. Conditionally approved. The permission was renewed in 2009 and again in 2012.
- 3.2 NED/15/01085/FL - Demolition of the vacant public house and the redevelopment of the site with 7no. dwellings. Conditionally Approved. Two of the dwellings would have been on the footprint of the former pub and be available on the open market. The other five dwellings were said to be affordable dwellings and would have been built on the former car parking site within the Green Belt and outside of the SDL. The dwellings would have been two storeys in scale positioned along the back edge of the highway with a block of two set at the back of the site. Weight was given to the provision of affordable housing and considered acceptable to depart from the Development Plan in terms of building within the Green Belt. The permission has expired.
- 3.3 NED/19/00113/FL - Application for the increase in ridge height by 1.8 metres of the former public house and conversion to 8no. one bed

residential apartments. Access is taken from Main Road and parking is to be provided to the rear of the site. The area to the northwest was retained with no identified use. Conditionally Approved. This consent is extant.

3.4 NED/19/01174/FL - Erection of two storey building comprising 4no 2 bed flats (Affordable Housing) with parking for 6no cars and associated landscaping all within the curtilage of the former public house (Amended title) (Amended Plans) (Further Amended Plan). This application was refused in August 2020 for three reasons:-

1. The application is considered unacceptable, as by reason of its location on the site close to the highway, the proposed building would cause substantial harm to the openness of this Green Belt location. It would therefore represent inappropriate development which is, by definition, harmful and which should not be approved except in very special circumstances. In this case, the provision of affordable housing is not considered to represent very special circumstances to override the substantial harm that would be caused. As such, the proposal would be contrary to policies GS2 and H9 of the North East Derbyshire Local Plan, policies SS10 and LC3 of the North East Derbyshire Local Plan (2014-2034) Publication Draft and the National Planning Policy Framework when read as a whole.
2. The application is considered unacceptable as the level of car parking, when taken cumulatively with that catering for the approved scheme for the conversion of the Fleur de Lys building itself, is insufficient to cater for demand for such a facility and would result in parking being displaced onto the public highway. This would have an unacceptable impact on highway safety contrary to the National Planning Policy Framework when read as whole.
3. The application is considered unacceptable as the proposed building would be located only 3 metres from the culvert that passes through the site. This minimal distance is considered insufficient to ensure the ongoing and proper operation of the culvert and so compromise the surface water drainage of the site and surrounding land. As such, it is considered contrary to policy CSU4 of North East Derbyshire Local Plan and the National Planning Policy Framework when read as whole.

4.0 Consultation Responses

4.1 The **Ward Member** has requested that the application be called in for a decision by committee. The reason and justification is similar to the last application on this site which was decided by committee. I.e. That it is in the green belt and there is a continuing flood risk.

4.2 **Unstone Parish Council** have commented that they wish to reiterate the comments it has made previously regarding this site:

- That this land is susceptible to flooding, having been flooded on numerous past occasions.
- A similar application in 2004 was refused on the basis of policy with respect to green belt, which would still be applicable today.
- It is the view of Unstone Parish Council that any housing development in the parish should include affordable housing (*officer note: the development is for 100% affordable housing*).
- Cllrs are also keen to ensure that adequate parking provision is given to the accommodation on site.

- 4.3 The **Coal Authority** initially raised a fundamental concern as the application site falls partly within the defined Development High Risk Area. The Coal Authority's information indicates that a coal seam is conjectured to outcrop to the south west of the site, dipping beneath the site in a north easterly direction. This seam may have been worked in the past.

Following the submission of the revised plans the Coal Authority has commented that built development is now out of the defined High Risk Area. Taking into consideration the above, the Coal Authority has no objections to the proposed development.

- 4.4 The **County Highway Authority** has commented on the revised plans that demonstrates a different layout to what was originally proposed, however, from a Highways viewpoint the proposal is the same in principle.

The revised Site layout demonstrates 2no three-bedroom dwellings, there appears to be a sufficient level of off-street parking provision to serve the proposed development along with sufficient space for the manoeuvring of residents vehicles so that they can both enter and emerge from the site in a forward gear. Accordingly, the Highway Authority has no objections to the proposal subject to the conditions/notes outlined in the initial response being included in any consent given.

- 4.5 The Councils **Housing Officer** has commented that the construction of 2 x 3 bed houses as the affordable housing provision on this site is acceptable to Housing Strategy.

It is proposed that these homes are to be sold as Discounted Market Sales housing, as defined in Annex 2 of the NPPF. Eligibility criteria will be applied through the s106 agreement, which will also ensure that the homes are sold at a discount of at least 20% from market value and that this benefit is retained for future eligible households.

The Strategic Housing Market Assessment (SHMA) 2017 OAN Update estimated that to meet all affordable housing need in the district over the period to 2035, 172 additional affordable homes would need to be brought

forward each year. There is a high need and demand in Dronfield and a good demand in the smaller surrounding villages such as Unstone Green.

- 4.6 **Environment Health** have raised no objection to the proposal and have requested conditions to ensure that any potential contamination is suitably mitigated. As the development site is located in close proximity to a railway line and there are façade openings to habitable rooms including bedrooms on the rear elevation, Environment Health have recommend conditions to safeguard residents from potential noise impacts. Given that no supporting information was submitted the condition to safeguard from contamination or noise impacts the requested conditions are considered necessary.
- 4.7 The **Lead Local Flood Authority** initially commented that the plans are currently observed as amended plans of two x 3 Bedroom semi-detached dwellings on Former car park of the Fleur De Lys Public House. This is a minor application but due to the potential flood risk in relation to an adjacent culverted watercourse within the proposed site boundary the LLFA are keen to make further comments. The LLFA need the applicant to supply further information regarding the finished floor levels, suitable flood plans, and access to the culverted watercourse.

The agent has provided the following additional information:-

- the culvert outlet was damaged and didn't flow properly due to leaf debris etc, this meant over flowing occurred and water ran down the old car park. The culvert gully and localised area has recently been upgraded by the water authority to prevent future over flowing, and allow the gully and culvert to work as intended, this means any over flowing is mitigated
- updated Site Plan and Elevations indicating the finished floor levels increased from +150 to +300 as indirectly suggested by the Floor Risk team.
- The proposals reduce the amount of hard standing and by increasing the amount of soft landscaping the surface area for water absorption is increased dramatically, which will further reduce any water run-off generally.
- The site is classed as Low Risk, thus all comments relating to flooding etc are linked to the old culvert gully, has recently been refurbished

The LLFA has reviewed the further information supplied and still have no further objection in principle to the application, due to the nature and scale of the application the LLFA have no further comment or condition to add.

- 4.8 **Dronfield Civic Society** has commented that even though the current application is for two houses and not four flats, the reasons for the rejection of application 19/01174/FL still apply to the current application.

The houses would cause substantial harm to the openness of the Green Belt, there is inadequate parking provision proposed in the application and the proposed buildings would still be located only three metres from the culvert running through the site. This application should be refused on the same grounds which were applied to application 19/01174/FL.

Do not accept that the white render proposed for the houses "will sit comfortably within their surroundings". They will not fit with adjacent and opposite properties, the only property they will sit comfortably with is the Fleur de Lys building itself which, of course has been a commercial property and been rendered for many years. If the development is to go ahead the exterior finish of the houses should more properly respect the local street scene.

The application form from the developer states that the site is not at risk of flooding. That is patently not true, as there have been many instances of flooding at the site through the years .Any proposed development on the site needs to have regard to that risk, to recognize the probable need to allow large jetting tankers to access the site to maintain the sump in the car park and policy CSU4 needs to be enforced.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice. There have been three objections received from local residents and these can be summarised as follows:

- This application (20/01124/FL) is for two large detached market value properties. Development would be contrary to Policy SS10 of the Publication Draft Local Plan and GS2 of the NEDDC Local Plan. Permission has not been granted for market value housing on the car park previously, so this application would be setting a precedent if allowed. [*Officer note: the application is for affordable housing*]
- The 4-bedroom property, although set back a little from the rear edge of the pavement has in addition to its built form a 1.8m high wooden fence. Together they would impact the openness along the frontage of the B6057 outside the SDL. [*Officer note: the application has been revised and the 1.8m fence is now set back from the road frontage*]
- Unstone is a Level 3 settlement in the hierarchy and the Publication Draft states "there will be no housing allocations in Level 3 settlements (over and above existing commitments), although windfall developments of appropriate scale may be acceptable in line with criteria based on Policy SS7 or an adopted Neighbourhood Plan". The Dronfield Neighbourhood Plan seeks to protect the Green Belt from development through Policy ENV1. Policy SS7 would therefore relate

to the Policy on development in the Green Belt. The application would be contrary to Green Belt Policy in the NEDDC LP, the DNP and the NPPF. (*officer note: this is covered in the assessment below*)

- Whilst it is accepted that the Fleur de Lys car park has been an 'eyesore' since the pub ceased trading, partly on account of rubbish being brought from other sites by the previous owners, planning permission should not be granted under a premise that the eyesore would continue if it was not granted
- Just because a site may be suitable for development, it cannot without more be considered an exceptional circumstance to allow it.
- The amount of car parking for both the 8 flats in the Fleur de Lys building and for the three and four bedroom properties remains inadequate for the cumulative impact of development at this location. There is just one 'visitor' space for the adjacent flats and four spaces in total for the detached properties
- On the application form, the applicant has declared the site is not at risk of flooding. Yet the Government Flood Map puts the site at High Risk from surface water flooding. [*Officer note: see assessment below*]
- The water then flows into a 250mm pipe on the boundary line of the site. The sump acts as a filter for solid material. When the sump apparatus becomes full of solid material, water can no longer run down the pipe so it overflows and runs down the application site onto the B6057. The sump therefore requires regular maintenance and is now on a maintenance programme by Derbyshire County Council.
- The site is next to a culverted watercourse which requires a building to be a 3 metre minimum distance from it in accordance with LLFA requirements.
- The Fleur de Lys Hotel was a commercial property. It was stone built, dating back to the late 1700s and is now rendered to disguise the alterations to enlarge it over the years. To suggest that the new properties in block work, covered in render will relate to the surrounding properties, which are built of local sandstone with slate roofs, reflecting their historic context dating back to the late 1800s, is disputed
- The current application for a four-bed detached house and a three-bed detached house will result in over-development of the site and a significant increase in visual massing outside the SDL.
- Phase 2 of the scheme should recognise the cumulative inadequacy of car parking at this location.
- The current application is a departure from the development plan.

Comments on the revised plans

- The current plans are not dissimilar to those that were refused in September 2020 for dwellings on the Green Belt fronting the highway
- The proposed dwellings would cause substantial harm to the openness of this Green Belt location. This is considered inappropriate

development which is by definition harmful and which should not be approved except in very special circumstances. In September 2020, the provision of affordable housing was not considered to represent very special circumstances to override the substantial harm that would be caused

- There is no reason to treat a redundant car park any differently to an area of garden for example when it lies within the Green Belt. The car park has had no built form upon it and so any building is likely to impact openness both in volumetric and visual terms.
- To take into consideration what has been allowed already for Phase 1 on this site – the conversion of the former pub into flats. The former pub has had an additional storey built on to it, increasing its bulk and mass considerably. That building is now significantly higher than any other building. (Officer note: the former pub lies within the defined settlement development limits and not in the green belt).
- The proposal for houses built of blockwork covered in white render is inappropriate development in the Green Belt. It is not acceptable that because the pub is render, a new build should match the pub rather than the rest of the properties in Unstone village which are built of local sandstone with slate roofs
- With the implementation of the National Design Guide into Planning Practice Guidance and the proposed development of Design Codes, the importance of new build being in sympathy with the local vernacular should be a significant consideration here.
- No definition of affordable housing or tenure information has been provided relating to Annex 2 of the NPPF. Planning Committee would need the evidence that this is definitely affordable housing before passing judgement on this application when, as previously stated, the original application pre amendments was for market value housing. (officer note: the agent has confirmed that the housing would be Discounted Market Sales housing, as defined in Annex 2 of the NPPF. This would be secured through a S106 legal Agreement should permission be granted).
- Parking remains inadequate. Whilst two more visitor spaces have been added, the parking for Phase 1 does not meet national standards of 3 spaces for every 2 flats.
- The latest application also shows part of the drainage apparatus (a chamber or sump) hidden behind fencing. Future maintenance would be problematic or impossible with these plans, putting both residents and highway users at risk of flooding as they do not allow for future maintenance of the drainage apparatus. This site is well-known for surface water flooding.

6.0 Relevant Policy and Strategic Context

6.1 The Development Plan comprises **The North East Derbyshire Local Plan.** The policies applicable to the development are as follows:

GS1 Sustainable Development
GS2 Green Belt
GS6 New Development in the Countryside
BE1 General Design Principles
H3 New Housing Outside Settlement Development Limits
H9 Affordable Housing: Exception Sites in Rural Areas
H12 Design and Layout of New Housing
NE9 Development and Flood Risk
CSU4 Surface and Foul Water Drainage
T2 Highway Access and New Development.
T9 Car Parking Provision

6.2 Other relevant policy documents include the Successful Places Interim Design Guide.

6.3 The Emerging Local Plan (2014-2034) (eLP) is also relevant to this application. The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is anticipated that the Plan will be adopted in early 2021.

6.4 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.

6.5 The most relevant Policies are considered to be:

SS1: Sustainable Development
SS9: Development in the Countryside
SS10: North East Derbyshire Green Belt
LC3: Exception Sites for Affordable Housing
SDC11: Flood Risk and Drainage
SDC12: High Quality Design and Place making
ID3: Sustainable Travel

National Planning Policy Framework

6.6 The revised National Planning Policy Framework was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised

Framework replaces the previous National Planning Policy Framework published in July 2012 and 2018. At the heart of the NPPF is a presumption in favour of sustainable development with chapters 5 (delivering a sufficient supply of homes), 12 (achieving well-designed places) and 13 (protecting green belt land) considered to be particularly pertinent.

- 6.7 For the avoidance of any doubt, the application site is not affected by a Neighbourhood Plan.

7.0 Planning Issues

- 7.1 This is a full application and as amended proposes the construction of two 3 bed semi-detached houses on the car park to the former Fluer De Lys Public House. Both dwellings will be affordable in the form of Discounted Market Sale.

Principle of Development

- 7.2 The application site is located outside of the defined settlement development limits and within the North East Derbyshire Green Belt. The site as a car park to the former public house is classed as previously developed (brownfield) land.
- 7.3 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. That being said, Paragraphs 145 and 146 of the NPPF identify a number of defined exceptions to inappropriate development in the Green Belt which includes limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The Strategic Housing Market Assessment (SHMA) 2017 OAN Update estimated that to meet all affordable housing need in the district over the period to 2035, 172 additional affordable homes would need to be brought forward each year. There is a high need and demand in Dronfield and a good demand in the smaller surrounding villages such as Unstone Green.

The Councils Housing Officer has commented that the construction of 2 x 3 bed houses as the affordable housing provision on this site is acceptable to Housing Strategy and meets an identifiable affordable housing need.

- 7.4 Local Plan Policy (LP) (2005) GS2 and eLP Policy SS10 are particularly relevant to this proposal as they seek to prevent development within the Green Belt unless very special circumstances exist. There are some exceptions to the policy, however new build development is not one. Change of use of land is permitted provided they maintain the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 7.5 LP (2005) Policy GS2 predates the advice provided in the NPPF and other than referring to the replacement of existing dwellings it is silent on the redevelopment of previously developed sites. Consequently the weight that can be attached to this policy is considered to be limited.
- 7.6 ELP Policy SS10 is more in line with the NPPF and allows for “limited affordable housing for local community needs in accordance with eLP Policy LC3”; and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the current use.
- 7.7 The site has previously been granted planning permission for the redevelopment, and in its present condition the site does not contribute positively to the area and it has been accepted that the principle of redevelopment is acceptable. However, building in the Green Belt has typically been accepted as a departure to the Development Plan (2005) as it was to promote Affordable Housing in the District.
- 7.8 This proposal is for the construction of two semi-detached dwellings and associated car parking, and would be secured through S106 agreement.
- 7.9 It is accepted that the proposal is not in accordance with the Local Plan 2005 Policy GS2, however the eLP Policies SS10 and LC3, due to their consistency with the NPPF, can be given weight and the proposal therefore is considered to be policy compliant with the eLP and the NPPF and can in principle be supported subject to it not causing substantial harm to the openness of the Green Belt.

Impact on openness

- 7.10 The development is constrained by the railway to the southwest that sits in an elevated position with mature trees along the boundary, the B6057 to the northeast and the existing two storey building sitting to the southeast. The land to the northwest is in a different ownership and the presence of

the land drain is a further constraint. The boundary trees limit views when approaching from the northwest.



Figure 7: View into the site from Main Road, Unstone

- 7.11 It is proposed that the development will consist of two semi-detached buildings, on the road frontage. Whilst the current site is open in terms of its use as a car park, the site has residential properties adjacent and opposite and woodland to the rear and north west. The new dwellings on the frontage would be seen in the context of the existing pub redevelopment. Taken all the above into consideration, officers do not consider that the proposals would amount to substantial harm as set out in the NPPF and would not therefore be considered as inappropriate development.

Addressing the Reasons for Refusal

- 7.12 This application is a different proposal to that refused under NED/19/01174/FL and is a different applicant.
- 7.13 The previous application was refused for 3 reasons; the first reason was that by reason of its location on the site close to the highway, the proposed building would cause substantial harm to the openness of this Green Belt location. As set out above, officers consider that the revised scheme would not have a substantial harm to the openness of the Green Belt. The building now proposed is set back from the road frontage by 2m and the bulk and massing of the semi-detached units is significantly less than the block of flats previously refused. The application has further been revised with the fencing set back from the site frontage.
- 7.14 The application is considered unacceptable as the level of car parking, when taken cumulatively with that catering for the approved scheme for

the conversion of the Fleur de Lys building itself, is insufficient to cater for demand for such a facility and would result in parking being displaced onto the public highway. The development provides each dwelling with dedicated parking for 2 spaces per dwelling which is in accordance with the car parking standards as set out in adopted Local Plan. An additional two spaces are proposed which would be available for the use of the existing apartments. Officers consider that the parking levels are adequate to serve the development proposed.

- 7.15. The final reason for refusal was that unacceptable as the proposed building would be located only 3 metres from the culvert that passes through the site. This minimal distance is considered insufficient to ensure the ongoing and proper operation of the culvert and so compromise the surface water drainage of the site and surrounding land. This development would be sited a further 1m from the 3m easement line at its closest point. An access path at the top end of the site is for sole use to allow the culvert gulley to be cleaned and maintained by the local water authority.

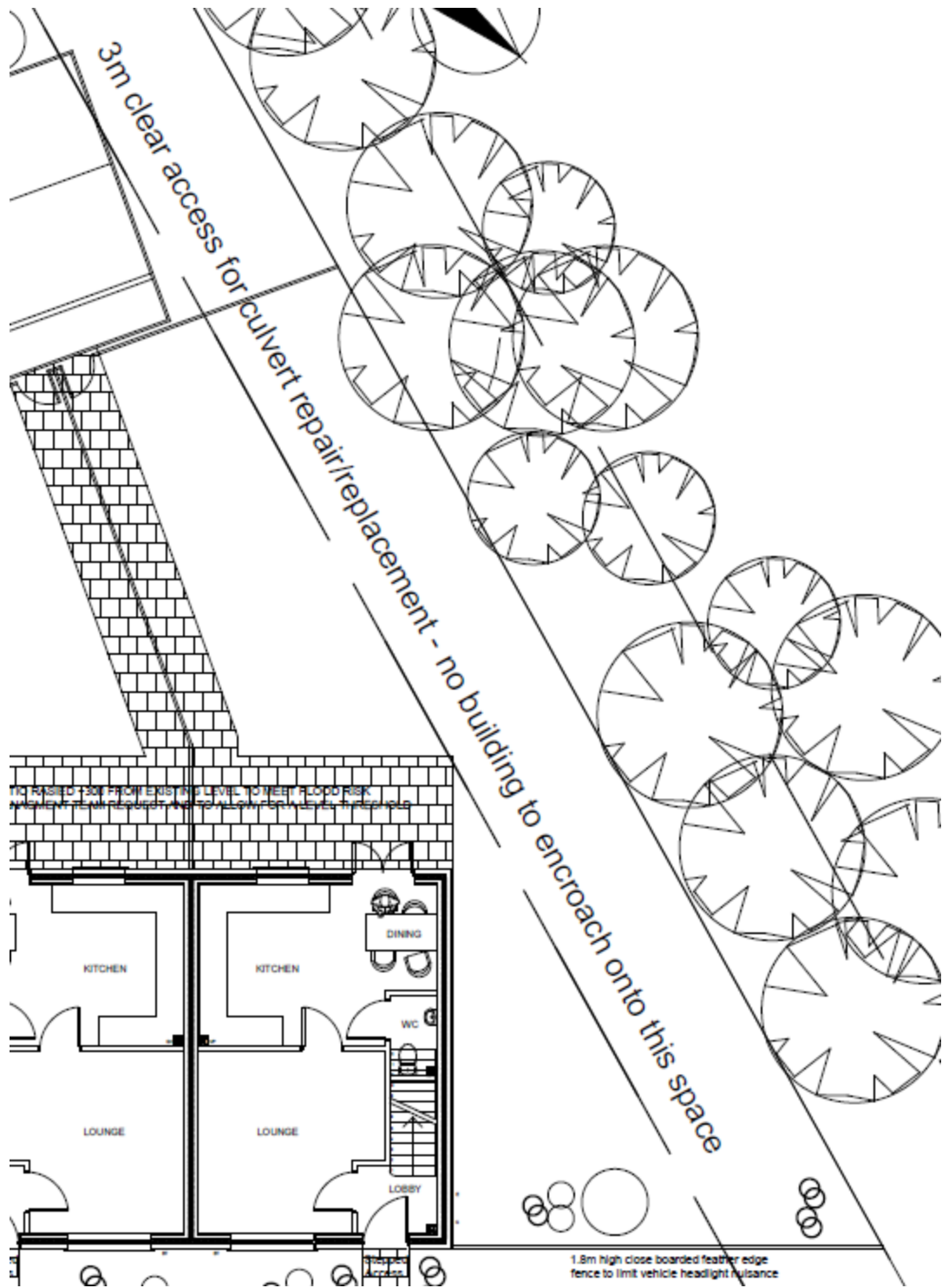


Figure 8: Extract showing dwellings proximity to the culvert easement.

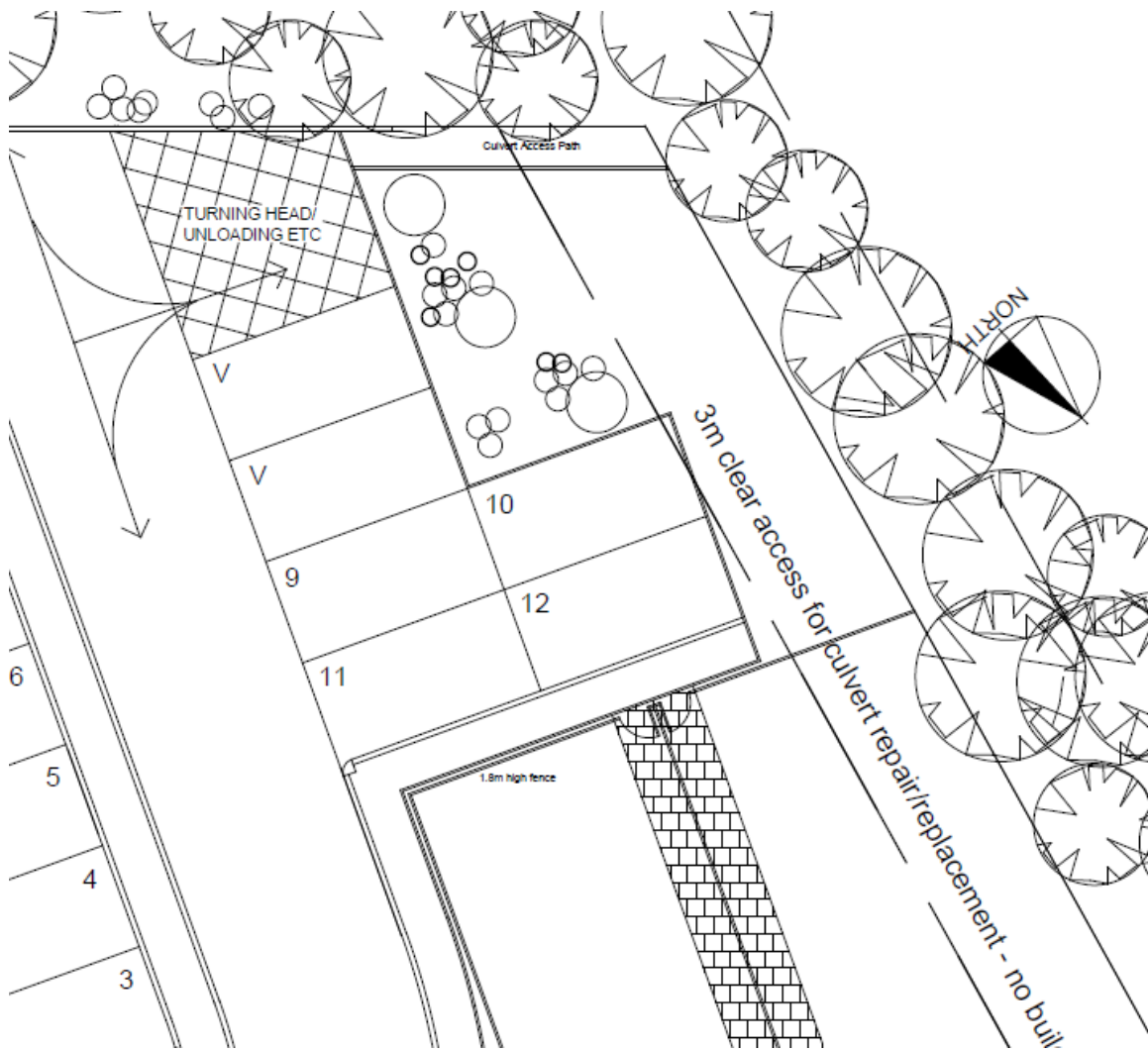


Figure 9: Extract showing access to the culvert for maintenance.

Impact upon the Countryside/Character of the Area

- 7.16 The application site whilst outside of the settlement development limits for Unstone, is a Brownfield site associated with the former commercial use and comprises of hard standing to facilitate the car park use.
- 7.17 The development is constrained by the railway to the southwest that sits in an elevated position with mature trees along the boundary, the B6057 to the northeast and the existing two storey building sitting to the southeast. The land to the northwest is in a different ownership and the presence of the land drain is a further constraint. The boundary trees limit views when approach from the northwest.
- 7.18 The site does not represent an open countryside location and development would not encroach any further outside of the present

boundaries. Therefore, the proposal is not considered to represent a prominent intrusion into the countryside.

- 7.19 Adopted Local Plan Policy BE1 seeks to ensure that development is of a density, scale, massing, height and layout, and use of materials that respect the character and appearance of the surrounding area. Objectors have cited that the scheme represents an over development of the site, and raised concerns regarding the use of matching render. The proposed dwellings would be seen in the context of the pub redevelopment and the use of matching materials is not considered by officers to have a detrimental impact on the character of the surrounding street scene. The scale of the buildings are considered to be subservient to the main building which is the former public house and provide an active frontage to Main Road. The development would provide adequate off street parking and private gardens for each dwelling and is therefore not considered to represent over development.

Impact upon Neighbours

- 7.20 The nearest dwelling is opposite the site. The Willows is on the northern boundary of the highway. To the southeast, beyond the existing building is Hawthorne House, this is a two storey dwelling sitting along a similar building line to the former public house.
- 7.21 There have been no objections submitted in relation to any potential impact upon existing residents and no issues raised by past planning applications for housing development.
- 7.22 The relationship of the proposal with the existing residents is considered acceptable and therefore comply with the Local Plan Policy H12 and eLP Policy SDC12.
- 7.23 The relationship between the proposed block of flats and that proposed by the conversion of the former public house is considered to be acceptable.

Drainage and Flood Risk

- 7.24 The site is not within the Environment Agency's flood risk areas and is shown as Flood Zone 1, which has the lowest probability of flood risk. The objectors have highlighted that there have been past flooding issues as a result of poor maintenance of the culverted land drain that runs alongside the site boundary. It is also commented that access to the drain is from the former car park area. Matters relating to access across third party land remains a civil matter, however the Applicant has left an access point through the site for servicing reasons.

- 7.25 The application has not triggered a consultation with the Environment Agency however the Lead Local Flood Authority (LLFA) has been consulted. The LLFA has reviewed the information and have no objection in principle to the application, due to the nature and scale of the application the LLFA have no further comment or condition to add.
- 7.26 Officers consider that in view of the above, and subject to the necessary conditions the development would be acceptable from a drainage perspective.

Access and Parking

- 7.27 It is proposed to utilise the access as approved for the conversion of the former public house. No changes are proposed to the access and the Highways Authority have no objection to the use of the access to serve the two additional dwellings.
- 7.28 The Highway Authority have commented that the revised site layout demonstrates 2no three-bedroom dwellings, there appears to be a sufficient level of off-street parking provision to serve the proposed development along with sufficient space for the manoeuvring of residents vehicles so that they can both enter and emerge from the site in a forward gear. Accordingly, the Highway Authority has no objections to the proposal subject to the conditions/notes outlined in the initial response being included in any consent given.
- 7.29 The previous application was refused partly on the grounds that the level of car parking, when taken cumulatively with that catering for the approved scheme for the conversion of the Fleur de Lys building itself, is insufficient to cater for demand for such a facility and would result in parking being displaced onto the public highway.
- 7.30 The previous scheme was for 4 flats, however this development would be for 2 semi-detached dwellings with its own dedicated off street parking. The development provides each dwelling with dedicated parking for 2 spaces per dwelling which is in accordance with the car parking standards as set out in adopted Local Plan. An additional 2 visitor spaces are also proposed which could cater for the apartment building. Officers therefore consider that the development would provide parking levels which are adequate to serve the development proposed.
- 7.31 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Outside of the site on street parking is restricted therefore the development would not result in obstruction of the highway.

Trees

- 7.32 The site boundary trees are to be retained and would not be impacted by the construction of the dwellings. The hard standing areas are to be removed and seeded to provide a green amenity land for the future occupiers. A condition can be imposed to ensure that the tree roots are protected.

8.0 Summary and Conclusion

- 8.1 The proposal is for the redevelopment of a brownfield site for affordable housing, and is considered not to represent inappropriate development as the proposals would not cause substantial harm to the openness of the green belt.
- 8.2 The revised scheme for 2 semi-detached dwellings is considered to address the previous reasons for refusal.
- 8.3 It is considered that the proposal for redevelopment of the car parking area provides an acceptable development and would be read in association with the proposed residential use of the site. The design is reflective of the proposed conversion and would not appear as an incongruous addition to the street scene and there would be no greater impact upon highway safety. Accordingly, the application is recommended for approval subject to conditions relating to contamination, noise mitigation and securing the Affordable Housing provision.

9.0 Recommendation

- 9.1 **GRANT** Full Planning Permission subject to the following conditions and section 106 agreement with the final wording and content of the conditions delegated to the Planning Manager (Development Management).

Section 106 Heads of Terms

Affordable housing - Discounted Market Sale.

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-

- 011-001-111 Rev 04 Proposed Site Plan
- 011-001-115 Rev 01 Proposed 3 Bed Semi-detached Plans and Elevations
- 011-001-110 Rev 01 Location Plan

Reason: For the Avoidance of doubt

3. The materials shall be in accordance with the details stipulated within the application.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

4. Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

5. Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a scheme of landscaping for private and open areas, which shall include indications of all existing trees and hedgerows on the land,
- the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- a schedule of proposed plant species, size and density and planting locations; and
- an implementation programme.

Reason: In the interests of the appearance of the areas and in accordance with policies GS1, BE1 and H12 of the North East Derbyshire Local Plan

6. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development,

whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the areas and in accordance with policies GS1, BE1 and H12 of the North East Derbyshire Local Plan

7. Before development commences a scheme for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

Reason: In the interest of prevent flood risk and in accordance with Policy CSU4 of the North East Derbyshire Local Plan.

8. 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: In the Interests of Highway Safety and in accordance with policies T2 and T9 of the North East Derbyshire Local Plan.

9. Prior to occupation of the first dwelling, the proposed vehicular access to Main Road shall be formed in accordance with the application drawing and provided with a 2.4m parallel visibility sightline across the entire site frontage of the development controlled by the applicant fronting Main Road, the area in advance of this line being kept clear of any obstructions greater than 1m in height (0.6m in the case of vegetation) relative to the nearside carriageway channel level for the life of the development.

Reason: In the Interests of Highway Safety and in accordance with policies T2 and T9 of the North East Derbyshire Local Plan.

10. Within 28 days of the new access, the subject of Condition 9 above, being formed any existing access to Main Road shall be permanently closed and the existing vehicular crossover(s) reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the Interests of Highway Safety and in accordance with policies T2 and T9 of the North East Derbyshire Local Plan.

11. From the first occupation of the dwellings there shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason: In the Interests of Highway Safety and in accordance with policies T2 and T9 of the North East Derbyshire Local Plan.

12. The proposed access to Main Road shall be no steeper than 1:20 for the first 10m from the nearside highway boundary and 1:12 thereafter.

Reason: In the Interests of Highway Safety and in accordance with policies T2 and T9 of the North East Derbyshire Local Plan.

13. Before the commencement of the development hereby approved:
 - a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The land contamination assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale, whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages, an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance.

The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk study strategy. The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

14. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to

human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

15. The dwellings hereby approved shall not be occupied until:
 - a) The approved remediation works required by 14 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in above.
 - c) Upon completion of the remediation works required by 2 and 3a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

Reasons c13-15: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water

16. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following

criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms 45 dB L_{Amax} to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The approved scheme shall be implemented in full and retained thereafter.

Reason: To protect the aural amenity of future occupiers of the dwellings.

Notes:

1. NMA note
2. DISCON note
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall 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 dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
6. The Highway Authority recommends that the first 5m of the proposed 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.
7. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
 8. 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

PLANNING COMMITTEE – 29 June 2021

REFERENCE NUMBER: 21/00083/FLH Application Expiry Date: 30/06/2021
Application Type: Householder Planning Permission

Proposal Description: Construction of a two-storey side extension
At: 115 Snape Hill Lane, Dronfield S18 2GN.

For: Mr. J Dann

Third Party Reps: 6 **Parish:** Dronfield
Ward Name: Dronfield North

Author of Report: Case Officer: Kevin Figg **Date of Report:** 09/06/2021

MAIN RECOMMENDATION: Grant permission



1.0 Reason for Report

- 1.1 There have been 6 letters of objection received from local residents raising concerns regarding the proposed development. A Ward Member has requested that the application be decided by Planning Committee to allow Committee Members to assess the potential impact on the amenity of a neighbouring resident and the character of the surrounding streetscene.

2.0 Proposal and Background

- 2.1 The application property is a detached two-storey dwelling set well back from and in an elevated position above the highway in a row of similar properties. There is an existing front porch and a single-storey garden room extension to the rear of the property which appear to have been constructed under permitted development rights; the rear garden being terraced and sloping upwards to the north. On the opposite side of Snape Hill Lane is the single-storey St Paul's Methodist Church which is located at a significantly lower level than the application site.
- 2.2 The application property lies within the settlement development limits for Dronfield where domestic development is considered to be acceptable in principle.
- 2.3 The current proposal is for the construction of a two-storey side extension to provide a utility area and extended dining room at ground floor level with an additional bedroom/study and extended bedroom above.

3.0 Relevant Planning History

- 3.1 There is no relevant planning history.

4.0 Consultation Responses

- 4.1 Ward Members – Following receipt of objections from neighbouring residents, one Member requested that the application be presented to Planning Committee to allow Committee Members to assess the potential impact on the amenity of a neighbouring resident and the character of the surrounding streetscene.

Parish Council – raised no comments but a Parish Councillor raised concerns and requested that the application be considered by the Planning Committee.

5.0 Representations

- 5.1 Comments have been received from and on behalf of neighbouring residents with the following concerns:
- Side extensions which are closer than 1m to a neighbouring property should not be allowed since they make proper maintenance works impossible [*Officer comment – the maintenance of property is not a material planning consideration*];
 - The proposed development would be totally out of keeping with the neighbouring properties and would ruin the symmetry of the front elevations;
 - Approval of this application would be a green light for further such extensions to be allowed [*Officer comment – each application submitted is assessed on its own merits*];
 - Any extensions to these properties should be to the rear only to retain their front elevations [*Officer comment – the current application is for a two-storey extension to the side and is assessed as such*];
 - The proposed extension is poorly conceived in design and would result in over development of the site;
 - The proposed extension would lead to an inability to clear gutters at the adjacent properties with the potential for future drainage problems [*Officer comment – the maintenance of property is not a material planning consideration*];
 - The proposed plans do not show how the current drainage infrastructure is to be maintained [*Officer comment – this matter would be covered by the Building Regulations*];
 - The proposal includes a new rear facing bedroom/study window at first floor level which would result in overlooking and a loss of privacy;
- 5.2 Comments have also been received on behalf of Dronfield Civic Society with concerns that the proposed extension would lead to an overcrowding of the site and have a detrimental impact on the character and visual amenity of this row of 1930's 'villa' type properties.

6.0 Relevant Policy and Strategic Context

- 6.1 Adopted North East Derbyshire District Local Plan
BE1 (General Design Principles)
GS5 (Settlement Development Limits)
H5 (Domestic Extensions)

6.2 Emerging North East Derbyshire District Local Plan

The new Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Consultation on Main Modifications was undertaken in 2020 ending on 31st January 2021. All comments/representations received have now been forwarded to the Inspector and it is expected that the plan will be adopted in early summer 2021.

The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.

SS7 (Development within Settlements)

LC5 (Residential Extensions)

6.3 National Planning Policy Framework

The overarching aims of the revised National Planning Policy Framework (NPPF) are also material in the assessment of this application.

6.4 Neighbourhood Plan

The Dronfield Neighbourhood Plan has been accepted at referendum and the District Council adopted the Plan on 5 November 2019. The relevant policy below should therefore carry weight in any decision:

D3 (Good Design)

7.0 Planning Issues

7.1 Policy BE1 of the Adopted Local Plan requires that new development should respect the character and appearance of the surrounding area. Policy GS5 requires that development should not be detrimental to the character and appearance of the site and should not have a detrimental effect on the amenities of neighbouring occupiers and uses. Policy H5 requires that domestic development should be in keeping with the property and streetscene in terms of their style, proportion and materials and should avoid significant loss of amenity for the neighbouring properties.

7.2 Comments have been received from neighbouring residents and Dronfield Civic Society with concerns that the two-storey side extension now proposed would have a detrimental impact on the character of this row of properties and the greater surrounding streetscene. The application property is part of a row of predominantly detached two-storey 'villa' style properties constructed in the 1930's which retain many of their original features to their front elevations. However, these properties have not been

included in the Dronfield Neighbourhood Plan as Structures of Local Heritage Interest.

- 7.3 Officers acknowledge that this row of older properties dating from the 1930's, which are set well back from the highway in an elevated position, are an attractive feature in the streetscene and make a positive contribution to the overall character of this essentially residential area. The two-storey extension now proposed would reduce the existing gap by 1.8m leaving approximately 300mm between the two adjacent properties. However, it is not considered that the narrowing of the existing visual gap between numbers 113 and 115 would result in any significant demonstrable harm to their contribution to the character of the surrounding streetscene. It should be noted that numbers 105 and 107 to the west of the application site are semi-detached properties of a similar traditional style.
- 7.4 The two- storey extension now proposed would feature a new first floor window to the rear serving a bedroom/study. Although there is an existing first floor bedroom window with potential views across the private raised garden of the adjacent property, the new window now proposed would be significantly nearer to the shared boundary and would, in Officer opinion, appreciably increase the perception of being overlooked. However, a condition can be added to any approval that would require that this window be obscure-glazed which would reduce the potential for overlooking and the associated loss of privacy.
- 7.5 The application property has been previously extended under permitted development rights with the addition of a front porch and a single-storey rear garden room extension. However, given the relatively large plot on which the property is sited, it is not considered that the further addition of the two-storey side extension now proposed would result in over development of the site.

8.0 Summary and Conclusion

- 8.1 The current application is for the construction of a two-storey side extension to provide the current occupants of the property with additional and extended accommodation to their family home.
- 8.2 It is considered that the proposed extension would have no significant impact on the amenity of neighbouring residents or result in significant demonstrable harm to the character of the surrounding streetscene and would therefore be in accordance with policies BE1, GS5 and H5 of the Adopted Local Plan and SS7 and LC5 of the Emerging Local Plan.

9.0 Recommendation

9.1.1 Grant Planning Permission subject to the following conditions:

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

Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the details shown on the submitted plans and elevations drawings 198/4A, 198/5, 198/6 and 198/7 received 23/01/2021; unless otherwise agreed subsequently through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

Reason: For clarity and the avoidance of doubt.

3. The proposed materials shall match those of the existing building as closely as possible.

Reason: In the interests of the amenity of appearance of the area and in accordance with policy GS5 and H5 of the North East Derbyshire Local Plan and SS7 and LC5 of the Emerging Local Plan.

4. The first floor window to the northern elevation of the extension hereby approved shall be obscure-glazed to Pilkington level 4 or equivalent and shall be retained as such thereafter.

Reason: In the interests of the amenity of neighbouring residents and in accordance with policies GS5 and H5 of the North East Derbyshire Local Plan and SS7 and LC5 of the Emerging Local Plan.

PLANNING COMMITTEE – 29 June 2021

REFERENCE NUMBER: 20 / 01305/FL Application Expiry Date: 30 May 2021
Application Type: Full Planning Permission

Proposal Description: **Application for the demolition of the former public house (Butcher's Arms) and erection of 4 no. 3-bedroom dwellings with associated off-street parking and garden areas, and closure of footpath Eckington FP52 (Conservation Area/ Affecting a public Right of Way) (Amended Plans) (Further Amended Plans)**

At: **Butchers Arms Main Road Marsh Lane Sheffield S21 5RH**

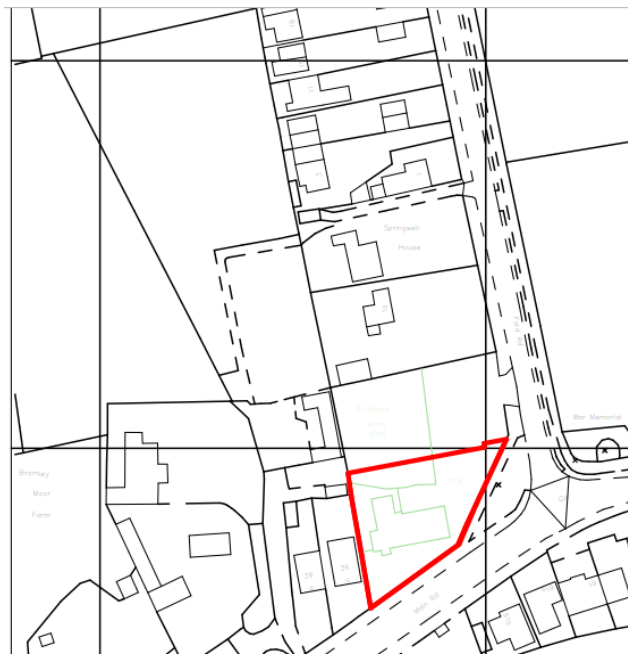
For: **Mr Craig Hughes**

Third Party Reps: 43 **Parish:** Eckington Parish
Ward Name: Ridgeway And Marsh Lane

Author of Report: Aspbury Planning – Denise Knipe **Date of Report:** 28 May 2021

MAIN RECOMMENDATION: GRANT CONDITIONALLY

Location Plan



1.0 Reason for Report

- 1.1 The application has attracted significant local interest including that of the Ward Member, Councillor Renwick, raising concerns about the impact of the proposal upon character of the area and the loss of the pub. As such, the application is referred to the Planning Committee for determination.

2.0 Proposal and Background

- 2.1 The application proposal relates to the demolition of the existing Butchers Arms building and the site's redevelopment with 4no. dwellings and associated parking. This would also entail the extinguishing ('stopping up') Eckington footpath 52.
- 2.2 The application site is situated both within the Settlement Development Limit for Marsh Lane and the Moss Valley Conservation Area. The Butchers Arms is a substantial building situated on the corner of Main Road and Ford Road. It commands a prominent position along the main arterial route through the centre of the village.
- 2.3 The application site itself, is to the south of a recent development of housing situated on the former car park and 'beer garden' to the public house. The PRow FP 52 – Eckington, runs through the site along the northern boundary between the two developments and the applicant is seeking to have this 'stopped up' and have submitted an application to the County Council as such. This is therefore not a matter for consideration here and there are two alternative Public Right of Ways (PRow) to the west and north of the site that join up with the rest of FP 52 which would still give access to the wider footpath network beyond the site.
- 2.4 There are residential properties to the west, north and south of the site and open countryside to the east across Ford Road. On the corner of Ford Road is a War Memorial. The character of the area is mixed with different age, styles and sizes of dwellings constructed from stone, brick and render. The properties under construction to the north are of a three storey scale.
- 2.5 The proposal presents a development of 4no. two storey, 3-bedroom terraced dwellings, with accommodation in the roof space (including dormer windows). The row of terraced properties will continue from the existing building line created by the adjacent dwellings and have a set back from the highway with rear gardens set behind low stone walls.
- 2.6 The dwellings have been designed to pick up on elements of the character of the area using traditional materials.

- 2.7 Contained on the ground floor would be a family lounge/dining kitchen area, entrance hall, WC and cloak room with 3 bedrooms, 1 ensuite, 1 home office and family bedroom above. A further bedroom with ensuite is proposed on the second floor.
- 2.8 A car parking area for 8no. vehicles is provided to the east of the dwelling, behind a stone boundary wall. Access would be provided directly from Main Road.

AMENDMENTS

- 2.9 During the course of the application amended plans have been received to address design concerns and resulted in:
- Removal of a garage/parking barn on the corner of the site facing Ford Road/Marsh Lane – replaced with an open car parking areas and additional landscaping.
 - Additional landscaping to the eastern boundary behind the retained current boundary wall.
 - Proposed building height no greater than surrounding built form – see sections provided.
 - Reduction in the level of projection of the dormer windows.
 - Removal of the glazed balconies to the site frontage.
 - Increased garden area to Plot 4.
- 2.10 For the avoidance of doubt the plans for consideration are:
- 018045-AAD-01ZZ-DR-A-0001-P03 Proposed Site Plan
 - 018045-AAD-05-ZZ-DR-A-0001-P03 House Type A- Proposed Floor Plans
 - 018045-AAD-05-ZZ-DR-A-0002-P03 House Type A- Proposed Floor Plans
 - 018045-AAD-05-ZZ-DR-A-0003-P03 House Type A – Proposed Elevations



Proposed elevations

- 2.11 The application is supported with a Heritage Statement, Design and Access Statement, Planning Statement and Structural Survey. The proposal is not considered to be EIA development.

3.0 Relevant Planning History

- 3.1 17/01258/FL | Application for change of use from public house (A4) to mixed use of dwelling (C3) and shop (A1) (Conservation Area): Conditionally Approved
- 3.2 18/01280/FL | Redevelopment of the car park of the vacant public house The Butchers Arms to residential use to form 3no. new detached dwelling houses with associated parking and gardens (Conservation Area) (Amended Plans): Conditionally Approved.
- 3.3 *20/00191/FL | Application for demolition of former public house and construction of 4no 3 -bed houses and 1no 4-bed house (Conservation Area) (Affecting a Public Right of Way) (Amended Plans): Refused on two grounds.*
- 1: *The scale, layout and massing of the proposed development would result in a cramped form of development and represent an overdevelopment of the site; and*
 - 2: *Unsatisfactory living conditions created for the future occupiers of Plot 4.*

4.0 Consultation Responses

- 4.1 **Parish Council** no comments received.
- 4.2 The **Highways Authority** have reviewed the amended plans and have commented on Plot types being described as 3-bedroom dwellings with each showing an office and has the potential to be used as a fourth bedroom. Current design guidance for the Highway Authority typically seeks 3 parking spaces per 4 bedroomed dwelling however the Local Plan Policies seek to provide 2 car parking spaces for a 3+ dwelling. It is considered that a suitable access can be provided to serve the development and the Highways Authority have no objection to the proposal and conditions have been requested.
- 4.3 **Chesterfield and North East Derbyshire & Bolsover Ramblers Association** have commented and whilst raising no objection have emphasised the importance of encouraging the use of walking as part of a healthy lifestyle.
- 4.4 **Yorkshire Water (YWA)** raised no objection, subject to conditions.
- 4.5 **Environmental Health** No objection subject to pre-commencement conditions to safeguard from potential contaminants.
- 4.6 **DCC Archaeologist** have responded and advised that they wish to re-iterate their comments of April 2020 in relation to application 20/00191/FL recommending that the proposal be informed by an historic buildings appraisal of the Butcher Arms Public House as very little photographic and archival evidence is provided in evidence to support the proposal.
- 4.7 **Derbyshire Wildlife Trust** raise no objection based on the reports commented on under 19/00191/FL. No presence of bats was recorded.

5.0 Representations

- 5.1 A press notice was published on the **21 January 2021** and a site notice placed on the site on the **15 January 2021**. Neighbouring properties were consulted by letter. A site visit was undertaken by the case officer on **15 January 2021**.
- 5.2 **42 objections** have been received from residents and, following amendments, objectors have reiterated their objections, raising the following material objections/concerns:
- Object to the loss of the pub building
 - The former pub building is the heart of the historic village
 - Loss of a heritage building

- The building should be retained and reused
- The building has stood for years and the structural report needs to be independently reviewed
- Cramped form of development
- Too many houses on a small site – over development
- Three storey dwellings are not in keeping – as can be seen from the recent development to the rear
- They are too tall
- Detrimental impact to the Conservation Area
- The materials proposed are not in keeping – cladding and fake stone
- Car ports out of keeping with the location
- Out of keeping and will be an eyesore much like the development to the rear which was allowed on the former car park
- Impact upon highway safety – too close to the junction
- Not enough parking for visitors – they will be parked on the road which would impact upon highway safety
- Houses are not in keeping with the character of the area
- Object to the footpath being closed
- The earlier refusal should still stand
- Don't need any more housing and the consent for the conversion with shop should be implemented
- Loss of privacy and day light to neighbouring properties
- Loss of a facility – a shop was more relevant and needed
- The building should be converted not pulled down
- Object to the loss of the trees on the frontage
- Lack of ecology assessments – bats are seen in the locality
- A neighbouring development was refused on highway grounds why is this any different?
- Not enough turning area on site

One letter of support has been received which considers the site to be an eyesore and redevelopment is to be welcomed.

6.0 Relevant Policy

6.1 The Development Plan comprises the **North East Derbyshire Local Plan (2005)**. In addition, the **Publication Draft Local Plan 2014-2034** is a material consideration. There is no Neighbourhood Plan for the area.

6.2 In respect of the North East Derbyshire Local Plan the most relevant policies to this application are considered to be as follows:

- GS1 Sustainable Development
- GS5 Settlement Development Limit
- GS10 Crime Prevention

- BE1 General Design Principles
- BE11 Development within and adjacent the Conservation Area
- H2 Housing Development on Other Sites within the SDL
- H12 Design and Layout of new House
- T2 Highway Access and the Impact of New Development
- T9 Car Parking Provision
- R11 Development Affecting Public Right of Way
- CSU4 Surface and Foul Water Drainage
- CSU6 Contaminated Land

6.3 The **North East Derbyshire Publication Draft Local Plan 2014-2034 (PDLP)** was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March 2019. Consultation on the Main Modifications ended on 31st January. It is expected the Plan will achieve adoption in early summer 2021. The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.

6.4 In respect of the PDLP the most relevant policies to this application are considered to be as follows:

- SS1 Sustainable Development
- SS7 Development on Unallocated Land within Settlements within defined SDL
- SDC4 Biodiversity and Geodiversity
- SDC5 - Development within Conservation Areas
- SDC9 - Non-designated Local Heritage Assets
- SDC12 - High quality Design and Place-Making
- ID3 Sustainable Travel
- ID7 Greenways and Public Rights of Way

6.5 The overarching aims of the revised **National Planning Policy Framework (NPPF)** are also material in the assessment of this application. Of particular relevance to the proposal are:

Section 12 (paragraphs 124 to 132) relating to good design sets out that good design is a key aspect of sustainable development with design guides playing a role in clarifying the design expectations in any particular circumstance.

Section 16 (paragraphs 184 – 202) relate to the historic environment and state the importance of considering the impact of a proposed development on the significance of a designated heritage asset and that great weight should be given to the asset's conservation. Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to

the quality of life of existing and future generations. Paragraph 195 relates to the harm caused by total loss of a heritage asset and paragraph 201 is particularly relevant to the loss of a building in a Conservation Area.

7.0 Planning Issues

- 7.1 The main planning considerations are whether the development conforms to the principles set out in the Development Plan, whether the loss of the building is harmful to the area, is the proposal in keeping with the character of the Conservation Area and the locality, has it satisfactory parking and access and does it have any adverse impact upon residential amenity.

Principle

- 7.2 The site lies within the defined Settlement Development Limits for Marsh Lane where there is a presumption in favour of new housing development, subject to satisfying the other criteria set out within the Development Plan.
- 7.3 Marsh Lane is identified as a Level 3 settlement within the PDLP where new housing wouldn't generally be supported due to having limited services. However, it is noted that new housing development has recently been approved to the rear of the site and there is reasonable access to nearby towns to access services by various transport means and so in this case it is considered the redevelopment of the site for housing is acceptable.
- 7.4 The proposal would result in the loss of the public house. There is no intention to reopen the building as such and, furthermore, redevelopment of the former car park has recently taken place which hinders any further commercial operation taking place. Local Plan Policy CSU3 seeks to protect existing services. Planning permission has previously been granted, but not implemented, for the conversion of the former public house to 2 dwellings and a local shop. Whilst the provision of a shop was balanced against the loss of the pub it is not considered that the loss of the public house needs to be revisited for the purpose of this application particularly as other appropriate facilities exist close by with The Fox and Hounds located within 135 meters of the site.
- 7.5 As the site lies within the designated Conservation Area for the Moss Valley the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Importantly, in this context, "preservation" means to cause no harm, and this is a matter of paramount importance in the decision-making process. These issues are considered below.

Impact of the proposal upon Heritage Assets

- 7.6 The proposal requires the demolition of the former public house and its replacement with a development of 4no dwellings. The site lies on the boundary of the Moss Valley Conservation Area and therefore LP Policy BE11 and PDLP policy SDC5 are relevant and state that proposals for development within or adjacent to a Conservation Area should preserve and enhance the character of the Conservation Area. LP policies GS5 and BE1 and PDLP policy SS7 also seek to ensure proposals are in keeping with the character of the area and would not have a detrimental impact upon neighbouring uses.
- 7.7 The Moss Valley is a large Conservation Area, covering a number of settlements and was designated in 1990. The designation report states that the Conservation Area includes a highly significant historic landscape, where there are key components that contribute significantly to the special architectural and historic quality of the area, one of these being, the historic settlements. Marsh Lane is a small historic settlement located within the Conservation Area and as such contributes to the significance of the Conservation Area.
- 7.8 The Butchers Arms commands a prominent position on a main road through the settlement. It is a well-proportioned stone building with a slate roof and ridge chimney stacks with traditional timber sliding sash windows on the main front elevation. It is considered to be an attractive vernacular stone building that contributes to the character and appearance of the street scene within the Conservation Area. This advice was given to the applicant as part of the pre-application comments along with a request for any application to be accompanied by a Heritage Statement.
- 7.9 The Heritage Statement supporting the application provides an assessment of what is considered to be the significance of the Conservation Area designation and the contribution this building has to that designation. It is argued that the building, due to its altered state with later additions, does not merit being a non-designated heritage asset and contributes little to the Conservation Area.
- 7.10 The application is also supported by a Structural Survey. In that, the cost of repairs is considered to make it uneconomical to convert the building as per the permission granted under planning reference NED/17/01258/FL and therefore its demolition with a redevelopment proposal is considered to provide a better alternative for the site.
- 7.11 The view that the building is not to be considered as a non-designated heritage asset or that it does not contribute positively to the Conservation Area is not shared by Derbyshire County Council Development Control Archaeologist Conservation, Heritage & Design officer or the advice given

within the pre-application advice. Within the response from DCC dated 7 April 2020 (planning reference 20/00191/FL) it is stated that '*The building, The Butchers Arms PH, is depicted on the 1:2500 scale OS map of 1876 being one of a suite of buildings and features reflecting the past history of the area. On the historic mapping these features include coal pits, orchards, a Wesleyan Chapel, a school and a pinfold. The school, the chapel and the Butchers Arms are buildings which still remain from this period. Taking this into consideration we would argue that the building in question is a non-designated heritage asset.*'

- 7.12 DCC comment that very little photographic and archival evidence is provided in evidence of this statement. There are no photographs of the interior of the building and no clear images of all the elevations of the structure. Only one early O.S. map is reproduced in the report, and whilst figure 10 depicts phasing of the structure, this is not supported by any photographs of the interior of the building or any images of specific features/fabric which reflect its 19th century (or earlier) origins. DCC are of the opinion that given the proposal results in the loss of a traditional building in a Conservation Area, and one which is considered to contribute to the character of that Conservation Area, a Historic Building Survey should be provided.
- 7.13 The Heritage Statement at paragraph 2.8 comments that the Council does not have a list of Non-Designated Buildings and given the building is not mentioned in the Conservation Area Character Appraisal it is not of such importance or merit to be considered as a non-designated heritage Asset.
- 7.14 The PDLP policy SDC9 'Non-designated Local Heritage Assets' seeks to safeguard historic buildings and advises that proposals involving full or partial demolition of, or significant harm to, a local heritage asset will be resisted unless sufficient justification is provided, and the public benefits outweigh the harm caused by the loss of the asset. The pre-amble to the policy states that the Council will aim to identify and establish a list of locally important buildings and structures. At present there is no further progress on a list.
- 7.15 The earlier refusal did not specifically make reference to the loss of the building itself. Given that the Structural Survey does not support the reuse of the building per se and the building is much altered from its original appearance it is not considered that there is any merit in this case in preventing its demolition as part of this application.

Proposed Development and its impact upon the Conservation Area

- 7.16 Notwithstanding the issue of the loss of the building itself, as set out above, the proposal seeks to address the reasons for the earlier refusal and reduces the development from 5no. dwellings to 4no. dwellings

designed as a row of terraced properties on a similar footprint to the former building. The dwellings are of 3 storeys in height with rooms provided in the roof space for the second floor. Parking provision has been increased to satisfy the requirements of DCC Highways standards and provided to the side of the dwellings behind the stone wall. Additional trees are to be planted to soften this corner location to provide a 'greening' of the site. There is limited opportunity for further formal landscaping due to the constrained size of the plot.

- 7.17 The design objectives for the dwellings have been taken from the development to the rear and will be constructed from materials to blend with that development. The amended design removed the glazed balconies from the front elevation and the gables are considered to add interest to the streetscene. The rear box dormers, whilst not a traditional feature would be set back from the gable elevation and are considered to have a limited impact upon the overall character of the streetscene. On balance, they are considered to be acceptable.
- 7.18 The application is supported with streetscene drawings from Main Road and Ford Road. The creation of a terraced development is considered to address the earlier refusal providing a more coherent approach to the development to the rear and replicating a more traditional design approach. The removal of the car ports also retains a more open feel to the corner.
- 7.19 The most prominent gable elevation as proposed, facing east, has limited interest within it and this is regretted. However, through condition, requiring a revised elevation, it is considered some more openings, and so activity, can be introduced into this feature.
- 7.20 Given the constraints of the site, its limited size, unusual shape and prominent corner location, the design of any scheme needs to be acceptable in preserving the character of the Conservation Area. A row of terraced properties is considered to better respond to the locality and addresses the earlier refusal. Whilst the demolition of the former building is regrettable the removal of all of the hardstanding to the frontage of the building is considered to allow for an enhancement to the conservation area. Overall, it is not considered that there sufficient evidence meriting withholding permission to prevent demolition of the Butcher's Arms and it is considered that the amended proposal would provide for an acceptable treatment of the street scene and preserve the character of the Conservation Area as required by LP policies GS5, BE11 and PDLP policies SS7 and SDC5.

Impact upon Neighbouring Properties and Amenity

- 7.21 Policies GS5 and Policy H12 of the LP and Policy SDC12 of the PDLP requires that proposals must not result in a detrimental effect on the amenities of neighbouring occupiers and uses and acceptable levels of amenity are provided.
- 7.22 There is a detached dwelling located to the west of the site that has an obscurely glazed window on the side elevation; assumed to serve a bathroom. Plot 1 would be located along this boundary, much closer than the existing pub, however it is not considered that the impact upon the residents would be detrimental or result in loss of privacy due to the obscurely glazed nature of the window.
- 7.23 To the rear of the site is a new residential development. The dwellings run perpendicular to the application site. The nearest dwelling has a gable end with windows serving the stairway facing onto plots 3 & 4. "Successful Places" seeks to ensure that development proposals respond positively without having a detrimental impact upon existing land uses. It promotes different levels of separation distances that relate to different situations (orientation, layout, design) to ensure overlooking, loss of privacy and light is avoided. The separation distance in this case is over twelve metres and is therefore considered to be acceptable in providing adequate privacy and amenity for future and existing occupiers.
- 7.24 The relationship between the proposed dwellings is also acceptable.
- 7.25 "Successful Places" seeks to ensure that development proposals provide a sufficient level of private amenity space. Section 3.11.15 advocates that there should be a minimum of 90 square metres of amenity space for a 4+ bedroom dwelling (excluding open private space and parking areas). For family dwellings there should be a sufficient space to allow outdoor play. The amended scheme provides a sufficient level of private amenity space to the rear which is private and secure in line with this guidance.
- 7.26 As such, the proposal is considered to comply with the objectives of LP policies GS5, BE1, H12 and PDLP policies SS7 and H12 and would represent a satisfactory form of development providing satisfactory residential amenities for the both existing and future occupiers.

Impact upon Highway Safety

- 7.27 The proposed access is considered acceptable in terms of visibility and width, with the applicant being in control of sufficient frontage to provide

the necessary visibility splays (2.4m x 43m) and for vehicles to pass within the entrance/exit area as necessary.

- 7.28 The proposal has been amended to remove the originally proposed car ports and provide parking in line with the highway guidance. Manoeuvring within the site can be provided. There are no objections raised by the Highway Authority subject to conditions.
- 7.29 Concern about traffic safety have been raised but as the previous use of the site was as a pub any level of traffic associated with the new development will be lower than that and so from that point of view an improving situation.
- 7.30 Overall, the proposal can provide sufficient parking in relation to the quantum of development proposed. The former commercial use will have ceased and it is considered the proposal is compliant with Local Plan policies T2 and T9.

Public Right of Way – Eckington FP 52.

- 7.31 The line of the PRow currently runs through the site along the northern boundary. The applicant is seeking to have this 'stopped up'. This is not to be considered as part of this proposal and requires further consideration. The applicant has been advised to contact the County Council.
- 7.32 There are two alternative Public Right of Ways to the west and north of the site that joins up with FP 52 which would still give access to the wider footpath network beyond the site and so this issue is not considered of weight justifying resistance of the application.

Ecology

- 7.33 As the proposal involves the demolition of a building it is appropriate to consider whether any protected species have access to the roof void. No survey has been provided with this revised proposal however the Bat Survey submitted under planning reference 20/00191/FL concluded the property to have no field sign evidence synonymous with bats but low roost suitability to support resting and/or roosting bats. DWT have been consulted and raised no objection based on the earlier report. It is not considered that ecology impacts would be a constraint to developing the site.

Conclusion

- 7.34 In conclusion it is noted the site lies within a settlement limit and that there is access to services by a range of transport means. Overall, the proposal is considered to represent sustainable development.

7.35 The scheme would result in the loss of an existing building. However, the structure is considered not of such merit to resist its removal and subject to some minor design amendments the scheme is considered, on balance, to preserve the character of the Conservation Area and provide an acceptable level of amenity for existing and future residential occupiers.

7.36 There are no other technical reasons justifying refusal of the scheme on their own merits.

7.37 Therefore for the reasons set out above the proposal is considered to comply with the Development Plan and no other matters outweigh that conclusion.

9.0 Recommendation

9.1 GRANT Full Planning Permission subject conditions:

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the amended plans referenced:

- 018045-AAD-01ZZ-DR-A-0001-P03 Proposed Site Plan
- 018045-AAD-05-ZZ-DR-A-0001-P03 House Type A- Proposed Floor Plans
- 018045-AAD-05-ZZ-DR-A-0002-P03 House Type A- Proposed Floor Plans
- 018045-AAD-05-ZZ-DR-A-0003-P03 House Type A – Proposed Elevations

Reason- For clarity and the avoidance of doubt.

3. The materials shall be in accordance with the details provided within the application.

Reason: In the interest of preserving the character of the area and in accordance with North East Derbyshire Local Plan Policies GS5, BE11 and H12; and Publication Draft Local Plan Policies SS7, SDC5 and SDC12.

4. Before above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
- the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- a schedule of proposed plant species, size and density and planting locations and
- an implementation programme.

Reason: In the interest of the appearance of the area and in accordance with policies GS1, GS5 and BE11 of the North East Derbyshire Local Plan, and Publication Draft Local Plan Policies SS7, SDC5 and SDC12.

5. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the area and in accordance with policies GS1, GS5 and BE11 of the North East Derbyshire Local Plan, and Publication Draft Local Plan Policies SS7, SDC5 and SDC12.

6. Notwithstanding any submitted details, before development starts a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the extension hereby approved, and it shall be retained as approved.

Reason: In the interest of the appearance of the area and in accordance with policies GS1, GS5 and BE11 of the North East Derbyshire Local Plan, and Publication Draft Local Plan Policies SS7, SDC5 and SDC12.

7. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and

c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

8. Before any other operations are commenced (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: In the interest of highway safety.

9. The development hereby permitted shall not be occupied until the existing access to Main Road has been modified in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and T2.

10. The proposed access drive to Main Road shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and T2.

11. Prior to the first occupation of any dwelling hereby permitted, the existing vehicular access to Main Road shall be permanently closed off and the existing vehicular crossing reinstated as footway in accordance with the County Council's latest standard for works in the public highway. Notwithstanding the provisions of the Town and Country

Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the measures to close off the access shall be retained as approved throughout the lifetime of the development.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and T2.

12. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of 2 vehicles and manoeuvring of residents' vehicles (each space measuring at least 2.4m x 5.5m), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and T9.

13. The premises, the subject of the application shall not occupied until a bin dwell area has been provided adjacent to Main Road, so bins can be stored clear of the public highway on collection day.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and H12.

14. Before the commencement of the development hereby approved:
- a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The land contamination assessment shall include a desk-study with details of the history of the site use including:

- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

15. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority.

The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

16. The dwellings hereby approved shall not be occupied until:
- a) The approved remediation works required by 15 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 14b to 15 above and satisfy 16a above.
 - c) Upon completion of the remediation works required by 15 and 16a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings,

structures/services, ecosystems and controlled waters, including deep and shallow ground water.

17. Prior to any above DPC works being carried out a revised eastern elevation to the building shall be submitted to and be approved in writing by the local planning authority. The elevation shall feature windows and doors that create an acceptable level of activity to the elevation. The development shall then be implemented as agreed.

REASON: As the proposed elevation lacks interest and further ineptest and activity is considered necessary to ensure the character and appearance of the area is maintained and enhanced.

PLANNING COMMITTEE – 29 June 2021

REFERENCE NUMBER: 21 /00344/FLH Application Expiry Date: 29 June 2021
Application Type: Householder Planning Permission

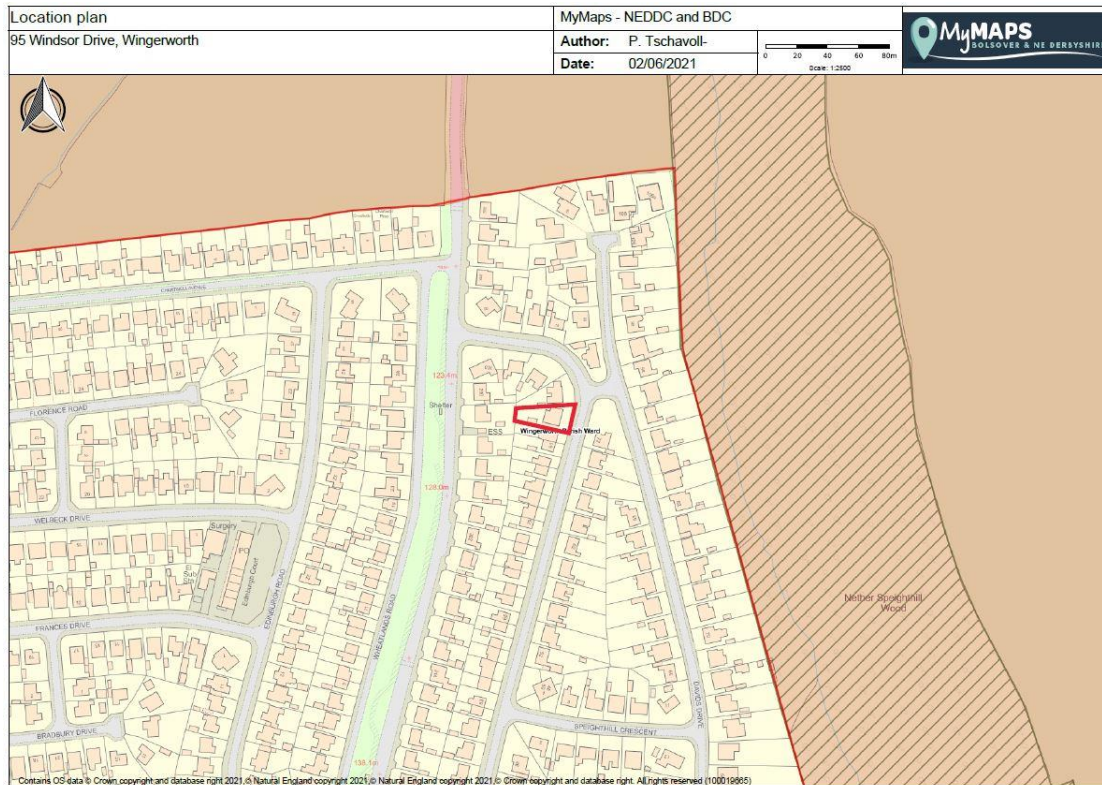
Proposal Description: Proposed loft conversion with 2no front dormers, 1no rear dormer, and hips converted to gables. Single storey rear extension
At: 95 Windsor Drive, Wingerworth, Chesterfield, S42 6TQ

For: Mrs. Samantha Richmond, 75 New Road, Wingerworth, S42 6UJ

Third Party Reps: 2 **Parish:** Wingerworth Parish
Ward Name: Wingerworth Ward

Author of Report: Philipp Tschavoll-Selenko **Date of Report:** June 2020

MAIN RECOMMENDATION: REFUSE



1.0 Reason for Report

- 1.1 Councillor Ruff has requested that this planning application be determined at Planning Committee as the proposal would not meet/sit with the street scene and would have an adverse effect on the neighbouring properties (loss of light and loss privacy) due to the proposed height and rear windows.
- 1.2 The Planning Committee is required to determine the application.

2.0 Proposal and Background

- 2.1. The application site comprises of an existing brick built bungalow which is set back and slightly elevated from Windsor Drive. To the south of the site, there is a row of 2-storey semi-detached dwellings and to the north there is a loft converted bungalow with two dormers to the front and one to the back. Opposite of the application site, there are further bungalows both along Windsor Drive and the adjacent Davids Drive. The site also features a drive way along the southern boundary of the site which leads to a car port and a garage.
- 2.2. Construction works are currently taking place on site with the demolition of a conservatory including a wall to the adjacent kitchen and construction of a single storey rear extension.
- 2.3. The planning application seeks permission for a loft conversion incorporating 2no front dormers, 1no dormer running the full width of the roof to the rear, and the existing roof hips converted to gables. The application also includes for a single storey rear extension.
- 2.4. The proposal would raise the existing roof line by 1.0m. The roof of the proposed dormer to the rear would sit 0.4m below the new roof line and the proposal would create a converted loft with a total height of 5.4m from ground level. This would allow for the creation of two new bedrooms and two new bathrooms accessed by a new staircase. The proposed materials would include new tiles to match the existing roof tiles and dark wood cladding on the sides of the proposed dormers to the front and dark wood cladding on both sides of the proposed gables and loft conversion and to the back.

3.0 Relevant Planning History

- 3.1 There is no relevant planning history for the application site.

4.0 Consultation Responses

- 4.1. Councillor Ruff objects to this application on the grounds of the impact on the street scene. She considers it would be totally out of keeping and would be a blight for the neighbours. Whilst other properties have been extended in the loft space these have been done sympathetically to the property and surrounds.

5.0 Representations

- 5.1. The Site notice expired on 17 May 2021 and three neighbouring properties were notified on 23 April 2021.
- 5.2. The neighbours at 97 Windsor Drive strongly object to the proposal and have raised the following concerns:
- The sides and rear walls will be built higher than that of a dormer bungalow to look like a house which will have an overbearing impact on their own property. This proposal would not be in keeping with those dormer bungalows at Windsor Drive and Davids Drive.
 - Due to the height and the design of the rear half of the development this will have a severe and significant impact on lighting to their kitchen.
 - The proposed side walls will not be gables. The proposal not only raises the ridge by 1000mm, it also raises the rear half of the existing roof by up to 2620mm.
 - The proposal will result in five first floor windows to the rear elevation which will significantly overlook neighbouring properties, in particular theirs.
 - The cladding on the side and rear elevations, with the combination of size and style, will make this look like a shed on top of a traditional bungalow.

6.0 Relevant Policy and Strategic Context

- 6.1. The Development Plan comprises the North East Derbyshire Local Plan (2005) and the Wingerworth Neighbourhood Plan.
- 6.2. With regards to the North East Derbyshire Local Plan the most relevant policies to this application are considered to be as follows:
GS5 – Settlement Development Limits
H5 – Domestic Extensions
T9 – Car Parking Provision
- 6.3. In respect of the Wingerworth Neighbourhood Plan 2014-34 the most relevant policy to this application is W12: Design Principles.
- 6.4. With regards to the emerging North East Derbyshire Publication Draft Local Plan 2014-2034 (PDLP) the Local Plan Examination is well

advanced and public hearings took place in November/December 2018 and March 2019. Following the hearings, the Inspector has identified a number of Main Modifications which have been consulted upon between November 2020 and January 2021. It is expected the Plan will achieve adoption in summer 2021. The PDLP is therefore at an advanced stage and should be attributed weight accordingly in decision making.

- 6.5. The most relevant policies in respect of determining this application are:
SS7: Development on Unallocated Land within Settlements with defined Settlement Development Limits
LC5: Residential Extensions
- 6.6. Other relevant policy documents include the Supplementary Planning Document – Successful Places 2013 with specific regards to chapter 3.11 - Amenity.
- 6.7. The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application.

7.0 Planning Issues

- 7.1. The planning issues relevant to the proposal are whether the proposal accords with the policies of the Development Plan, i.e. is it acceptable in principle, its potential impact on the amenity of existing residential property occupiers, its impact on the street scene and the local character and car parking provision.
- 7.2. Each matter is considered in detail below.

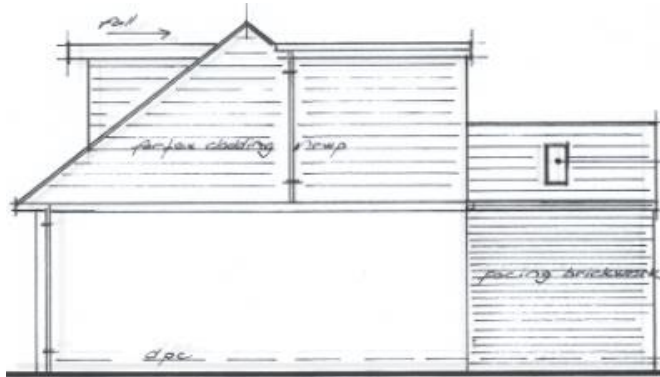
Principle of Development and Application of Policy

- 7.3. With regards Policy GS5 of the adopted Local Plan and Policy SS7 of the PDLP the application site is situated within the Settlement Development Limits of Wingerworth where the principle of development is acceptable provided it is not contrary to other policies in the Local Plan.

Effect on neighbours

- 7.4. The neighbours at 97 Windsor Drive are concerned that the sides and rear walls will be built higher than that of a dormer bungalow to look like a house which will have an overbearing impact on their own property. They further state that the rear half of the existing roof will be raised by up to 2.6m which will have a severe and significant impact on lighting to their kitchen. These concerns are also raised by Councillor Ruff.
- 7.5. 97 Windsor Drive which is situated to the north of the application site sits ca. 0.75m lower than the application property and the closest distance between both properties is at the back where they are as close as 2.3m. Although the proposed loft conversion extends back 3.3m from the current

roof apex it does not project over the existing wall of the ground floor. The roof of the proposed loft conversion would also sit 0.4m below the new roof line which gives the proposed loft conversion a total height of 5.4m from ground level (see below).



Side elevation of proposed loft conversion facing 97 Windsor Drive

- 7.6. 97 Windsor Drive has one side facing kitchen window on the ground floor (see photo below) but there are no other windows to the side. As the neighbouring property sits ca. 0.75m lower and to the north of the application property it is acknowledged that there would be some reduction of natural light to the side facing kitchen window due to the proposed loft conversion. However, the kitchen of the neighbouring property has another window facing the rear garden to the west and a French door to the north. It is therefore the Officer's view that overall there would be enough natural light getting into the kitchen and so the impact of the extension would not be harmful in this regard.



View from the application site to 97 Windsor Drive & view from the street of both 95 & 97 Windsor Drive

- 7.7. The neighbours at 97 Windsor Drive are also concerned that the proposal will result in five first floor windows to the rear elevation which will significantly overlook neighbouring properties and especially their own property.

- 7.8. The proposed loft conversion would create two new bedrooms with on-suite bathrooms accessed by a new staircase. This would include two new bedroom windows, two new bathroom windows and one staircase window.
- 7.9. The application property sits in an angle of ca. 16° to the neighbouring property of 97 Windsor Drive. It is considered that from the new bedroom window closest to the neighbouring property limited views into the garden of 97 Windsor Drive would be possible. However, the garden is already overlooked from other neighbouring properties.
- 7.10. The nearest other dwelling to the back of the application site, 292 Langer Lane, is positioned above and at a slight angle to the application property and would be well separated from the proposed loft conversion. The proposed loft conversion would create two additional bedroom windows, but with a separation distance of around 36m, it is not considered that this would result in any significant overlooking according to the Successful Places SPD.
- 7.11. This planning issue should be assessed against Policy H5 of the adopted Local Plan and against Criterion c) of Policy LC5 of the PDLP, which both seek to protect neighbouring residents from significant loss of privacy and amenity. Given the distance between houses and their orientation it is not considered there is either an unacceptable loss of privacy or loss of light from this development to cause significant harm to the amenity experienced by neighbouring residents and therefore the development complies with Policy H5 and with Criterion c) of Policy LC5.

Street scene

- 7.12. The neighbours at 97 Windsor Drive are also concerned over the proposed cladding on the sides and the rear of the application property. Councillor Ruff states that the proposed loft conversion would be totally out of keeping and would be a blight for the neighbours.
- 7.13. The proposed gables and loft conversion would feature dark wood cladding on both sides and to the back of the property as well as to the sides of the front dormers. The use of dark wood cladding on both sides of the proposed gables and loft conversion would clearly contrast with the existing brick wall of the ground floor as the proposed cladding is up to 2.6m high from the eaves and up to 7.5m wide from the front to the back.



Exemplary image of the proposed dark wood cladding provided by the applicant

- 7.14. The application property also sits in an angle to the neighbouring property at 97 Windsor Drive which makes the north facing side of the application property more visible from the street. However, the street scene of Windsor Drive and of adjacent Davids Drive is dominated by brick built properties, either bungalows or semi-detached houses. They sometimes incorporate tiles or cladding but these elements are subordinate to brick walls at the front and sides of these houses. Put simply, brick is the dominant feature.



Street view image of Windsor Drive (Google Maps)

- 7.15. Whilst existing bungalows along Windsor Drive and Davids Drive were converted and extended in the past, this was mostly done in keeping with the street scene and the local character i.e. converting hipped roof to gables with new brick walls on the sides.

- 7.16. This issue should be assessed against Policy H5 of the adopted Local Plan, against Criterion a) of Policy W12 of the Wingerworth Neighbourhood Plan and against Criterion b) of Policy LC5 of the PDLP, which require extensions to be in keeping with the property and the street scene in terms of their style, proportion and materials. Given the proposed dark wood cladding on both sides of the gables and the loft conversion it is considered this would not be in keeping with the application property or the street scene and therefore the development is contrary to Policy H5, to Criterion a) of Policy W12 and to Criterion b) of Policy LC5.

Car parking provision

- 7.17. The proposed loft conversion would add another two bedrooms to the existing two bedrooms in the ground floor which in total adds up to 4 bedrooms. Currently, there is a drive way up to the property and there is a car port with two parking spaces along the south side of the property. There is also an existing garage further to the back of the property.
- 7.18. This issue should be assessed against Policy T9 and the Council's car parking standard of the adopted Local Plan, which requires for a 4 bedroom dwelling two car parking spaces. Given that there are three car parking spaces in total there would be sufficient car parking provision and therefore the development complies with Policy T9.

8.0 Summary and Conclusion

- 8.1. The application of a dark wood cladding on both sides of the proposed gables and loft conversion would clearly contrast with the existing brick built property, the street scene and the local character of brick built houses.
- 8.2. In light of the comments above it is considered that the proposed dark wood cladding on both sides of the gables and loft conversion would not be in keeping with the property nor the street scene and therefore the development is contrary to Policy H5 of the adopted North East Derbyshire Local Plan (2005), to Criterion a) of Policy W12 of the Wingerworth Neighbourhood Plan and to Criterion b) of Policy LC5 of the PDLP.
- 8.3. In all other respects it is considered the proposal is acceptable.

9.0 Recommendation

- 9.1. **REFUSE** Planning Permission subject to the following reason:
- 9.2. The dark wood cladding on both sides of the proposed gables and loft conversion would be at odds with the existing brick built property, the street scene and the local character of brick built houses. The dark wood

cladding would not be in keeping with the property nor the street scene and therefore fails to comply with Policy H5 of the adopted North East Derbyshire Local Plan (2005), with Criterion a) of Policy W12 of the Wingerworth Neighbourhood Plan and with Criterion b) of Policy LC5 of the PDLP.

North East Derbyshire District Council

Planning Committee

29 June 2021

Planning Appeals Lodged and Determined

Report No PM/01/2021-22/AK of the Planning Manager – Development Management

This report is public

Purpose of the Report

- To inform the Committee of the appeals lodged and determined.

1 Report Details

1.1 Appeals Lodged

The following appeal has been lodged:-

Mr M Gill - Outline application (with all matters reserved) for the erection of one bespoke family home with access off Birkin Lane at 76A New Road, Wingerworth (20/01004/OL)

Planning Officer–Asbury Planning Susan.Wraith@ne-derbyshire.gov.uk

Mr Jack McGuiness - Change of use from out building to a 1 bed disabled dwelling at 279 Sheffield Road, Killamarsh (20/01027/FL)

Planning Officer – Colin Wilson Colin.Wilson@ne-derbyshire.gov.uk

Craig Lynch - Application to regularise the construction of a wedding gazebo at Fox And Goose Inn, Main Road, Wigley (20/00418/FL)

Planning Officer – Asbury Planning Susan.Wraith@ne-derbyshire.gov.uk

Wessington Park Developments Ltd - Outline application (all matters except access and layout reserved for further approval) for the conversion of existing car sales and storage buildings to create a farm shop, garden sales and visitor reception facility, a new build village hall and community shop, residential development, holiday lodges and car parking, new access and associated infrastructure (amended details) (Amended description) at Land Surrounding Cottage Farm, Matlock Road, Wessington (18/01278/OL)

Planning Officer – Adrian Kirkham Adrian.Kirkham@ne-derbyshire.gov.uk

Mr And Mrs J Bedford - Proposed building for tractor, implements and log store (Amended Plans) (Amended Title) at Barn Adjacent Walnut Barn, Ashover Hay, Ashover (20/00484/FL)

Planning Officer – Emily Cartwright Emily.Cartwright@ne-derbyshire.gov.uk

Mr Peter Rhodes - Application for Lawful Development Certificate for water storage tank, diesel tank, stand-by electrical generator and associated concrete base at 1 Swathwick Lane, Wingerworth (19/00409/LDC)

Planning Officer – Jim Wilmot Jim.Wilmot@ne-derbyshire.gov.uk

Mr Henry Kay - Application for proposed ground floor extension and rooms in the roof space including front and rear dormer windows (resubmission of 20/00270/FLH) at East View Cottage, Calow Green, Calow (20/00896/FLH)

Planning Officer – Alice Lockett Alice.Lockett@ne-derbyshire.gov.uk

Enforcement Appeals Lodged

Anne and Peter Rhodes - Appeal against enforcement notice for Laying of a concrete base and siting of storage containers, diesel tank and an electrical generator, and unauthorised change of use of land at 1 Swathwick Lane, Wingerworth (17/00174/OD)

Planning Officer – Jim Wilmot Jim.Wilmot@ne-derbyshire.gov.uk

1.2 Appeals Allowed

No appeals have been allowed.

1.3 **Appeals Dismissed**

The following appeals have been dismissed:-

Mrs Lynn Booth Swim121 – Lawful development certificate application for the provision of 121 swimming tuition on a Saturday 8:30 - 16:30, and Sunday 8:30 - 16:30 at The Croft, Mansfield Road, Mile Hill (19/01159/LDC)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Aspbury Planning – Susan.Wraith@ne-derbyshire.gov.uk

Mr Evans – Outline application with all matters reserved for 1no dwelling at the rear of the property at 216 Sheffield Road, Unstone (20/01036/OL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Aspbury Planning – office@aspburyplanning.co.uk

Mr Perez – Change of use of land to create 2 no. parking spaces (Resubmission of 20/00125/FL) at 1 Overton Lodge, Jetting Street (20/00446/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Emily Cartwright – Emily.Cartwright@ne-derbyshire.gov.uk

1.4 **Appeals Withdrawn**

No appeals have been withdrawn.

2 **Conclusions and Reasons for Recommendation**

2.1 N/a.

3 **Consultation and Equality Impact**

3.1 N/a.

4 Alternative Options and Reasons for Rejection

4.1 N/a.

5 Implications

5.1 Finance and Risk Implications

N/a.

5.2 Legal Implications including Data Protection

N/a.

5.3 Human Resources Implications

N/a.

6 Recommendations

6.1 N/a.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	Yes/No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 **Document Information**

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Katie Spelman	01246 217172