

PLANNING COMMITTEE – 3rd September 2024

Reference Number: 23/00932/FL

Application expiry: 06/09/2024

Application Type: Full

Proposal Description: Planning application for residential development of 132 dwellings (Use Class C3), with highways, landscaping and associated works (Major Development) (Affecting public footpath)

At: Land north of Burns Drive and East of Southfield Drive on the south side of Chesterfield Road Dronfield

For: W Redmile & Sons Ltd

Third Party Reps: Objections

Parish: Dronfield

Ward: Dronfield South

Report Author: Kerry Hallam

Date of Report: August 2024

MAIN RECOMMENDATION: Refuse



Figure 1: Site layout plan

1.0 Reason for Report

- 1.1 The application has been called in to Planning Committee by the Ward Member to allow Committee to determine the application. The concerns raised relate to impact on green field land and loss of agricultural land, road safety issues, risk of surface water flooding, loss of ecological value and impact on social infrastructure.
- 1.2 Additionally, the Planning Manager considers the application of strategic importance and one which should be determined by Planning Committee.

2.0 Proposal and Background

Site Description

- 2.1 The application site is located on the southern side of Chesterfield Road, Dronfield and comprises a sloping greenfield site, the majority of the site is located within the defined settlement development limits (SDL) for Dronfield.
- 2.2 The proposed drainage tank and biodiversity enhancement area are located outside of the SDL and within the Green Belt.



Figure 2: Site location plan

- 2.3 Existing residential properties adjoin the site to the south on Burns Drive and to the west on Southfield Mount. The site lies on a

northeastern/southwestern facing slope which ascends from Chesterfield Road. The southern boundary of the site is approximately 30m higher than Chesterfield Road.

- 2.4 The site is currently bound by hedgerows and vegetation to the eastern and southern boundaries with the frontage with Chesterfield Road consisting of a dry-stone wall.

Proposal

- 2.5 This application seeks permission to erect 132 dwellings on the site with highways, landscaping and associated works.

Amendments

- 2.6 A number of amendments have been made during the consideration of the application which are comprised of alterations to the layout, house types, landscaping and additional reports/information requested by consultees.

3.0 Relevant Planning History

- 3.1 None relevant.

4.0 Consultation Responses

- 4.1 **Ward Councillor(s)** – Cllr Jones raises the following points (full representation available on the Council's website):

Affordable Housing in terms of mix and location. The documentation has been prepared on the premise that the affordable housing requirement will be serviced through the 34x2 bedroom apartments [GA + DAA] plus the 12x1 bedroom apartments [BA]. The developer's submission is silent in respect to whether it is the developer's intention to provide 2/3 bedroom houses through the affordable housing allocation. Should the developer confirm some level of affordable housing split between apartments and 2/3 bedroom houses we shall be pleased to re-visit our opinion. The element of the housing strategy relating to the mix of the affordable housing, its concept as a "site within a site" plus the naive + poor level of detailed consideration of the Gateway to Dronfield, as presented in the current planning application is completely unacceptable in its present form.

Location of the attenuation tank in the Green Belt. The attenuation tank is a substantial "manmade", hard engineered SuDS solution. It will impact the preservation of the openness of the Greenbelt and fail in this respect to meet the requirements of the Local Plan and NPPF : • It risks the creation of a plateau penetrating the natural slope of the Greenbelt. • It requires a prominent access [against the natural slope] from the A61. • It will likely

result in a 72m x 15 m wet spot. It will therefore impact the preservation and openness by virtue of its undoubted prominence.

3 storey dwellings. The adoption of the 3 storey concept is not in keeping with the character and setting of the town and will stand out as a brutal and naive gateway and reflection of the town. The regimented building-scape will impact any 'residual' visual benefits gained from the adjacent preserved greenbelt and any biodiversity gain delivered. The view of the greenbelt is sensitive and highly visible from the surrounding high ground [Coal Aston, Summerly, Apperknowle, Hundall]. The apparent "margin protective" approach will yield a naive cost effect finish to the material palette. The adoption of the 3 storey concept should be reviewed in favour of dormer bungalows/houses so that the development blends with the town as a whole. Consideration needs to be given to replacing a proportion of the affordable apartments with affordable houses. Whilst this will take up additional space [footprint] currently used as green areas within the site, the benefits in social terms to the residents could be significant.

Lack of compliance with NPPF, Local Plan Policies and Neighborhood Plan Policies. The PJA review document is an in-depth appraisal of the planning submission and we concur with the majority of the comments, observations and suggestions therein. This document attempts to link the PJA document into the number of technically based representations we have submitted to NEDDC. It is very clear that the developer has failed to understand and appreciate the requirements and intentions of the LP and NPPF and on this basis we object to the revised application and it should be refused. There remain a number of areas of design which fall short of the national standards and justify the refusal of the planning application.

4.2 **Dronfield Parish Council.** Object to the application in the following terms:

Local Plan Policy SS11 - The application to build 135 houses on this area of land will constitute a closing of the settlement gap between Dronfield and Unstone contrary to policy SS11 of the Local Plan (LP) which concerns local settlement gaps and states that development will only be permitted where they do not result in the erosion of existing settlement separation and identity created by the undeveloped character of those spaces. By permitting development of this land the settlement gap between Dronfield and Unstone has been significantly reduced. (Officer comment – The site is not defined as a settlement gap under LP policy SS11.)

Dronfield Neighbourhood Plan Policy ENV2 and Local Plan Policy SS1 Policy SS1 Sustainable Development' [of the LP] states that in order to contribute to sustainable development in North East Derbyshire, *development proposals will protect and/or enhance the character, quality and diversity of the District's green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets.* Policy ENV2 within the Dronfield Neighbourhood Plan also states that proposals must *reinforce local character and a sense of place through appropriate design*

and materials. This application does not make it clear how it would protect/enhance the character, quality and diversity of the District's green infrastructure and the poor design of the properties (three story dwellings with no local design parallels) is not in keeping with the area and does not reinforce the local character, history and a sense of place, breaching Policy ENV2 of the Dronfield Neighbourhood Plan (NP).

Local Plan Policy SDC3 - 'Policy SDC3: Landscape Character' within the LP states that proposals for new development will only be permitted where *they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views*, or other perceptual qualities such as tranquility. This application would have a significant impact and potential harm on the landscape and views from across Dronfield due to the typography of the plot and planned steep roads due to the gradient on the site and particularly as the location is a gateway into the historic town of Dronfield.

Dronfield Neighbourhood Plan HOU3 and Local Plan Policy LC2 Industry standards recommend that habitable buildings should not be located within 400m of a Wastewater Treatment Works compound, and this application would currently fall within that Cordon Sanitaire. The treatment works capacity is also of concern due to ongoing odour issues already being reported within the area. The siting of all affordable housing closest to the treatment works also breaches Policy LC2 of the LP and Policy HOU3 of the NP as the Town Council would like to raise concerns about whether the proposed affordable housing has been distributed evenly throughout the development as stated in both Plans.

Dronfield Neighbourhood Plan Policy HOU4 and Local Plan Policy ID2 The impact of flood risks has also been assessed by the Town Council in the past and a copy of the findings are attached. This application would be contrary to 'policy HOU4: Infrastructure for new housing and other forms of development' in the NP which states that there should be *"suitable capacity in local infrastructure including sewerage and drainage"*. This same policy also states *that to be supported development proposals must, through Section 106 agreements or other mechanisms, provide for timely delivery of essential infrastructure needs arising from the scheme.* The impact of this planning application on health services alone has been calculated at a cost of £121,500 by the NHS, with an estimated additional 337 patients to be accommodated. In addition to this there will also be impacts on the local schools, the wastewater treatment works and the road infrastructure which will result in additional traffic and road safety concerns in the local vicinity adding to already busy road junctions such as the Callywhite Lane, Green Lane and Chesterfield Road junction, which is located nearby and has already been identified in policy ID2 of the LP.

Dronfield Neighbourhood Plan Policy ENV2 and D3 - 'Policy ENV2: Landscape Character', within the NP states that *"to be supported, development proposals must contribute to the protection, maintenance and enhancement of the character of the local landscape. Proposals must;*

- *Reinforce local character and a sense of place through appropriate design and materials;*
- *Ensure any proposed landscaping and boundary treatments are local in character including the use of native tree and hedgerow species and;*
- *Have regard to the extent to which the development would adversely affect landscape element which contribute to the local historic landscape character; including features such as ancient and irregular field enclosures, ridge and furrow, stone walls, woodland, mature trees and historic hedgerows.”*

The Town Council are concerned that the impact on the character and setting within Dronfield has not been fully assessed and does not address the points highlighted in policy ENV2. Neither does the application meet policy ‘D3: Good Design’ of the NP which states that *“to be supported proposals must respond positively to the character and historic context of existing developments within the town”*. The Town Council would like to raise concerns that the current design of these properties does not reflect this policy of good design as the designs could be dropped into any town across the country. Neither does the ‘National Design Guide’ appear to have been followed - see paragraphs 50 – 60 regarding identity which relates to paragraphs 131 – 141 of the NPPF.

Dronfield Neighbourhood Plan Policy ENV4 and Local Plan Policy SDC12 - The impact of this development on the environment is also of a major concern to the Town Council and the current planning application does not seem to take into account policy ‘ENV4: Ecology’ within the NP which states that *“to be supported development proposals must respect and enhance existing ecological corridors and landscape features (such as watercourses, ponds, hedgerows and tree lines) for biodiversity and show how any adverse impact will be managed or mitigated to make the development acceptable. Enhancement and compensation measures that benefit local conservation priorities as identified in the Lowland Derbyshire Biodiversity Action Plan will be supported.”* There appears to be a lack of protection of the bordering hedgerows, there is little green public open space within the proposed design, which wherever possible should create an integrated network and connect with existing green/blue infrastructure, according to policy SDC12 of the LP. The impact of additional CO2 emissions does not seem to have been considered or mitigated for and despite identifying an area for biodiversity, which appears to fall outside of the settlement limits, there is little other information available about the impact on wildlife in the area and long-term maintenance of the area.

Policy SDC12 also states that proposals for development will only be permitted provided that they

- *“respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings*
- *Create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational*

treatment, materials, streetscape, and rooflines which effectively integrate buildings into their local setting;

- Create well-connected places that are easy to move around and which give priority first to pedestrian and cycle movements; and second, wherever possible, facilitate access to public transport;*
- Provide streets and spaces within a well-considered public realm which are legible and shaped by recognisable landmark features, and which are overlooked, active, and promote inclusive access;*
- Make efficient use of land by optimising housing densities, particularly in and around town centres and other locations where there is good access to frequent public transport services, whilst reflecting the particular characteristics of the site and its surrounding area;*
- Maintain or enhance important existing site features of landscape, ecological, heritage or amenity value as integral elements of the design.”*

The Town Council has concerns that all of the points above are not covered by the current planning application. The plans put forward demonstrate no desire to create a development that is of a high-quality design, that draws from the local character of the town and improves the quality of the local landscape and ecology shaped by the existing landmark features. The plans fail to give priority first to pedestrians and cycle movements or facilitate access to public transport and instead focuses on vehicles movements, the estimate of which appears to be on the low side. Residents have also raised concerns about potential access roads to and from Burns Drive and Shakespeare Crescent, which already experience issues with accessibility for emergency vehicles and rubbish trucks due to the existing number of parked cars on these roads. Including access roads from these streets to the new development would simply amplify existing problems.

4.3 Dronfield Civic Society

Odour from the nearby wastewater treatment works (WwTW) We are aware that there have been many complaints from residents living near to the development site about an odour problem arising from the WwTW. This has prevented residents from opening their windows in warm weather and denied them use of their gardens or outdoor amenity spaces.

We understand from the Environmental Health Officer (EHO)'s comments that "Yorkshire Water, in line with other operators of the treatment plant regularly suggest a 'cordon sanitaire' of 400m around waste water treatment works to ensure that sensitive uses, such as housing, are not detrimentally affected by odours". The entire application site would be within the 400m cordon with some areas just 200m away from the WwTW. We share the EHO's concerns that the odour risk assessment submitted in support of the application based on a brief odour survey is completely inadequate. This site should not be developed for residential use unless Yorkshire Water can guarantee that there will be no odour problems from the WwTW.

Water drainage strategy - We object to the building of an underground Carlow tank (72m x 14m x 2m) on greenbelt land adjacent to the development site. The retention of greenbelt land between the development site and Unstone was a key part of the agreed LP in order to maintain a green gap between settlements. The construction and maintenance of the Carlow tank on this part of the greenbelt will have a huge negative impact on the settlement gap. The field between Unstone Farm and the development site should be left untouched. Housing development should only be approved on this site if sustainable drainage systems (SuDS) are utilised. The Local Government Association states that "Good practice with attenuation and slow conveyance type SuDS is to use 'soft engineered' surface features rather than underground storage".

Visual impact - The development site will contain the first houses to be seen on the approach into Dronfield from Unstone, as well as being a prominent part of the landscape viewed across the valley from the north east. As such, it is important that the development should be in line with the LP policy SDC 12: High Quality Design and Place-Making, which requires all new development to be of a high quality design and make a positive contribution to the quality of the local environment. The planned development is not compliant with this policy in several ways. The boundary treatments and landscaping do not create strong physical features which provide visual and functional separation from the site's surroundings where it abuts the green belt. Proposals to use wooden fences, pier and panel boundaries and railings will be visually harsh and inappropriate. Native hedge rows, stone walls and oak trees should be part of any design for boundary treatments and landscaping. There are no effective landscape buffers which create appropriate transition between urban and rural environments. Instead of siting seven apartment blocks next to the Green Belt boundary, the density of development needs to reduce as it meets the rural edge of the development closest to Unstone. Green corridors or wide buffers with planting and native hedgerows would assist the transition from urban to rural. A line of trees along Chesterfield Road to screen the development would make a more positive contribution to the quality of the local environment, representing a more attractive gateway to Dronfield than what is included in the plans.

4.4 Environmental Health Officer:

Noise The conclusions of the noise impact assessment is accepted, however additional information is requested in respect of the ventilation arrangements of property bordering the main road, specifically the adequacy of the proposed ventilation in overheating scenarios.

Odour I have concerns in regards the potential impacts upon amenity of the neighbouring waste water treatment works (WwTW), arising from offensive odours and flies. County Council local waste plans usually seek to ensure waste operations such as sewage treatment works are relatively

remote from residential areas and located on the edge of settlements. Yorkshire Water, in line with other operators of the treatment plant regularly suggest a 'cordon sanitaire' of 400m around waste water treatment works to ensure that sensitive uses, such as housing, are not detrimentally affected by odours (depending upon the nature and size of the installation).

Sewage treatment plants do not emit a constant level of odour, and certain elements of the treatment process and environmental factors such as periods of extended dry weather where water flow through the plant is considerably reduced can have a marked impact upon the odour levels experienced offsite. The age of the treatment works adjacent to this development is not known, however in general, older sewage treatment works were not designed specifically to limit odour in the area immediately surrounding the site boundary, as they were originally constructed in locations remote from sensitive receptors.

The odour risk assessment submitted in support of the application involved a brief odour survey, consisting of an hour-long Sniff Test undertaken on 24th March 2023. According to web-based weather data, the 24th March 2023 saw a strong south westerly breeze, and maximum temperatures of 13 degrees centigrade, conditions not conducive to the generation and transportation of odour towards the proposed development site.

Section 4.4.4 of the assessment concluded that 'whilst odours associated with the WwTW appeared to be present, no particularly strong, unpleasant or persistent odours were detected during the survey that could lead to a significant loss of amenity'.

Significant emphasis appears to have been placed upon this snapshot observation, which is subject to significant uncertainty, and the conclusions should therefore be treated with caution. I would advise that the applicant revisits this assessment, working with Yorkshire Water to reliably establish the odour potential of the source, based upon the size of the works, the nature of the treatment processes and with a full understanding of specific operational phases likely to give rise to excess odour. Until this is completed and resubmitted for my further consideration, I would not support the development of this site for residential use.

I recommend the following for the management of construction impacts:

1. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during [construction] [and demolition] periods, shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The construction shall be undertaken in accordance with the approved scheme.
2. 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.

4.5 Derbyshire Wildlife Trust (DWT)

Originally stated that DWT had reviewed the Ecological Impact Assessment (EclA) (Whitcher Wildlife Ltd., October 2023) and biodiversity metric (Whitcher Wildlife Ltd., October 2023). It is well detailed and concludes that impacts will primarily comprise a loss of modified grassland. The habitat survey was carried out at the very end of the survey season but an accurate assessment can be made at this time and the species list and condition assessment provided provides sufficient evidence to justify the assessment. The loss of grassland will be largely compensated for by enhancement of the existing modified grassland north of Chesterfield Road from modified grassland to other neutral grassland in moderate condition. Whilst this represents a loss in area, it is acceptable in terms of metric calculations as a higher quality grassland will be created. However, it is essential that this more diverse grassland is realised and it should be reflected in a landscape plan at this stage, given that this is a full application including landscaping. We have not seen any landscape plans or specifications for the scheme. Exact details of how the habitat creation and enhancement will be achieved can be provided in a Habitat Management and Monitoring Plan (HMMP)¹ secured via condition, however it is likely that the northern field will need to be harrowed and re-seeded with either green hay or an appropriate native seed mix to achieve the desired grassland. It will require management and monitoring for at least 30 years, in line with BNG requirements.

The Tree Survey seems to record more individual trees than the EclA, which we assume is because the EclA treats the existing southern tree line as outwith the red line boundary. Given that most of these will be retained, amendments are unlikely to significantly affect the outcome of the metric. We do however request confirmation of where the 20x proposed oak trees will be located as this information is not currently available.

Pleased to see most trees and hedgerows retained, we do note that most existing perimeter hedges and trees will be included within the curtilage of proposed dwellings, which does not afford them protection from future removal. DWT advocate buffering existing linear features and trees with public open space to ensure appropriate future management. It is not clear how green space in the east will interface with the development. It appears separated by high fencing and it is not clear if it will be accessible. There is a risk that it could become unmanaged and impacted. Guidance on producing a HMMP is available. Advise the layout is reviewed to afford better protection to perimeter features on the boundaries.

Consider the species assessment accurate and welcome the proposal for hedgehog gaps linking gardens. Integrated swift / universal nest bricks should be installed at a ratio of 1:1 with dwellings, in line with BS 42021:2022, and expect an integrated bat box in at least 30 % of dwellings,

targeting those facing onto adjacent farmland. Once these comments are addressed, recommend condition wording to include a nesting bird condition, a Habitat Management and Monitoring Plan (HMMP) and a Species Enhancement Plan.

On receipt of further information, DWT provided a further response which is outlined below:

A revised Ecological Impact Assessment has now been submitted (Whitcher Wildlife, July 2024) to reflect the revised layout (Rev. E). The most recently uploaded metric still has a date of October 2023 but the calculations have been altered to predict a net gain of +2.05 habitat units (10.90%). We assume that this is also based on Rev. E of the layout. The BNG habitat creation tab should be checked.

Changes have been made to the proposed landscaping to include small areas of 'other neutral grassland' as well as 'modified grassland' in areas of public open space (POS), to add areas of mixed scrub to the POS and to more than double the number of proposed trees. These increase the predicted gains, which has led to a reduction in area of proposed enhancement of the grassland north of Chesterfield Road.

A total of 46 medium trees are now proposed in the metric, compared to the 20 trees proposed initially. The EclA states that these will be oak trees. Are 46 oak trees feasible in the open space? Oak trees are not suitable as garden/small space trees.

It is important that the metric contains an accurate proposed number of trees, as trees increase the predicted unit gains significantly. The metric must not include any proposed trees within gardens. The Metric 4.0 User Guide states that most newly planted trees should be 'small', unless justification is given. Currently they are classed as medium which increase unit gains. The information regarding proposed trees should be reviewed.

Disappointed to see that only a small fraction of the grassland north of Chesterfield Road is now proposed for enhancement. The metric now reflects that only 0.32 ha of the total 2.12 ha grassland parcel to the north of Chesterfield Road will be enhanced, from poor condition 'modified grassland' to moderate condition 'other neutral grassland'.

Whilst the figures show a net gain, the ethos of BNG is to leave biodiversity in a better state than it was before the development. Enhancing the entire northern field would have created a relatively species-rich grassland, separate from public open space that could be appropriately managed to benefit both flora and fauna. This would provide more significant gains than small areas of POS that will be accessed by the public and managed with a focus on amenity use. Advise that enhancing only a small fraction of a larger site will be more difficult to undertake, manage and monitor and advise that the enhancement of the entire northern field should be secured to realise meaningful net gains. Details of all grassland seed mixes should be provided on the landscape plans and the proposed amenity grass seed should comprise a flowering lawn mix.

Have reviewed the results of the eDNA test of the neighbouring pond, which have returned a negative result for great crested newts. However, precautionary measures should be implemented during clearance of any boundary vegetation and secured via condition.

As appropriate recommend conditions as previously set out.

4.6 **Yorkshire Water Ltd**

Originally set out **no objection** subject to conditions in respect of the disposal of foul and surface water runoff.

On receipt of further information, further comments as follows: **No objection.**

4.7 **DCC Flood Team (LLFA)**

Objected initially to the application.

On receipt of further information the LLFA raised **no objection** subject to conditions relating to surface water drainage and notes to applicant.

4.8 **NEDDC Parks**

According to the application form, the proposed development comprises of 19 three bed dwellings, 70 four plus bed dwellings and 89 dwellings of unspecified size. The proposed development comprises of 12 one bed dwellings (type 1BA), 34 two bed dwellings (types GA & DAA), 17 three bed dwellings (types K, L, Q, U, V, W, Wa, Ti), 44 four bed dwellings (types E, M, N, R), 19 five bed dwellings (types A, G, H, J, Br, Dd), and 9 six bed dwellings (types F & T). The development could attract an estimated £141,156.26 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £55,252.24, or an estimated £183,442.15 of section 106 monies towards new off-site provision with a 10 year maintenance fee of approximately £71,804.03.

The figures for new off-site provision are given but due to the size of the development an on-site play area may be preferable but no on-site play area is proposed. The nearest existing facilities to the proposed development are Cemetery Road, Cliffe Park and Lundy Road Play Areas. Cemetery Road Play Area, Cliffe Park and Lundy Road Play Areas are owned and maintained by Dronfield Town Council. Any of these play areas may benefit from additional / replacement equipment to increase the play value to local residents.

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) would be welcomed. Given the site's location relative to so many play areas within town, any agreement should allow any section 106 monies be spent within 1km of the site. Were an on-site play area to be proposed, further comments would follow.

If there are any open space(s) to be adopted by NEDDC then this would be subject to the appropriate discussion and maintenance fee

4.9 DCC Archaeologist

The proposed development area encompasses an area of former medieval strip fields which are visible and intelligible to this day. Medieval cultivation terraces, in the form of ridge and furrow, are also retained within the site. The proposed development area is recorded as a heritage asset on the Derbyshire HER (MDR5253). Some of the field boundaries that demarcated these individual strips were removed in the mid 1970s, the field boundaries to the south and the east of the site, which border the development area are almost certainly medieval in origin. These extant hedgerows appear on the Sandersons Map of 1835 and as such are historic hedgerows under the 1997 Hedgerows Act, as they frame the heritage assets recognised within the site. The inclusion of the Desk Based Archaeological Assessment is noted and this does not identify the impact or significance of the removal of the historic hedgerows in relation to the earthworks that they enclose.

In terms of below ground archaeology, the development proposals will result in the loss of any potential archaeological features that may lie below the remains of medieval agriculture. A written scheme of investigation for pre-determination geophysical survey is included with the application and this will help further identify the potential for there to be buried archaeology on the site. Recommend that the Geophysical Survey outlined in the supporting documents along with appropriate reporting be undertaken prior to determination of the application.

Upon receipt of further information, DCC archaeology state the proposed development encompasses Medieval cultivation terraces retained within the site. The proposed development area is recorded as a heritage asset on the Derbyshire HER (MDR5253). I note that though some the internal field boundaries that demarcated these individual strips were removed in the mid 1970s, the field boundaries to the south and the east of the site that border the development were not grubbed out. These hedgerows appear on the Sandersons Map of 1835 and as such are historic hedgerows under the 1997 Hedgerows Act, as they frame the heritage assets recognised within the site.

The revised Desk Based Archaeological Assessment identifies impact and significance and is fit for purpose. In terms of below ground archaeology,

the development proposals will result in the loss of any potential archaeological features that may lay below the remains of medieval agriculture. A written scheme of investigation for pre-determination geophysical survey was included with the original application but has now been removed. As previously stated the geophysical survey should be enacted pre-determination.

4.10 **Chesterfield Royal Hospital NHS Foundation Trust** request £294,468 in s106 contributions

4.11 **DCC Highways (LHA)** have no objection subject to conditions and appropriate financial obligations.

Site Access - The vehicular access strategy for the development has changed through the removal of the secondary access which previously served the apartment element. The proposals are now to be served via a single point of access located in the northwestern frontage on Chesterfield Road via the access point previously considered as the primary access. The secondary access to serve the apartments has been removed from the design but the pedestrian access has been retained.

It is noted the primary access has not changed in terms of design or location and the access is acceptable subject to a Stage 1 Road Safety Audit. This was carried out by Midlands Road Safety Ltd in March 2024 and raised two comments, both in relation to the lack of depth of tactile paving risks vehicle to pedestrian collision, which have been addressed by the applicant in Drawing Number D401-8PD-001 Revision C. Additional observation would be dealt with at the S278 design stage. The proposed site masterplan reflects these changes and the LHA is satisfied.

Internal Layout - The apartments element of the layout is now to be served via a vehicular access spur from within the main body of the site, with pedestrian access retained. The access to the apartments would remain private and not be suitable for adoption. The LHA is satisfied the internal layout is now acceptable but note there are several car parking spaces which are in close proximity adjacent to the access off the proposed adopted road which serves the apartments and advise that three on each side should be removed to avoid any turning collisions.

Junction Modelling/Mitigation - The applicant has submitted Drawing Number D401-8PD-004 which demonstrates the proposed mitigation which shows how the Callywhite Lane arm of the mini-roundabout could be widened for a distance of 13m on approach with a new entry lane width of 8m, creating a two-lane entry onto the mini-roundabout. This would create a short section of two-lane stacking facility to increase capacity and would therefore allow more opportunities for vehicles exiting Green Lane to pull out and join Callywhite Lane.

A 2m wide footway is to be reinstated to the rear of the widening and it understood this has been confirmed by the applicant's civils team as being

an achievable design, with the bus stop being retained in its current form to the southeast.

The LHA are satisfied that off-site impact associated with the development has now been fully addressed, in accordance the NPPF.

Travel Plan – This is considered acceptable.

The LHA conclude that there would not be an unacceptable impact on highway safety or a severe impact on congestion.

4.12 The Coal Authority has no objection

4.13 Planning Policy and Environment Team (Trees)

Policy SDC2 Part 2 requires that development which would threaten the continued well-being of protected hedgerows will not be permitted. The 1847 Tithe map for the apportionment of Unstone demonstrates that the hedgerow, described as H19, and located along the southern and part of the eastern boundary of the site marks the boundary of the historic parish of Unstone. As such, H19 would be considered important as defined within The Hedgerows Regulations 1997.

The arboricultural report submitted in support of the application has assessed the quality of H19 as low, with only temporary or transient landscape benefits. The assessment is questioned, and the quality of the hedgerow has historical value.

Currently, H19 is protected under The Hedgerow Regulations 1997. Any inclusion of H19 into the curtilage of, or marking the boundary of, a domestic dwelling, would take H19 outside the scope of The Hedgerow Regulations 1997.

The proposed layout proposes to locate the rear gardens of plots 52 – 60 within close proximity to H19. The significant clearance proposed between H29 along the east boundary of the site and nearest domestic dwelling is noted as a potential alternative.

The current design threatens an important hedgerow.

4.14 DCC Planning Policy (Infrastructure) request the following contributions:

- £1,065,497.65 towards additional educational facilities at Dronfield Henry Fanshawe School
- £97,191.52 towards SEND places
- £9,513.72 toward stock only library contribution

4.15 NEDDC Employment and skills Officer

Recommends a condition is imposed to secure a local scheme of employment.

4.16 DCC Rights of Way

Dronfield Public Footpath 68 runs adjacent to the proposed development site. If possible, connections should be provided at the end of both of the cul de sacs that terminate at the east of the site to provide an easy link to the Public Rights of Way network for all of the residents of the proposed development. The link to the footpath is not made clear on the layout plans.

Otherwise, the footpath must remain open, unobstructed and on its legal alignment, there should be no disturbance to the path surface, consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development and there should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.

On receipt of amended plans, the following comments were received:
The provision of footpath links to FP 68 is welcome, and the layout plans have now been adequately amended to reflect their provision.

4.17 Peak and Northern Footpaths Society

This application impinges on Footpath 68 as the proposed housing and infrastructure abuts the footpath on its western edge. There is no objection to the proposed housing but there should be a link to the footpath. Any planning consent should include a condition for these links to be dedicated, constructed and with a sum commuted for future maintenance by the Highway Authority.

4.18 The Ramblers Association

FP 53 and 68 would not be significantly adversely affected by this application other than from the point of view of aesthetics. There is no objection to the proposal.

4.19 British Horse Society

No comments received.

4.20 Chesterfield Cycle Campaign

This application has potential to promote sustainable travel by bicycle, however, there needs to be some minor amendments. Suggest that the footway on the Dronfield side of the access road up to the first T junction be a shared path of minimum 3m to comply with LTN 1/20 allowing anyone cycling in or out of the development to do so away from vehicles. The new section of footway proposed alongside Chesterfield Road should be 3m wide. Cyclists will need to cross Chesterfield Road to get onto the shared path and suggest a 'splitter island' is added to facilitate crossing.



The north south shared route alongside Chesterfield Road is incomplete. With our suggested amendments the development can be linked to the existing shared route safely and hope the developer will adopt them. There is **no objection** in principle.

On receipt of amended plans, the following comments were received by Chesterfield Cycle Campaign:

Note the revised documents but refer to the earlier comments made. There is change to accommodate cyclists accessing the proposed development from the shared path on the east side of Chesterfield Road.

4.21 NEDDC Housing

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.

The proposal for 46 units of affordable housing on this development will help to meet this need. Dronfield is an area of high demand for affordable housing and it would be the Council's preference for the majority of the proposed affordable units, be for affordable rent and a smaller percentage for affordable homeownership.

The affordable units should be owned and managed by a Housing Association or Registered Provider who has existing stock in the area and nominations made through the Council's Housing Register.

4.22 NEDDC Drainage

No comments received

4.23 Derbyshire Constabulary:

Consider the layout is acceptable as proposed but comment on boundary treatments, access gates, and parking allocation and lighting.

On receipt of amended plans, the following comments were received by Derbyshire Constabulary:

Generally, welcome the revised apartment layout but comment on the footpath links added and boundary treatments but note some detailing remains absent.

4.24 NEDDC Streetscene (Refuse):

No comments received

4.25 Derbyshire Community Health Services NHS Trust

Request a s106 contribution of £121,500

4.26 Derbyshire Swift Conservation Project

The Ecological Impact Assessment (Whitcher Wildlife Ltd, ref 230890/EcIA, 26th Oct 2023) recommends "two integrated swift nest boxes will be built into 10% of the new dwellings" despite best-practice guidance stating that ecological enhancement for declining urban bird

species should take the form of Swift bricks integrated into the façade at a ratio of 1 nest brick per dwelling.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notices. A site notice was placed adjacent to the application site on a lamppost outside of the site on Chesterfield Road which expired on 8th December 2023. An advert was also placed in the local press on 30th November 2023 and expired on 21st December 2023.

5.2 66 representations have been received raising objections to the proposed development. These have been summarised for the report however full versions of the representations are available on the council's website.

- No clarity on how the local infrastructure will be expanded to support the additional houses
- School and doctors are already over subscribed
- Significant concerns about environmental impact and preservation of natural habitats
- The development threatens local biodiversity, disrupts the delicate ecological balance, and compromises the unique character of the green belt
- This land currently creates a natural break in the landscape between Dronfield and Unstone and already has a sewage plant on land opposite which is undergoing a £10 million investment (although notably not to address the vile stench emanating from that area but to try to improve river water quality which has suffered and fallen below the recommended standards due to pollution).
- Increased urbanisation in this area will lead to heightened traffic congestion, noise pollution, and strain on existing infrastructure, negatively impacting the overall quality of life for residents in both Unstone and Dronfield.
- Other brownfield sites should be explored before developing green fields
- Views from existing properties affected
- Devaluation of house prices
- Increased noise impact
- Odour issues from WWTW – development within 400 cordon sanitaire
- Increased flood risk from surface water run off
- Overlooking and loss of privacy concerns
- Disruption to wildlife

- Southfield Resident's Group provided a comprehensive review of the application which has only been considered as a singular response within the statement of community involvement. Very few of the points raised previously have been addressed at all.
- There is no evidence that the statutory requirements of the Right to Light Act 1959 have been met.
- Inconsistencies and discrepancies in the plans and reports
- Threats to TPO trees
- Concerns over the drainage tank in the green belt and future maintenance
- The requirement for a net gain in bio-diversity cannot be met through justifying the retention of existing bio-diverse land.
- Traffic and accident concerns with new access
- Layout is dominated by the road
- No assessment of impact on electricity, water, gas and telephone infrastructure
- There is a lack of detail of the materials of construction, design features and sustainability of the proposed properties.
- Close proximity to Dronfield nature reserve
- There should not be an assumption when a site is allocated that circumstances cannot change to make that allocation no longer acceptable in planning terms. The environmental quality at the application site has worsened. The application is contrary to Policy SDC 13: Environmental Quality Part 1
- No valid conclusions could be drawn from the qualitative risk assessment about the impact of odour at the application site apart from an acknowledged presence of odour near the plant which hadn't reached the application site during the one hour assessment.
- Surrounding properties not fully shown on drawings
- Removing good quality farmland
- Weak pedestrian links to all local amenities meaning that the development will be heavily reliant on new occupants using cars
- Road design to fields are left open suggesting hopes for future development
- Loss of light to neighbouring dwellings
- Extensive engineering works need to be carried out to install attenuation tank
- There is a significant lack of information especially in relation to the surrounding existing properties, levels, visualisations of the whole site,

- overshadowing, materials, landscaping, open space and play equipment, highways, etc
- Not in keeping with others in Dronfield.
 - No evidence of play / recreation areas within the border. The lack of safe footpaths does not make the nearby park in Cemetery Road an acceptable substitute.
 - Lack of protection of Hedgerows
 - A 10 metre green corridor adjacent to Southfield Drive/Mount and Burns Drive should be provided
 - Light pollution and disturbance from headlights
 - Disruption during construction
 - Visual impact
 - Houses, roads, cars, domestic paraphernalia and outdoor spaces enclosed by stockade-type wooden fencing will prevail on the steeply sloping highly visible land, all of which is highly insensitive to the surrounding farmland of this particular landscape type – not in keeping with the surrounding landscape character
 - Policy SDC7: Scheduled Monuments and Archaeology is relevant
 - The 'affordable housing' is grouped into one corner of the site
 - Significant gradients on the site which will be a deterrent for pedestrians, particularly with pushchairs etc, living on the higher terraces.
 - Impacts on protected species
 - The single local road connection for the majority of residents will cause significant congestion and worsening of the local air quality.
 - No electric car charging provision
 - The self-defined design principles are inconsistent and poorly applied (e.g. buildings to create a 'visual end' to roads)
 - No additional provision for walking or cycling at the development
 - Housing targets are too high and no Exceptional Circumstances for Greenbelt development.
 - Contrary to Local and neighborhood plan policies and Successful Places Guidance
 - Poor design
 - No detail of fencing/borders has been provided along the Southfield mount border
 - The Southfield Mount development is proof that through sympathetic design and excavation, not only can a suitable gradient be achieved, but views can be maintained and privacy/right to light issues can be addressed.

- Permitted development rights should be removed in order to ensure that adequate separation and privacy is retained for the future of the development.
- Plots 1 and 12, placed closest to the boundary, wildlife prevent access and egress as intended.
- Residential Visual Amenity Assessment (RVAA) has not been submitted
- No information on maintenance of areas outside private gardens
- The housing mix is skewed towards large properties
- There is a covenant on these properties to maintain the hawthorn boundary hedging which forms the boundary to the applicant's site.
- The impact on the wider area of this dominant design of unbroken linear terraces of densely packed high buildings will not be good. The site is visible from many open countryside locations to the east, south-east and south and the impact on the wider Derbyshire landscape of such an overdeveloped plan will certainly be detrimental.
- It is evident that there has been a complete lack of creativity applied to surface water management on the application site
- Foul drainage is proposed to connect to the existing public sewer – unclear if YW will allow this to be used
- significant detrimental spatial, visual and historical impact the residential development will have upon the locally valued landscape, infilling an important green gap which currently prevents the coalescence of two very different settlements – a town and a village.
- Comparable to appeal decision against Ashford Council - Appeal Ref: APP/E2205/W/21/3289740
- Lack of/poor quality highways impact considerations
- Poor response to 6Cs design guide & manual for streets
- The development does not encourage sustainable transport and the proposed layout represents poor design with respect to layout, interconnectivity and the creation of a sense of place. It is not in-keeping with the context or design features of existing roads in Dronfield.
- Evidence of deer on the site
- Security issues
- No traffic assessment for roundabout improvement has been conducted
- Plot 1, 12, 39 should be removed along with the garage at plot 40
- Lack of sustainability energy measures incorporated into the development
-

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the **North East Derbyshire Local Plan 2014-2034 (LP)** and the **Dronfield Neighbourhood Plan (NP)**. The most relevant policies for both are considered to be as follows

Local Plan:

SS1 Sustainable Development
SS2 Spatial Strategy and the Distribution of Development
SS9 Development in the Countryside
SS10 North East Derbyshire Green Belt
LC1 Housing Allocations
LC 2 Affordable Housing
LC4 Type and Mix of Housing
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
SDC15 Developments near Hazardous Uses
ID1 Infrastructure delivery and Developer Contributions
ID3 Sustainable Travel
ID4 New Social Infrastructure
ID7 Green Infrastructure
ID8 Greenways and Public Rights of Way
ID10 Open Space, Sports and recreation Facilities

Dronfield Neighbourhood Plan

ENV1 Green Belt
ENV2 Landscape Character
ENV4 Ecology
ENV6 Trees and Woodlands
HOU2 Housing Mix
HOU3 Affordable Housing
HOU4 Infrastructure for new housing and other forms of development
HOU5 Developer Contributions
T&A 1 Cycling and Walking
T&A 2 Car Parking
D3 Good Design

- 6.2 The overarching aims of the **National Planning Policy Framework (NPPF)** have also been considered in the assessment of this application.

Other Material Planning Considerations

6.3 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

7.1 The vast majority of the site is located within the Settlement Development Limits (SDL) for Dronfield as set out in the Local Plan. It forms part of the DR1 (housing) allocation located to the south west of Chesterfield Road (See Figure 3 below showing an extract from the Local Plan).



Figure 3 - Local Plan extract – DR1

7.2 In view of the above, the principle of residential development of the site is acceptable and in accord with the Development Plan spatial strategy as set out in policies SS1 and SS2 of the LP and policy SP2 of the NP. It is, however, subject to an assessment against the various strands of planning policy as outlined above.

Green Belt Impact

- 7.3 Local Plan policy SS10 and paragraph 152 of the NPPF outline that inappropriate development will not be approved except in very special circumstances.
- 7.4 The underground water storage tank is located outside of the SDL for Dronfield and within the Green Belt (see Fig 2 above). Within this area, policy SS10 applies which states that, "Other forms of development which may be appropriate in the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with its purposes include...(b) Engineering operations".
- 7.5 Dronfield Neighbourhood Plan Policy ENVI: Green Belt states "Within the Green Belt, there will be a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open character in accordance with the NPPF".
- 7.6 These policies are considered entirely consistent with the National Planning Policy Framework and so carry full weight.
- 7.7 Paragraph 143 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.8 The tank, which measures 72m in length by 14m wide by 2m deep, would be sited underground. Whilst there would be disruption during construction, once completed there would be no visual impact on the openness of the Green Belt. However, the Green Belt has a spatial element as well as a visual element and openness can be harmed even when development is not readily visible. Although the tank would be subterranean, it would be sited within an area that has not been previously developed. As such, there would be a moderate spatial impact on the openness of the Green Belt and therefore Officers are of the view that it would not preserve the [spatial] openness of the Green Belt, as required by SS10(2b) and paragraph 155 (b) of the NPPF and it is, therefore, inappropriate development.
- 7.9 It is necessary to consider if there are any very special circumstances that exist to clearly outweigh the harm caused.
- 7.10 In this case, Officers are of the view that enabling the delivery of housing on the adjacent allocated site may, in certain circumstances, constitute very special circumstances to clearly outweigh the harm caused, however, in this instance it is considered it has not been adequately demonstrated

that this is the only feasible and necessary form of drainage for the site and reasons why alternative solutions, outside of the green belt, have been dismissed. As such, Officers are of the view that it has not been adequately demonstrated that very special circumstances outweigh the harm caused.

Housing Allocation

- 7.11 As outlined above, the application site forms the majority of the land allocated under DR1. LP policy LC1 states that in order to off-set the effect of removing land from the Green Belt through allocated sites, as here, compensatory improvements to the Environmental Quality or accessibility of the remaining Green Belt land will be required where appropriate.

The Planning Practice Guidance sets out that these improvements can include [inter alia] new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, habitat connectivity and natural capital, new or enhanced walking/cycling routes, and improved access to new, enhanced or existing recreational and playing field provision.

The applicant has submitted a briefing note setting out how the development fulfils the requirement for compensatory improvements to the green belt in the following ways:

New and enhanced green infrastructure

- A green buffer of between 7 to 10 metres along the southeastern boundary of the site, retention of existing boundary trees and hedges, and new green spaces and native species and shrubs along the spine road

Woodland planting

- Planting of street trees throughout the scheme as well as additional planting in the green buffer zone

Landscape and visual enhancements

- Retention of mature oak trees in the east of the site and the boundary trees which are protected by TPO
- Retention of existing dry stone walls along Chesterfield Road and new ones into the site entrance

Improvements to biodiversity, habitat connectivity and natural capital

- Delivery of 10% Biodiversity Net Gain on site including biodiversity enhancements on land on the north side of Chesterfield Road (which can be opened to public access with footpaths subject to there being no conflict with the Local Nature Reserve beyond)

New or enhanced walking and cycle routes

- New footpath links from the cul-de-sacs to the existing public footpath no.68 which runs along the south eastern boundary.
- New crossing on Chesterfield Road to link to the shared footway / cycleway along the northern edge of the carriageway.

- 7.12 These are positive measures that can be supported but it is considered that they are all necessary requirements to be provided to make the development itself acceptable and cannot be 'doubled up' for use as compensatory improvements. Furthermore, the majority of the measures put forward are not within the remaining green belt land and therefore Officers are of the view that the proposed measures do not provide sufficient improvements to the environmental quality or accessibility of the remaining green belt contrary to Local Plan Policy LC1.
- 7.13 The development is also required to provide or contribute towards improvements to key road junctions to support growth at Dronfield including the B6057 Chesterfield Road/B6158 Green Lane/Callywhite Lane junction and the A61 Bowshaw Roundabout, where justified. The improvements have been assessed in this respect by the Highway Authority and are deemed acceptable.

Housing Mix and Affordable Housing

- 7.14 LP policy LC4 requires development proposals for new housing to ensure an appropriate mix of dwelling types, tenures and sizes, taking account of existing imbalances in the housing stock, site characteristics, and viability and market considerations. Neighbourhood Plan Policy HOU2 mirrors this and requires proposals to demonstrate how they have taken account of the most up to date published evidence on housing need at a local or district level.
- 7.15 A scheme of 132 units is proposed with a mix of 1, 2, 3, 4, 5 & 6 bed units. The proposal would deliver a mix of different house types and sizes. This is considered an appropriate mix for the site and area and generally accords with the requirements of Local Plan Policy LC4 and Neighbourhood Plan HOU2.
- 7.16 The LP also requires, at policy LC4, that 20% of the units should be accessible and adaptable dwellings. This can be achieved by condition.
- 7.17 The site falls within the Affordable Housing High Value Area as defined in the LP where 30% affordable housing is required under Policy LC2. Based on 132 dwellings the development should make provision for at least 40 affordable units on site.

- 7.18 Policy LC2 part 3, expects that such affordable housing is to be provided in small groups or clusters distributed through the site whilst Policy HOU3 of the Dronfield Neighbourhood Plan sets out that affordable housing should be designed and delivered to be indistinguishable from market housing and distributed evenly through the development as a whole.
- 7.19 The applicant has agreed to provide 30% of affordable housing on site. Guided by the housing officer's response, Officers have been in discussion with the agent regarding the specific mix and tenure of the affordable housing however, to date, an agreed approach has not been achieved. However, should the application be approved, officers consider this matter could be dealt with as part of the finalisation of any s106 agreement.

Developer Contributions

- 7.20 LP policy ID1 seeks to ensure that new development secures the necessary social infrastructure and mitigation to offset the impact of the development. NP policies HOU4 & HOU5 also seek to deliver essential infrastructure through s106 contributions.
- 7.21 There would be a need to mitigate the impact of the proposed development on school places to make the development acceptable in planning terms. The County Council has requested financial contributions of £1,065,497.65 towards educational facilities at Dronfield Henry Fanshaw School and £97,191.52 towards SEND places and a financial contribution of £9,513.72 for library stock.
- 7.22 The Royal Hospital NHS Foundation Trust have requested £294,468 towards cost pressures at Royal Hospital whilst the Integrated Care Board (ICB) have requested a financial contribution of £121,500 to address the likely impact on additional consultation space.
- 7.23 NEDDC Parks have confirmed the s106 request of £141,156.26 with a maintenance contribution over 10 years: £55,252.15 towards existing offsite open play provision within the vicinity of the site or an estimated £183,442.15 of section 106 monies towards new off-site provision with a 10-year maintenance fee of approximately £71,804.03. The landscape plan indicates an area that would be used for on-site provision; however, no further details have been received regarding on site play. Given the size of the development, the provision of on-site facilities in the form of Local Area for Play (LAP), Locally Equipped Area for Play (LEAP) is considered appropriate in this case as would be required along with a contribution to a Multi-Use Games Area (MUGA).

- 7.24 Officers are of the view that of a development of this size, on-site play should be provided. Should the application be approved, details of on-site play could be required by condition and any additional contributions to off-site play could be dealt with as part of the S106 agreement.
- 7.25 The agent has confirmed the applicant will meet all the requested infrastructure requirements of the various consultees.

Design/Street Scene/Landscape Considerations

- 7.26 Policy SS1 of the LP states that development proposals will “*create well designed places that are accessible, durable, adaptable and enhance local distinctiveness*”. LP policies and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development.
- 7.27 LP policy SDC12: High Quality Design and Place-Making sets out that all new development should be of a high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings.
- 7.28 NP policy D3 sets out for development proposals to be supported they must respond positively to the character and historic context of existing developments within the town.
- 7.29 “Successful Places” sets out a four-step process to design which is founded on a clear appreciation on the site characterises and its wider context. Officers are of the view that this process has not been followed and the submitted application lacks an overall vision or strong design concept.
- 7.30 Officers are of the view that the application fails to provide sufficient information to demonstrate how the approach to character and appearance has been developed to respond to the local character of Dronfield though details of urban grain, street pattern, landscape, architecture, material palette and boundary treatments. The application fails to present information on how the development has been developed to respond to local character and identity.

House types and layout

- 7.31 The site is located in an important gateway position into Dronfield on the edge of the existing settlement and the proposal would create a new urban edge adjacent to the countryside (see Figure 4 below).



Figure 4: The site seen from the A61 to the south east.

- 7.32 The development includes several different house types, ranging in size and design. Whilst Officers are of the view that the split up and down houses of 2 and 3 storeys, are generally in keeping with the local context and are compliant with LP policy SDC12 and NP policy D3, the precise details of the proposals in terms of boundary treatments and material palette have not been demonstrated to show it responds well to the local character and identity.
- 7.33 Concerns were raised with the agent about the layout failing to create a frontage to the Chesterfield Road, or any response to the existing building line of the adjacent properties. In response to this, the layout of the apartment blocks has been amended to align with the existing properties, car parking moved to the rear, existing trees retained and a new pedestrian route along the frontage created. Whilst these improvements are noted, Officers are of the view that the revised design does not fully overcome the concerns originally raised and the lack of animation at the

ground floor of the apartment blocks with the pedestrian route, the pumping station located at the key gateway and the form and location of bin and cycles stores have not been addressed in particular.

- 7.34 Officers are of the view that the proposed dwellings would have sufficient outdoor amenity space and separation distances between plots within the site and are considered acceptable in this respect.

Landscaping and Green and Blue infrastructure

- 7.35 Guidance set out in “Successful Places’ and “Building for a Healthy Life” state the landscape strategy must be considered from the outset. Landscape should not be layered onto a scheme at the end of the process.
- 7.36 The areas of proposed public open space appear to be small pockets of left over space, rather than usable open spaces which offer meaningful amenity provision for future residents. Furthermore, the landscape strategy does not make use of the existing on-site mature trees.
- 7.37 Concerns have been expressed to the agent and, in response, the landscape masterplan has been updated but it does not significantly alter the original proposals and does not demonstrate how the site design principles have evolved.
- 7.38 The mature hedgerow on the eastern boundary and two mature trees are proposed to be retained, which is welcomed. These two trees are significant features within the existing landscape. Concerns were raised initially to the agent regarding the rear gardens wrapping around tree T32. The apartment block also wraps around tree T33. In response to this, two plots around T32 have been removed. Whilst this has opened the space up somewhat around T32, the proposals still fail to incorporate this existing landscape feature well into the layout and it is not entirely clear from the layout whether the space surrounding the trees is public or private.
- 7.39 Concerns were also raised regarding the impact of the development on the trees on the southern and western boundary. Given the proximity of the proposed dwellings to the trees, concerns were raised regarding the shade cast from these trees and the construction of retaining walls and level changes would put these trees at risk of removal. Additionally, the location of the proposed drainage tank may result in impact on the trees and hedgerow within the western boundary.
- 7.40 A number of trees within the site and along the frontage were initially proposed to be removed. The plans have been amended to show a

number of these trees to be retained and incorporated into the landscaping along the frontage of the site.

Street Design and connections

- 7.41 The site represents a topographic challenge which is acknowledged within the site-specific policy. Discussions during the application and as part of the design review looked at the approach to the streets and gradient and considered if an alternative solution to the road network could be achieved. It was concluded the general approach was a reasonable design approach.
- 7.42 The application initially proposed three points of access onto Chesterfield Road. Due to alterations to the layout of the apartments, the second access has been removed from the scheme.
- 7.43 Officers are of the view that the proposed access arrangements do not provide an effective gateway into Dronfield and significant improvements need to be made to establish an eastern gateway into Dronfield and control the speeds along Chesterfield Road to improve pedestrian and cycle amenity.
- 7.44 The technical design requirements of the internal street network have had a significant bearing upon the overall layout of the site. Officers are of the view that this has resulted in there being very little consideration of the role that the streets play in creating a “beautiful” place. The street layout and public realm is dominated by highway infrastructure. Internal streets have largely been designed with a homogenous street section with 5.5m wide carriageways and 2no 2m footways. No true street trees (they fall within gardens), verges or SuDS are integrated within the proposed streets. The primary road throughout the site does not incorporate elements that would naturally slow vehicles which has horizontal and vertical deflections, measures to limit forward visibility, changes in materials and reduction in carriageway widths. A number of “street” trees have been incorporated into the design however given the proximity of these to the houses and their location within gardens, the success and realistic retention of these trees is unclear.
- 7.45 The revised layout also includes shared surfaces within some turning heads. Whilst the use of shared surfaces is welcomed, the turning heads do not follow the guidance and does not adequately demonstrate how these spaces would function for large vehicles and how on street parking would be restricted in these areas. Cross sections have also been provided however these raise concerns around the practicality and useability of the footways and pedestrian crossing points although the provision of benches along the spine road are welcomed.

- 7.46 The apartment buildings were initially accessed via a separate access off Chesterfield Road with some of the apartment parking. This access has been removed and the car parking is now wholly accessed off an internal road. This alteration is an improvement to the frontage onto Chesterfield Road.
- 7.47 The parking provision for the dwellings is largely frontage parking. The parking for the apartment buildings is in the form of a parking court. This would create expanses of hard standing and a car dominated environment. It is considered that the car parking areas do not integrate well into the overall layout. Furthermore, the parking arrangements and lack of defined front boundaries would create streets which would be visually dominated by driveways and car parking. This is considered to be a poor design response.
- 7.48 The scheme initially proposed two points of access with the existing PROW to the east of the site. A third point of access, along with a footpath along the frontage of the site has now been added. This addition is welcomed and is considered to improve connections within and into/from the site.
- 7.49 The proposal includes an informal crossing over Chesterfield Road. Given the speed and use of Chesterfield Road, Officers are of the view that this crossing should be a formal crossing to improve connectivity to the wider area and allow residents to connect to the Unstone to Dronfield Cycleway or provide alternative provision for access to the cycleway elsewhere along Chesterfield Road.
- 7.50 Through the design and lack of cycle and walking integration, the proposals are considered to create a car dominated place. The site is prominent and would form a new gateway into Dronfield. The design proposed is considered not to respond positively to the local character and identity of Dronfield and is therefore not of sufficient quality given the prominence of the location. Furthermore, by virtue of the overall design, in particular the layout, street design, car parking arrangements, landscape strategy and connections with the wider area, the proposal fails to achieve good design.
- 7.51 Officers are of the view that the development is therefore contrary to the relevant policies of the Development Plan.

Privacy and Amenity Considerations

- 7.52 Policy SDC12(e) sets out the requirement for new developments to protect the amenity of existing occupiers and create a good quality of amenity for

future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts. Furthermore, policy D3 of the NP states that proposal must reflect certain design principles, such as making good use of the site characteristics and its surroundings and should not adversely impact on general amenity. In addition, *Successful Places* sets out that proposals should not cause a loss of daylight, overshadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity.

- 7.53 The site is bordered on its southern side by Burns Drive (see Figure 5 below). The rear gardens of properties on Burns Drive back onto the application site and the finished floor levels of these properties are set well above existing levels on site. Several of the existing properties have elevated, terraced gardens which sit approximately one storey (or more) above the proposed development site level.



Figure 5 – Burns Drive seen from the application site

- 7.54 The Council's "Successful Places" guidance recommends a minimum separation distance of 21m between the rear elevations of two dwellings directly facing one another. Whilst the separation distances between the rear elevation of the existing dwellings on Burns Drive and the proposed dwellings are achieved, when measured from the rear gardens and raised terraces, the relationship is below the 21m. Figure 6 below demonstrates the relationship between the Burns Drive properties and the application site. Specifically plots 41, 42, 43, 49 & 50 are affected by the relationship.



Figure 6(a0 – Burns Drive relationship



Figure 6(b) - Two-tiered terrace at property on Burns Drive overlooking the site

- 7.55 Officers are of the view that the development would result in a poor level of amenity for future occupiers of properties on the application site as they would be looked into from short range from those using the elevated

terraces through overlooking and loss of privacy, this is considered contrary to LP policy SDC12, NP policy D3 and “Successful Places”.

- 7.56 The site is bordered on its western side by Southfield Mount, Southfield Drive and properties fronting onto Chesterfield Road (Figure 7 below). The finished floor levels of the existing residential properties to the west are set well below the existing levels on site. The existing gardens for the majority of the dwellings bordering the site to the west are approximately 5m deep.



Figure 79a) – Southfield Mount relationship



Figure 7(b) – Southfield Mount relationship

- 7.57 Successful Places recommends a minimum separation distance of 12m between a rear and side gable. Concerns were raised to the agent regarding the impact on properties off Southfield Mount due to the house

types proposed and the separation distances. In response to this, plots 12, 13, 39 & 40 have been amended by changing the height of the dwellings, revising house types and setting the dwellings further away from the shared boundary. As amended, Officers are of the view that the relationship between the proposed dwellings and existing properties acceptable. There are no side facing windows proposed in plots 12, 13, 39 & 40 and therefore no overlooking or loss of privacy concerns would arise as a result. Side facing windows in plot 1 are proposed, however these would afford views to the parking area of 274. Officers consider this is an acceptable relationship.

Odour & Ventilation impacts on future occupiers

- 7.58 The Environmental Health Officer (EHO) has raised concerns in respect of the potential impact upon amenity of the neighbouring waste water treatment works (WwTW), arising from offensive odours and flies. These concerns are also raised in objections lodged. The EHO states that Yorkshire Water (YW), in line with other operators of the treatment plant regularly suggest a 'cordon sanitaire' of 400m around wastewater treatment works to ensure that sensitive uses, such as housing, are not detrimentally affected by odours.
- 7.59 An odour risk assessment has been submitted with the application which outlines that a 1-hour sniff test was undertaken on the 24th March when there was a strong south westerly breeze and a maximum temperature of 13 degree. The assessment concluded 'whilst odours associated with the WwTW appeared to be present, no particularly strong, unpleasant or persistent odours were detected during the survey that could lead to a significant loss of amenity'.
- 7.60 The EHO has commented that the survey conditions are not conducive to the generation and transportation of odour towards the proposed development site. Furthermore, significant emphasis appears to have been placed upon this snapshot observation, which is subject to significant uncertainty, and the conclusions should therefore be treated with caution. The EHO advised that the applicant revisits this assessment, working with YW to reliably establish the odour potential of the source, based upon the size of the works, the nature of the treatment processes and with a full understanding of specific operational phases likely to give rise to excess odour. Based on this, the EHO would not support the development of this site for residential use.
- 7.61 Officers requested further information from the agent. However, no additional reports have been forthcoming. Whilst the concerns from the EHO and neighbouring properties are noted in terms of odour, the development is on an allocated site in an adopted LP. No comments were

received from the EHO when the site was initially allocated and the allocation subject of public inquiry. The issue of odour did arise during the Local Plan examination and the inspector addressed this in her report which states 'Yorkshire Water has confirmed that the Half Acre Lane Sewage Treatment Works at Unstone has sufficient capacity to accommodate planned growth and that issues with odour nuisance have been dealt with'. Therefore, Officers are of the view that odour should not now result in a refusal of the application on this basis.

- 7.62 In addition, the EHO recommends two conditions relating to dust during construction and working hours. These can be attached to any decision should the application be approved.
- 7.63 A noise impact assessment (NIA) was submitted with the application. The EHO initially commented on the application stating '*The conclusions of the noise impact assessment is accepted, however additional information is requested in regards the ventilation arrangements of property bordering the main road, specifically the adequacy of the proposed ventilation in overheating scenarios.*' A revised NIA was submitted to include matters regarding mitigation and confirmation the revised information is sufficient received. Guided by this response, Officers are of the view that the noise impact from Chesterfield Road is acceptable for future occupiers.

Heritage Assets and Archeology

- 7.64 The application site is in the wider setting of the grade II* listed Unstone Manor House (LEN [1335126](#)). Officers are of the view that given the distance between the two sites (420m separation distance) and the topography, the development would not result in any impact on the Grade II* listed building.
- 7.65 The application site is recorded as a heritage asset on the Derbyshire Historic Environmental Record. The proposed development area encompasses an area of former medieval strip fields which are visible and intelligible to this day. Medieval cultivation terraces, in the form of ridge and furrow, are also retained within the site.
- 7.66 DCC Archaeology (DCCA) initially commented on the application stating that some of the field boundaries that demarcated these individual strips were removed in the mid 1970s and the field boundaries to the south and the east of the site, which border the development area are almost certainly medieval in origin. These extant hedgerows appear on the Sandersons Map of 1835 and as such are historic hedgerows under the 1997 Hedgerows Act, as they frame the heritage assets recognised within the site. The Desk Based Archaeological Assessment (DBAA) initially submitted with the application, did not identify the impact or significance of

the removal of the historic hedgerows in relation to the earthworks that they enclose. In response to this, the agent submitted an updated DBAA. The updated assessment identifies the impact and significance and is fit for purpose.

- 7.67 In terms of below ground archaeology, DCCA state that the development proposals will result in the loss of potential archaeological features that may lie below the remains of medieval agriculture. A written scheme of investigation was requested but DCCA now state that this information can be secured by a pre-commencement condition should be application be approved. This condition would require a pre-commencement geophysical survey and based on the outcome of the geophysical survey, potentially be followed by further pre-commencement trenching and/or mitigation.
- 7.68 Officers are of the view that matters regarding archeology on the site have either been addressed or can be addressed via a condition should the application be approved.
- 7.69 The presence of the hedgerows bordering the site that comprise the formal former parish enclosure is noted. Much of the hedge is in a poor state however where it borders existing housing and so it is considered appropriate, in view of the site's allocation in the LP to seek to retain it on the exposed boundaries where it lies outside proposed domestic curtilages and otherwise an historic record of the hedge is obtained prior to any development commencing.

Highway Safety Considerations

- 7.70 The proposal includes the creation of two vehicular accesses off Chesterfield Road. One to serve the dwellings on the development and the other to serve the pumping station. Derbyshire County Council as Highway Authority (HA) have commented on the application raising no objection to the revised information subject to the inclusion of conditions and a financial contribution for travel plan monitoring.
- 7.71 On receipt of the Road Safety Audit and revised layout changes, the HA are satisfied with the proposed access arrangements and in terms of the internal road layout, the HA are also generally satisfied although the HA have advised that parking spaces may have to be removed close to the access for the apartments to avoid turning collisions and that the access to the apartments is not suitable for adoption.
- 7.72 The HA initially requested off site mitigation at the junction of Callywhite Lane/B6158 Green Lane. The applicant has submitted details of the proposed mitigation and the HA are satisfied that the offsite mitigation is acceptable in line with LP policy ID2.

- 7.73 Subject to securing a Travel Plan and guided by the response from the HA, Officers are of the view that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe. Recommended conditions can be attached to the decision should the application be approved.

Flooding and Drainage Considerations

- 7.74 The site falls in Flood Zone 1 with the lowest probability of flooding. The Flood Risk Statement submitted with the application concludes that the site is not at risk of flooding from a major source (e.g. fluvial and/or tidal).
- 7.75 Yorkshire Water (YW) initially commented on the scheme stating that the drainage notes required amendments. Subsequently, the agent has provided further information and YW have commented raising no objection subject to the inclusion of conditions relating to foul and surface water drainage.
- 7.76 Paragraph 175 of the NPPF states that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Lead Local Flood Authority (LLFA) initially objected to the application but have commented on the revised information and have raised no objection subject to the inclusion of conditions and notes to applicant.
- 7.77 Notwithstanding this, Officers note that it is a critical requirement that any major development has a demonstrable capability to adequately manage surface water on site. Officers are of the view that the drainage strategy presented as part of the application is insufficient and it has not been demonstrated that the proposed development would adequately manage surface water drainage discharges through sustainable urban drainage systems that can be adequately retained in the future with a heavy reliance on plot provision and a lack of imaginative solutions. Additionally, the proposed drainage strategy would not offer improvements on water quality.
- 7.78 As such, notwithstanding the comments of the LLFA, Officers are of the view that the proposal is contrary to paragraph 175 of the NPPF and Local Plan Policy SDC11 and SuDS should be an integral element of the design strategy for the site.

Land Contamination/Land Stability Considerations

- 7.79 Part of the application site falls marginally within the defined Development High Risk Area. The application is supported by a Phase 2 Geo-environmental Investigation Report.
- 7.79 The Coal Authority have reviewed the submitted documents and considers that the Phase 2 Coal Mining Risk Assessment report and the professional opinions contained therein are sufficient to demonstrate that the application site is safe and stable. The Coal Authority therefore has no objection to the proposed development.
- 7.80 In terms of contaminated land, the EHO has commented that the conclusion of the investigations is acceptable. The investigation concludes that there is no gas risk on the basis that the housing units are designed and constructed with a minimum 150mm deep underfloor void. Officers are of the view that this would be dealt with by building regulations and therefore it is not considered necessary to duplicate this control via the planning process. A note to the applicant can be used to draw the applicant's attention to building regulation requirements.
- 7.81 Overall, Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.82 The application is supported by an Ecological Impact Assessment (EIA) and a biodiversity metric. Derbyshire Wildlife Trust (DWT) initially commented on the application requesting further details about habitats and species.
- 7.83 In response to this, the EIA was updated and DWT have provided further comments. The response from DWT outlines that whilst the submitted information predicts a net gain of +2.05 habitat units which equates to a 10.90% increase, the measures proposed are questionable and otherwise just adequate. DWT advise that the enhancement of the entire north field, which forms part of the application site, could be used to secure meaningful net gains and enhancing this section of the site would create a relatively species-rich grassland, separate from the public open space that could be appropriately managed to benefit both flora and fauna.
- 7.84 Guided by the response from DWT, Officers are of the view that the proposal can provide a net gain in biodiversity and the precise details of the biodiversity enhancement measures can be dealt with by condition, should the application be approved.

Other Considerations

- 7.85 Devaluation of house prices is not a material planning consideration and matters raised regarding the Right to Light Act and covenants are also not material planning considerations and covered by separate legislation.
- 7.86 Concerns have been raised regarding the Southfield Resident's Group comprehensive review of the application which has only been considered as a singular response within the statement of community involvement. This is a document submitted as part of the application by the agent. The Council have consulted and published the application in line with the NEDDC Statement of Community Involvement.
- 7.87 Concerns have been raised regarding the loss of agricultural land. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land (Grades 1-3), and of trees and woodland. The site has a ALC grade 4. Furthermore, the site is an allocated site so the principle of developing the site for housing has been deemed acceptable.
- 7.88 Comments have been made regarding lack of detail on boundary treatments to existing boundaries on the site. The siting and style of boundary treatment can be secured by condition should the application be approved.

8.0 Summary and Conclusion

- 8.1 In conclusion, the site is an allocated site within the Local Plan and is located within the urban environment of Dronfield and so its sensitive development would accord with planning policies. This weighs positively in the planning balance.
- 8.2 However, by virtue of the overall design, in particular the layout, street design, car parking arrangements, drainage and landscape strategies and connections with the wider area, the proposal fails to achieve good design, that is appropriate in scale, design and location to the character and function of the settlement; and respond positively to the local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings. This weighs against the scheme and Officers attach significant weight to this issue in this case. The layout may be altered in a manner that would not then result in the proposed drainage tank being located in the Green Belt and a superior SuDS scheme. It has not been demonstrated that very special

circumstances exist to justify the tank's location in Green Belt and so this too weighs against the scheme.

- 8.3 In addition, LP policy LC1 outlines that in order to offset the effect of removing land from the Green Belt through an allocated site, compensatory improvements will be required were appropriate. The measures put forward do not provide sufficient improvements to environmental quality or accessibility of the remaining green belt land. This too adds weight against the scheme.
- 8.4 It is a critical requirement that any major development has a demonstrable capability to adequately manage surface water on site. Officers are of the view that the drainage strategy presented as part of the application is insufficient and it has not been demonstrated that the proposed development would adequately and appropriately manage surface water drainage discharges through sustainable urban drainage systems in perpetuity with much of the solution being small scale and in individual gardens. This is contrary to paragraph 175 of the NPPF and LP policy SDC11 and adds further but limited weight against the proposal.
- 8.5 Finally, the proposed development creates an unacceptable relationship between existing properties on Burns Drive and the proposed dwellings along the southern boundary of the site. This is contrary to LP policy SDC12(e), NP policy D3 and guidance set out in Successful Places.
- 8.6 The proposal would deliver affordable housing that is policy compliant and there is no other technical reason to resist the application but these matters, along with an agreement to fully meet the social mitigation package required, weigh as neutral matters in the balance.
- 8.7 Therefore, overall, Officers conclude that the scheme is not acceptable in its current form and would not represent an acceptable form of design, compensate for Green Belt loss or adequately protect the amenity of future occupiers. These matters are considered overriding and the application is accordingly recommended for refusal as follows.
- 9.0 **Recommendation**
- 9.1 **REFUSE** the application for the following reasons (with the final wording of any reasons delegated to the Planning Manager (Development Management))
1. The application site is sited in a prominent, hillside position and would form the new gateway to Dronfield.

By virtue of the overall design, in particular the layout, street design, car parking arrangements, landscape strategy, inclusion of SUDS within the design of the site, and connections with the wider area, the proposal fails to achieve good design, that is appropriate in scale, design and location to the character and function of the settlement; and which responds positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings.

As such, to grant permission would be contrary to the NPPF, when read as a whole, Local Plan Policies SS1, SS7, SDC3, SDC11, SDC12, Neighborhood Plan Policy ENV2 & D3 and guidance set out in *Successful Places*.

2. Local Plan Policy LC1 outlines that in order to offset the effect of removing land from the Green Belt of allocated sites in the Local Plan (Ref: DR1), compensatory improvements to the environmental quality or accessibility of the remaining Green Belt land will be required where appropriate.

The measures put forward in this case as the compensation are considered necessary requirements to make the development itself acceptable and cannot be 'doubled up' for use as compensatory improvements. Furthermore, the majority of the measures put forward are not within the remaining Green Belt land as required by policy LC1.

As such, the proposed measures do not provide sufficient improvements to the environmental quality or accessibility of the remaining Green Belt and so the proposal is considered contrary to Local Plan Policy LC1.

3. Policy SDC12(e) sets out the requirement for new developments to protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts. Furthermore, policy D3 of the Dronfield NP states that proposal must reflect certain design principles, such as making good use of the site characteristics and its surroundings and should not adversely impact on general amenity. In addition, *Successful Places* sets out that proposals should not cause a loss of daylight, overshadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity.

The proposed development creates an unacceptable relationship between the existing properties on Burns Drive, and their gardens, and the proposed dwellings, and their gardens along the southern boundary of the site. The Council's "Successful Places" design guidance recommends a minimum separation distance of 21m between the rear elevations of two dwellings directly facing one another. Whilst the separation distances

between the rear elevation of the existing dwellings on Burns Drive and the proposed dwellings are achieved, when measured from the rear gardens and raised terraces, the relationship is below the 21m and has a poor vertical relationship such that overlooking will take place into both amenity areas and dwellings. Specifically plots 41, 42, 43, 49 & 50 are affected by the relationship.

The relationship created therefore fails to protect existing and future occupiers and is considered contrary to the requirements of Local Plan policy SDC12(e), Neighbourhood Plan policy D3, "Successful Places" and the NPPF, when read as a whole...