

PLANNING COMMITTEE – 9th December 2025

Reference Number: 25/00039/FL

Application expiry: 12/12/2025

Application Type: FULL

Proposal Description: Demolition of the existing dwelling and construction of two new dwellings, and creation of a new vehicular access (Amended Plans/ Amended Title).

At: Holmfield, Ankerbold Road, Old Tupton, Chesterfield, S42 6BX

For: Mr Kevin Watson

Third Party Reps: 19 Objections

Parish: Tupton

Ward: Tupton

Report Author: Colin Wilson
2025

Date of Report: 20th November

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location Plan, with site edged in red.

1.0 Reason for Report

- 1.1 Cllr Hancock has requested that the application be considered at Planning Committee on the basis that the proposed development would result in unacceptable impacts in residential amenity terms, a harmful impact on the character and appearance of the area, and unacceptable effects in highway safety terms.
- 1.2 In addition, Cllr Windley has raised objections to the proposed development, echoing the concerns of local residents and raising specific concerns regarding the impact of the proposed development in biodiversity terms.
- 1.3 Please note, the Ward Member comments have been summarised for the purposes of this report and can be viewed in full in the online application documents, which can be accessed via the Council's website.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises a detached bungalow situated within a spacious, linear parcel of land located on the western side of Ankerbold Road, Old Tupton. The site is situated within the defined Settlement Development Limits (SDL) for Tupton.
- 2.2 The site forms part of a ribbon of residential development along the western side of Ankerbold Road and is flanked by detached properties which are situated in substantial parcels of land. The neighbouring properties on Ankerbold Road comprise detached dwellings identified as Greenacre and Summerfield, which are respectively situated to the north and south of the application site. The application site is also adjoined to the south by a row of 6 properties at the northern end of Church View Drive, these properties are identified as numbers 21-31 Church View Drive. To the immediate west of the application site is the site of a major housing development.
- 2.3 The streetscene of Ankerbold Road in the vicinity of the application site is somewhat mixed, comprising a number of properties that vary in their design style. That being said, in terms of property scale, the existing bungalow occupying the application site is something of an outlier, with the majority of the properties in the streetscene comprising more substantially proportioned, 2-storey dwellings.
- 2.4 The site benefits from an existing vehicular access and driveway at the north-eastern corner of the application site.
- 2.5 A young Silver Birch tree (protected by Tree Preservation Order 6) is located in the front garden of the existing property. See Assessment section of this report (paragraphs 7.52 – 7.55) for details of the site's history relating to protected trees.

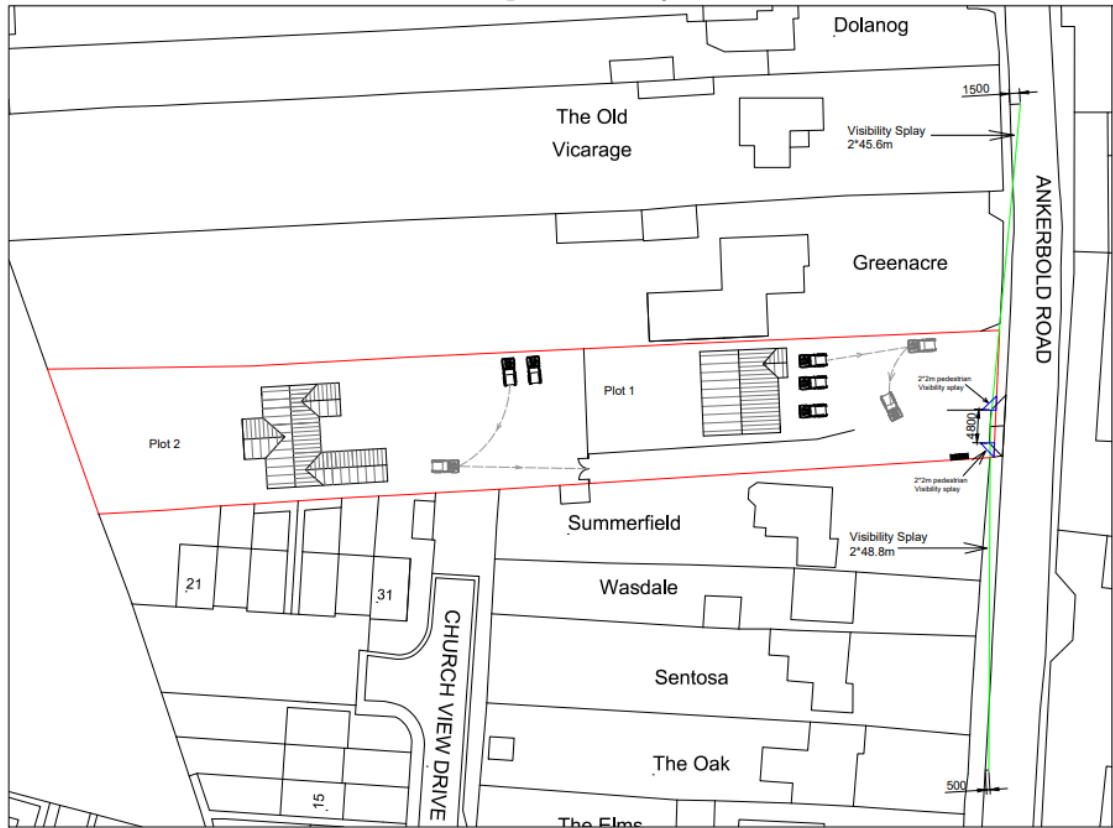
Proposal

- 2.6 Full planning permission is sought for the demolition of the existing dwelling and construction of two new dwellings, and creation of a new vehicular access (Amended Plans/ Amended Title).
- 2.7 The proposed development has been amended throughout the processing of the application. For clarity and the avoidance of doubt, the application has been assessed on the basis of the following drawings, which were uploaded to the Council's website on 30th September 2025, unless stated otherwise:
- Drawing Number DWG1 – Plot 1 Plans and Elevations.
 - DWG3 - Plot 2 Plans and Elevations.
 - Drawing Number DWG4A – Proposed Site Layout
 - Drawing Number DWG5 – Site Section (which was uploaded to the Council's website on 21st November 2025)
- 2.8 As amended, the proposed development seeks planning permission for the demolition of an existing bungalow, which is identified as Holmfield, and construction of two new dwellings on the site. The proposals include the construction of a new two-storey dwelling, which would effectively replace the existing bungalow. The proposed two-storey property would front Ankerbold Road and is identified in the submitted details as Plot 1. In addition, a further dwelling is proposed within the western element of the application site, which currently forms part of the existing bungalow's generous rear garden. This dwelling would comprise a bungalow and is identified in the submission as Plot 2.
- 2.9 The proposals include the creation of a new vehicular access point, to Ankerbold Road, at the south-eastern corner of the site. In addition, a new driveway would be installed adjacent to the southern edge of the application site, allowing for vehicular and pedestrian access to the proposed bungalow, which is identified as Plot 2 in the submitted drawings. It is intended that the existing vehicular access would subsequently be closed.
- 2.10 The proposed site plan is included below and details the position of the proposed dwellings and associated development within the site, such as vehicular access, a proposed driveway, vehicle parking/manoeuvring spaces, and retained garden areas for the respective dwellings:

Continued overleaf

Proposed Site Layout Plan (Drawing Number DWG4A):

Proposed Site Layout



- 2.11 In terms of design and appearance, the proposed two storey dwelling (Plot 1) would comprise a typically proportioned two-storey dwelling, comprising a gable end roof design and a projecting two-storey gable addition at its frontage. In terms of scale, the proposed dwelling would comprise a footprint measuring approximately 12m x 12m and would measure approximately 5.2m and 8.4m to eaves and ridge levels respectively. For information, the proposed elevational drawings are included below (please note, the plans included in this report are for illustrative purposes only and are not to scale):

Proposed Elevations (Plot 1):



- 2.12 The proposed bungalow (Plot 2) would comprise a single storey construction comprising a main element with a ridge axis running north-south, with 3 projecting gable elements (2 projecting from the east facing front elevation of the property, and one extending from the rear elevation of the main body of the proposed dwelling). The main element of the proposed bungalow would

comprise a gable end roof design measuring approximately 2.4m to eaves level and 5.5m to its ridge. The east facing (front) gable projections would be subordinate in scale to the main element of the dwelling, measuring around 2.4m and 4.8m to eaves and ridge levels respectively. The single storey rear projection would measure around 2.4m to eaves level and 5m to the ridge of its pitched roof ridge. For information, the elevations of the proposed bungalow are included below (please note, the plans included in this report are for illustrative purposes only and are not to scale):

Proposed Elevations (Plot 2):



3.0 Relevant Planning History

3.1 The planning history for the site of application can be summarised as follows:

95/00863/FL – Detached garage – Conditionally Approved.

02/00840/FL – Proposed erection of attached garage and conservatory – Conditionally Approved.

22/01126/FL – The demolition of an existing dwelling and the erection of 5 dwellings comprising of x4 2 storey semi-detached and x1 1.5 storey dwellings – Application returned (no decision).

4.0 Consultation Responses

4.1 The **Ward Member** was consulted on the application – objections were raised and a request was made for the application to be determined by NEDDC Planning Committee.

4.2 The **Parish Council** were consulted on the application, raising objections to the proposed development on the grounds that it would 'create a severe impact on traffic movement on Ankerbold Road, with no footway on that side of the road and positioned opposite a number of businesses.'

4.3 **Derbyshire County Council (DCC) Highways Officers** were consulted on the application, initially requesting additional information pertaining to the proposed access. Subsequent to receipt of amended plans, DCC issued a further, updated consultation response, which raises no objections to the proposed development from a highway safety perspective, subject to the inclusion of conditions. See Assessment below for further details.

4.4 **NEDDC Environmental Health Officers** were consulted on the application, raising no objections to the proposed development, subject to the inclusion of planning conditions relating to measures to minimise the spread of airborne

dust during the construction and demolition works, limitations relating to hours of construction works/deliveries etc, and land contamination mitigation measures.

4.5 **Derbyshire Wildlife Trust (DWT)** were consulted on the application, ultimately raising no objections to the proposed development from a biodiversity perspective, subject to the inclusion of conditions. See Assessment below for details.

4.6 **NEDDC's Principal Arboricultural Officer** was consulted on the application, raising no objections to the proposed development from a tree protection perspective, subject to condition. See Assessment below for details.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice. A total of 19 representations were received.

5.2 The representations received raise objections to the proposed development. Please note the representations have been summarised below for the purposes of this report and are available to view in full via the Council's website:

- Concerns that the proposed bungalow (Plot 2) would result in unacceptable and harmful impacts on the residential amenity levels currently enjoyed by the occupiers of properties on Church View Drive. These concerns include loss of outlook, dominating impact and loss of light.
- Concerns relating to disturbance during the construction phase. Officer Note: disturbance during the construction phase would not usually represent a material planning consideration and would generally be covered by separate legislation. In this case, NEDDC Environmental Health Officers have recommended conditions that will help minimise the impacts of construction phase of development.
- Concerns that the proposed two-story dwelling (Plot 1) would be too close to the common boundary with the neighbouring Greenacre.
- Plot 1 would comprise windows directly facing the neighbouring properties along Ankerbold Road, negatively impacting on existing levels of privacy.
- Plot 1 and would result in excessive dominance and overshadowing of adjoining properties.
- Risk of subsidence and structural damage. Officer Note: such matters would not usually represent a material planning consideration and would commonly be covered by separate legislation, including building regulations.
- Plot 2 is still of a significant concern in terms of topography, being situated at an elevated level to adjoining properties.
- Disturbance of wildlife.
- Concerns relating the exacerbation of existing parking issues on Ankerbold Road.

- Highway safety concerns relating to visibility splays, with concerns regarding the telegraph pole within the proposed visibility splay.
- Potential light pollution from PIR security lighting and security cameras etc.
- Impact on value of neighbouring properties. Officer note: Officers are of the view that the impact of development on property values does not represent a material planning consideration.
- The proposed development would fail to accord with the aims of the Council's design guide: *Successful Places*.
- Detrimental Impact on mental and physical wellbeing, as a consequence of the increased sense of enclosure, removing natural light and private green space, introducing intrusive levels of noise and movement.
- Concerns regarding the cumulative overdevelopment of the site and wider area.
- Concerns regarding the environmental impact of works already undertaken on the site, including tree felling and fires.
- Biodiversity concerns.
- Concerns relating to the impact of the scheme on local services and infrastructure.
- Concerns regarding the distribution of new housing development within the District.
- Concerns regarding the BNG calculations, given the removal of vast amounts of trees and hedgerows on the site in advance of this application.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

6.1 The following policies of the LP are material to the determination of this application:

- SS1 Sustainable Development
- SS2 Spatial Strategy and the Distribution of Development
- SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
- LC4 Type and Mix of Housing
- SDC2 Trees, Woodlands and Hedgerows
- 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
- ID3 Sustainable Travel

National Planning Policy Framework (NPPF)

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

Successful Places

- 6.3 The Council's design guide *Successful Places* is applicable in the assessment of this application.

7.0 Planning Issues

Principle of Development (Policy Context and Main Planning Considerations)

- 7.1 The application site is located within the defined Settlement Development Limits for Tupton.
- 7.2 Policy SS7 of the North East Derbyshire Local Plan states that all development proposals on sites within Settlement Development Limits that are not allocated in the Local Plan or in a Neighbourhood Plan, will be permitted, provided that the proposed development:
- a. Is appropriate in scale, design and location to the character and function of the settlement; and
 - b. Does not result in the loss of a valued facility or service unless it can be demonstrated that it is no longer viable, or is not the subject of a Community Right to Bid; and
 - c. Is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and d. Accords with other policies of the Plan.
- 7.3 Local Plan Policy SDC12 relates to High Quality Design and Place-Making. The Policy states that all new development should be of a high quality design and make a positive contribution to the quality of the local environment. In addition, the policy requires new development 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.
- 7.4 Based on the above Policy consideration, Officers are satisfied that the general principle of a residential development of the site is acceptable, subject to all other material considerations (as assessed in this report) being satisfied.
- 7.5 Guided by the above summarised Policy requirements, Officers are of the view that the main considerations for the application can be summarised as follows:
- 1) Impact on the character of the area
 - 2) Residential amenity considerations.
 - 3) Technical Matters, including highway safety, biodiversity mitigation/enhancement, environmental protection considerations, and tree protection measures.
- 7.6 As set out above, Policy SS7 of the Local Plan requires new development within defined SDLs to be appropriate in scale, design and location to the character and function of the settlement. In addition, the overarching aim of Local Plan

Policy SDC12 is that all new development should be of a high-quality design and make a positive contribution to the quality of the local environment.

- 7.7 Policies SS7 and SDC12 of the North East Derbyshire Local Plan do not preclude back land type developments. Moreover, Officers consider that existing back land type development in the vicinity of the site, most notably the development of Church View Drive in the mid-2000s, has established a precedent of back land development in the locality.
- 7.8 In this case, the proposed development has been subject to amendments during the processing of the application. Firstly, the initially proposed application which sought permission for 3 detached dwellings on the site was revised by way of reducing the number of dwellings proposed to 2. In the latest (third) iteration of the scheme, on which this application is now being assessed, amendments have been made to the design of the proposed two-storey dwelling (Plot 1) and bungalow (Plot 2). In addition, revisions to the location of the proposed access and associated driveway have been made.

Visual Considerations

- 7.9 In terms of the visual impact of the proposed scheme, Officers consider that the principal public views of the site of application are from Ankerbold Road, which is situated to the east of the application site. On this basis, the proposed two-storey dwelling identified as Plot 1 will undoubtedly be the more publicly visible of the two proposed properties.
- 7.10 The majority of properties on the western side of Ankerbold Road have seemingly been individually designed, particularly those to the north of the application site. In this regard, the streetscene of Ankerbold Road in the vicinity of the application site is not characterised by one prevailing property design. That being said, there is a degree of uniformity with the design of the 5 properties which front Ankerbold Road to the immediate south of the application site, which are all of a similar design style, comprising two-storey properties with gable end roof designs and projecting front gables.
- 7.11 With the exception of the existing bungalow which occupies the site of application and a dormer bungalow located at the corner of Ankerbold Road and Station New Road, it is apparent that substantially proportioned 2-storey properties make up the prevailing property type/scale in the streetscene.
- 7.12 It is the view of Officers that the proposed dwelling (at Plot 1) would comprise a typically proportioned two-storey dwelling, consistent with the overall scale and proportions of the majority of other properties within the wider streetscene. The dwelling would comprise eaves and ridge levels, and a roof design that would generally be in keeping with other properties in the streetscene.
- 7.13 The proposed property (Plot 1) has been individually designed but seemingly seeks to somewhat reflect the design style of existing properties within the streetscene, comprising a likeness to the properties fronting Ankerbold Road to the south of the site. Officers are of the view that the proposed dwelling would,

by virtue of its scale, design style and materials of construction, assimilate into the existing character and appearance of the streetscene. Therefore, the proposed dwelling is considered to represent an acceptable visual addition to the area, in accordance with the relevant parts of Policies SS7 and SDC12 of the North East Derbyshire Local Plan.

- 7.14 Whilst the visual impact of the proposed Bungalow (Plot 2) would already be somewhat mitigated by virtue of its position to the rear (west) of the proposed two-storey dwelling at Plot 1, Officers nevertheless consider that the visual impact of this element of the scheme is important in the assessment of this application. In particular, the proposed bungalow will form a focal point to the proposed driveway within the site and will be seen, albeit at a distance, from public viewpoints when viewing the site of application square on from Ankerbold Road.
- 7.15 It is the view of Officers that the revised scheme, which is now being assessed, represents a less bulky visual addition to the site than the previously proposed (now superseded) proposals for the bungalow. The introduction of the projecting gables to the main element of the bungalow, is considered to reduce the overall mass of the proposed dwelling and thereby reduce its visual impact. Officers also consider that public views of the bungalow would realistically be limited to views from Ankerbold Road, to the immediate east of the driveway serving the site. Officers consider that the revised scheme would position a gable feature comprising a typically proportioned gable width at the end of the drive. Officers consider that this feature would represent an acceptable termination of the view from Ankerbold Road and from views along the proposed driveway within the site.
- 7.16 The application site is largely inconspicuous from public views from Church View Drive, as it is effectively screened by the existing dwellings at the northern edge of Church View Drive. Equally, there are currently no public views of the site from the west or north of the application site.
- 7.17 Overall, Officers consider that the proposed development the subject of this application would preserve the character and appearance of the site and its surroundings. Officers therefore consider that the proposed development would accord with the relevant parts of Policies SS7 and SDC12 of the North East Derbyshire Local Plan, and the NPPF when read as a whole.

Amenity Considerations

Plot 1

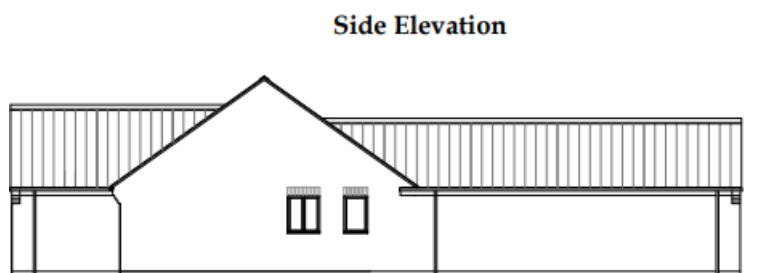
- 7.18 The property at Plot 1 would be positioned within an established ribbon of residential development along the western side of Ankerbold Road. Adjoining the site to the north is a two-storey property which is known as Greenacre. To the south of Plot 1, is a two-storey residential property called Summerfield. The proposed dwelling at Plot 1 would comprise limited side facing openings at first floor level, comprising a single bathroom window in each of its north and south facing elevations.

- 7.19 On the basis that these windows serve non-habitable rooms, Officers are satisfied that no significantly harmful overlooking of the respective adjoining properties would arise. It is the view of Officers that a condition to ensure that the side facing first floor bathroom windows be obscurely glazed and non-opening below 1.7 metres above internal floor level would further protect the privacy levels currently enjoyed by the occupiers of Greenacre to the north and Summerfield to the south.
- 7.20 In terms of loss of outlook/overshadowing, the proposed driveway would provide intervening land between the proposed dwelling (Plot 1) and the common boundary with the adjoining Summerfield to the south. Officers are satisfied that this intervening land between the south facing elevation of the proposed dwelling and the rear elevation/garden area of the adjoining Summerfield would result in an acceptable arrangement between the respective properties, in that the introduction of the proposed dwelling would not result in any significant overshadowing, loss of light or outlook for the occupiers of Summerfield.
- 7.21 Similarly, to the north of Plot 1, a substantial attached garage at Greenacre provides a degree of separation between the north facing elevation of the proposed dwelling and existing openings at the two-storey south facing elevation of Greenacre. Officers are of the view that the proposed arrangement between the proposed property at Plot 1 and Greenacre would be acceptable, in that it would not result in any significant or unacceptable overshadowing or loss of outlook for the occupiers of Greenacre. This matter is expanded on below:
- 7.22 Whilst it is acknowledged that the replacement dwelling (Plot 1) would have some impact on the amenity levels currently enjoyed by the occupiers of the property to the north (Greenacre), it is not considered that this impact would be unduly harmful in this case. Planning history for Greenacre indicates that at its south facing side elevation it comprises 2 first floor bedroom windows and a secondary window serving an open plan lounge/dining room at ground floor level.
- 7.23 Whilst the introduction of the proposed two-storey dwelling in the place of the existing bungalow would have some impact on the windows in question, as a consequence of the intervening garage, a separation distance of approximately 7.7m exists between the north facing elevation of the proposed dwelling and the south facing elevation of Greenacre. Officers consider that this would represent a generous separation distance between side facing elevations of properties in a ribbon type development and would ensure that a satisfactory level of light and outlook for the occupiers of Greenacre would be retained.
- 7.24 Officers consider that the proposed dwelling at Plot 1 would assimilate into the existing ribbon of development along the western side of Ankerbold Road. In this regard, Officers consider that the outlook from the proposed dwelling's front (east) and rear (south) facing first floor openings would represent a typical

relationship between dwellings in a ribbon of properties such as this and would not result in any harmful or unacceptable direct overlooking of adjacent sites.

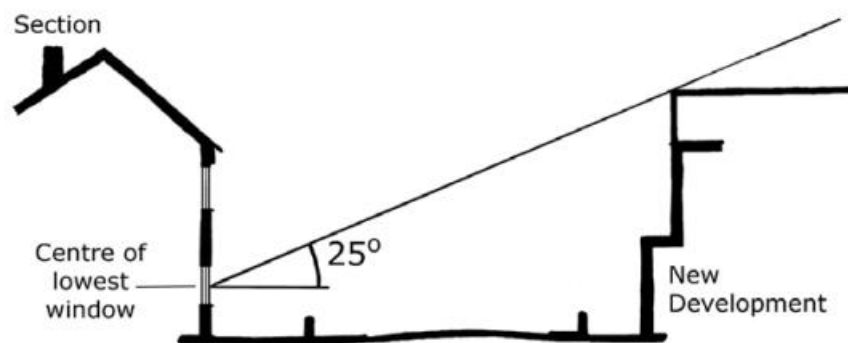
Plot 2

- 7.25 The proposed bungalow identified as Plot 2 would be positioned to the north of a row of 6 properties on Church View Drive (numbers 21-31). As a consequence of the proposed bungalow's design with projecting gables, an elevation of approximately 20m in length would face the southern boundary of the application site and the adjoining properties on Church View Drive. The south facing elevation of the bungalow would be set off the boundary with Church View Drive providing separation distances between the proposed bungalow and the north facing rear elevations of the properties on Church View Drive between 8.5m – 11.5m.
- 7.26 Given that the proposed dwelling would be positioned directly to the north of the rear elevations and gardens of properties on Church View Drive, Officers consider that the proposed development would not result in the loss of any direct sunlight to the rear gardens and rear (north facing) openings at those adjoining properties. Moreover, the proposed dwelling would comprise a maximum ridge height of 5.5m, with the majority of the south facing elevation being of a lower height than the gable end elevation of the main element of the proposed bungalow. To illustrate this point, the proposed south facing elevation of the proposed bungalow is included below:



- 7.27 The highest element of the proposed dwelling facing the north facing elevations and gardens of properties on Church View Drive would be the side facing gable elevation of the proposed building. Officers consider that, as a consequence of its height and proximity, the proposed gable would be seen from the rear elevations and gardens of the affected properties on Church View Drive. In this regard, Officers accept that the introduction of the proposed bungalow would result in some impacts on the outlook from the ground floor windows at the rear (north) of the properties on Church View Drive. Equally, the proposed gable elevation of the main element of the bungalow would be visible from the rear gardens of the properties on Church View Drive.
- 7.28 Officers acknowledge that a number of the representations received express specific concerns regarding the impact of the proposed bungalow on the residential amenity levels currently enjoyed by the occupiers of properties at the north of Church View Drive. As part of the assessment of this application, Officers have applied and estimated the '25 degree rule', which is set out in the

Council's Design Guide *Successful Places*. For information, the 25 degree rule as illustrated in *Successful places* is included below:



New Build in front of a main window to a principal room: The 25° Rule

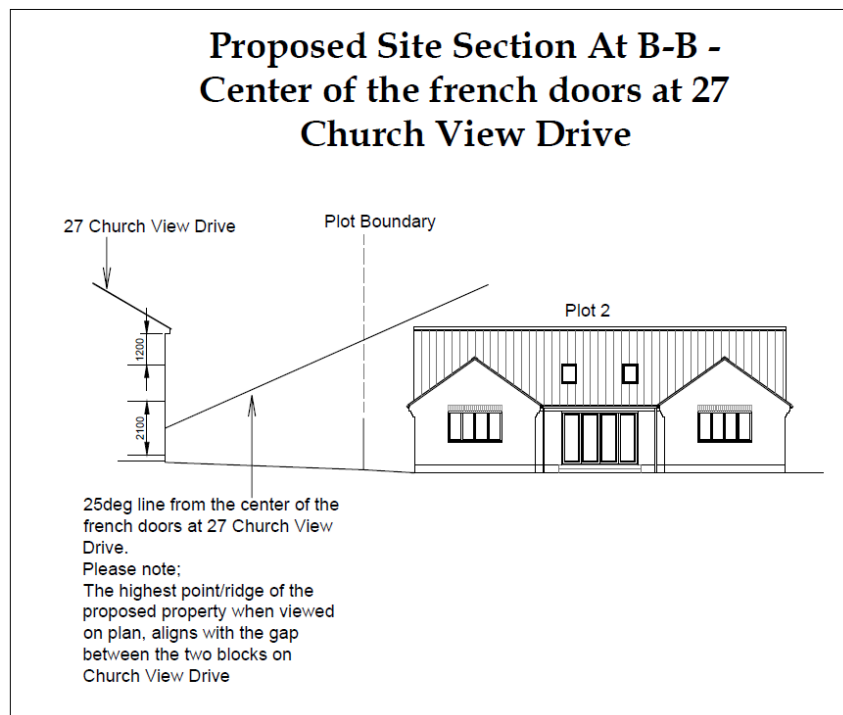
Generally a building should not be situated in front of a main window to a habitable room if it is higher than the 25° line drawn from the centre of the affected window.

- 7.29 Having initially applied the 25 degree rule, Officers estimated that the proposed ridge level of the south facing gable elevation of the main element of the bungalow would very marginally fail to accord with the 25 degree rule, with the ridge of the gable measuring approximately 26 degrees from the centre of the north facing ground floor openings at the nearest properties on Church View Drive (these being numbers 25 and 27). Officers estimates suggest that the rest of the south facing elevation of the proposed bungalow (including the entirety of the front projecting gable) would comfortably be in accordance with the 25 degree rule.
- 7.30 It should be noted that the 25 degree rule is a general rule providing guidance and is not definitive. In this regard the rule should be applied flexibly and other site circumstances, such as site orientation should be taken into account. In this instance, Officers are of the view that a marginal contravention of the rule (by approximately 1 degree) would be mitigated by other considerations, which, most notably in this case, relate to the orientation of the site and the very limited amount of built development that would be experienced above the 25 degree line.
- 7.31 Much of the bungalow's south facing elevation would comprise the front projecting gable, which would be set back from the common boundary with Church View Drive and would comprise a lower ridge level than the main element of the proposed building (as illustrated above). The proposed front gable addition would comprise a pitched roof, which slopes away from the common boundary with Church View Drive. The projecting front gable, which comprises a low eaves level of 2.4m and a pitched roof, the ridge of which is set well back from the common boundary would comfortably comply with the 25 degree rule, as set out in *Successful Places*.
- 7.32 In the interests of seeking a further betterment of the relationship between the proposed bungalow and properties on Church View Drive, Officers broached the marginal non-compliance with the 25 degree rule with the applicant's agent.

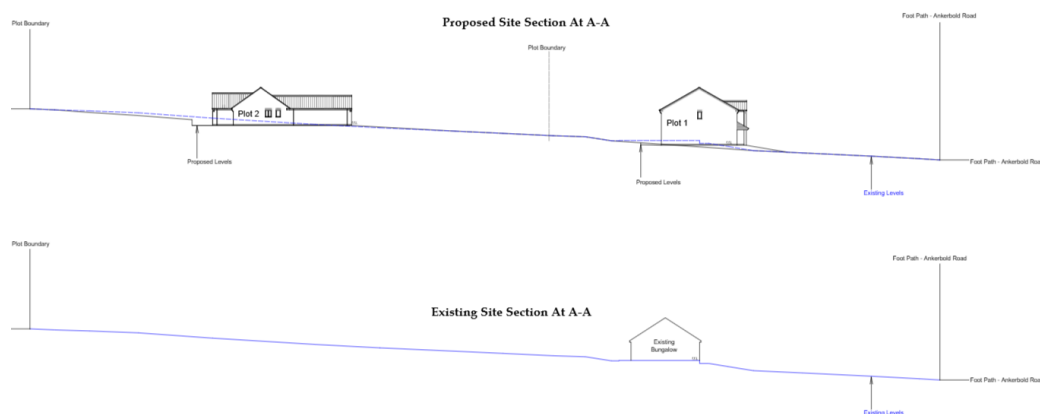
Subsequently, the agent advised that there is scope in this case to develop the site with finished levels that would achieve full compliance with the 25 degree rule.

- 7.33 Following discussions with the applicant's agent, Officers understand that a reduction in the finished floor levels of the proposed bungalow, by approximately 500mm, would ensure full compliance with the 25 degree rule. For information, the relevant extracts from the revised drawing are included below; these images detail the 25 degree rule applied to the most affected property on Church View Drive (number 27) and a sectional drawing showing how the proposed bungalow would be dug in to the existing land levels, thereby reducing its impact:

25 degree rule:



Site Levels (existing and proposed)



- 7.34 On the basis of these factors, Officers are satisfied that the proposed development would not lead to any unacceptable loss of residential amenity by way of overshadowing or loss of outlook.
- 7.35 Officers consider that a planning condition relating to finished levels for Plot 2 would therefore allow control of this matter, ensuring that the impact of the proposed development on the amenity levels of the occupiers of properties on Church View Drive would be further minimised, ultimately as a consequence it being fully in accord with 25 degree rule.
- 7.36 Given the significant separation distances between the proposed bungalow and Greenacre to the north, and the sizeable garden of Greenacre, Officers consider that the impacts of the north facing elevation of proposed bungalow on the residential amenity levels currently enjoyed by the occupiers of Greenacre would be minimal, and therefore acceptable.
- 7.37 In terms of privacy, given its single storey nature and fenestration design, Officers are of the view that the proposed dwelling would not result in any adverse overlooking of adjacent properties. Given their proximity to the application site, the properties 21-31 Church View Drive enjoy something of a 'borrowed outlook' across the existing garden of Holmfield. Officers consider that this relationship means that there is some intervisibility between the rear garden of Plot 2 and the upper floor windows of 21-31 Church View Drive. Officers consider that this arrangement would result in a largely neutral impact in residential amenity terms, given that this intervisibility between the existing rear garden of Holmfield and the north facing first floor openings of properties on Church View Drive already exists.
- 7.38 Overall, based on the above considerations, Officers are of the view that the proposed development of Plot 2 would represent a form of development that adequately protects the existing residential amenity levels enjoyed by the occupiers of neighbouring properties, in accordance with the requirements of Policies SS7 and SDC12 of the North East Derbyshire Local Plan.

Access Arrangements/ Driveway

- 7.39 A further consideration from an amenity perspective is the introduction of the new vehicular access and drive, and how the vehicular and pedestrian movements may impact on amenity levels of adjacent sites. Vehicular movements along the proposed driveway are likely to result in some impacts for the occupiers of Summerfield, which, positioned to the south of the application site, is the nearest adjacent property to the proposed driveway.
- 7.40 Officers accept that there would be some increases in noise and disturbance caused by the intensification of the site, namely from vehicular movements along the new access drive. That being said, Officers are of the view that the vehicular movements directly passing the most affected property would be limited to those arising as a consequence of the proposed bungalow (Plot 2). Parking for Plot 1 would be at the site frontage and would not be dissimilar to the existing arrangement on site.

- 7.41 Overall, Officers consider that the nature of the access arrangements will mean that vehicles (associated with Plot 2) are likely to pass the north facing elevation of Summerfield) at very low speeds and without the need to wait with idling engines immediately adjacent to Summerfield for any prolonged periods of time. In this regard, Officers are satisfied that the development of the site as proposed, would not lead to any significant or unacceptable harm to the residents of adjacent properties by way of disturbance from manoeuvring vehicles within the site. This assessment is corroborated by the lack of objection from the Environmental Health Officer to the application.

Residential Amenity of Future Occupiers of the Proposed Development.

- 7.42 In regard to the relationship between the proposed properties within the development site (Plot 1 and 2), Officers are of the view that the separation distances between the rear of Plot 1 and the bungalow (Plot 2) are acceptable and in accord with guidance contained within *Successful Places*. The relatively generous rear gardens for the proposed dwellings are considered to provide acceptable private and useable *amenity* space, comfortably exceeding the recommended private amenity spaces which are set out in *Successful Places*.
- 7.43 The proposed bungalow would comprise a garden that is somewhat overlooked by properties along Church View Drive. However, the overlooking would principally be from first floor windows rather than windows serving more habitable rooms such as living rooms and Officers consider that the generous grounds for the bungalow would afford its future occupants an acceptable standard of outdoor amenity.

Highway Safety

- 7.44 Paragraph 116 of the National Planning Policy Framework (NPPF) and Policy ID3 of the North East Derbyshire Local Plan set out that, in all cases, planning permission will only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 7.45 Derbyshire County Council Highways Officers were consulted on the application, ultimately raising no objections to the development in highway safety terms. In their updated consultation response of 10th November, DCC Highways Officers advised a number of planning conditions that will need to be met before the development is brought into first occupation, including a condition to ensure that requisite visibility splays from the proposed access are achieved. It is noted from the comments that achievement of the necessary visibility splay in a southern direction will be contingent on the relocation of an existing telegraph pole within the highway verge to the south-eastern corner of the site. Officers consider that this matter could be reasonably addressed by way of the inclusion of a planning condition which precludes the occupation of the proposed development, until such a time that obstructions, including the telegraph pole in question, have been relocated to a position outside the visibility splay for the proposed development.

- 7.46 On the basis of the above considerations and guided by the DCC Highways Officers consultation response, Officers are of the view that the proposed development would not result in any unacceptable impact on highway safety, nor would it result in any severe cumulative impacts on the road network. Consequently, Officers consider that the development accords with Policy ID3 of the Local Plan and the NPPF when read as a whole, with particular regard to Paragraph 116.

Biodiversity Considerations

- 7.47 In their latest consultation response of 25th September, Derbyshire Wildlife Trust (DWT) advised they had reviewed the results of the recommended bat emergence surveys (Clayton Ecology, August 2025). The surveys identified that no roosting bats were using the buildings on site and no evidence of use was found previously during the building inspection. However, as the building contains 'moderate' potential for use by bats, DWT advised that the works affecting the building should proceed with caution and if bats or evidence of bat use are found, works should stop immediately and a bat ecologist with suitable experience be consulted for advice.
- 7.48 In addition to the above, DWT advised that any new external lighting should be designed to avoid lighting of the proposed species enhancement features and adjacent habitats.
- 7.49 On the basis of the conclusions set out in the DWT consultation response, Officers are of the view that the proposed development would be acceptable from a biodiversity perspective, subject to the inclusion of recommended conditions relating to a biodiversity enhancement measures and controls on any further site clearance, such as removal of hedgerows etc.
- 7.50 The application is supported by a mandatory Biodiversity Net Gain (BNG) assessment and metric. The assessment concludes that mandatory BNG is applicable in this case and that in order to achieve the 10% net gain target required by the Environment Act (2021), 0.47 Habitat units and 0.08 Hedgerow units will need to be provided as off-site compensation. In addition, 0.58 Habitat units of heathland and shrub will need to be obtained. It is set out in the applicant's BNG report that these units will need to be provided post-planning by the applicant either; • On other land within the applicants ownership; • Through a habitat bank; • Or as a last resort through DEFRA's Statutory Biodiversity Credit system.
- 7.51 Officers agree that mandatory BNG is applicable in this case and a deemed BNG condition would need to be complied with prior to the development commencing. A "deemed BNG condition" is a pre-commencement condition, meaning a Biodiversity Gain Plan must be submitted to and approved by the local planning authority before any construction work begins. In this case, Officers consider that the proposed enhancement measures can be secured via the pre-commencement 'Biodiversity Gain Condition' and will ensure that the LPA can ensure that the necessary net gain is achieved.

Tree Protection

- 7.52 Officers understand that records indicate that two trees on the boundary of the rear garden of Holmfield were protected by TPO 6 – the trees were identified as T16 and T17 are both described as Silver Birch: T16 was located on the south boundary of the rear garden, and T17 was located on the north boundary of the rear garden. However, both T16 and T17 are no longer standing at this location.
- 7.53 Officers are unsure when T16 was removed, as records do not cover the circumstances of this removal. However, T17 was reported to the Council as uprooted in the autumn of 2024. Under section 206 of the Town and Country Planning Act 1990, landowners have a duty to replace an uprooted tree by the planting of a new tree. It was agreed that the location of the replacement tree following the uprooting of T17 could be within the front garden of the property, rather than the rear garden, to maximise the amenity benefit of the tree in the future. As such, there is a young Silver Birch tree located in the front garden of the property and this tree is automatically protected by the original Tree Preservation Order.
- 7.54 The Council's Principal Arboricultural Officer was consulted on the application, advising that they have no overall arboricultural objection to the proposal on that basis that it will be possible to retain the young replacement tree within the front garden of the property and protect it during development of the site. Alternatively, if it is found impossible to protect the young replacement tree during development of the site, it could temporarily be removed from its current position, as it has yet had time to develop a substantial root system and be replanted following completion of the works.
- 7.55 Guided by the above summarised consultation response, Officers are of the view that the proposed development is acceptable from a tree protection perspective, subject to a condition requiring the submission, approval, and implementation of a scheme for the protection of the retained trees.

8.0 Summary and Conclusion

- 8.1 In this case, Officers are of the view that the proposed development represents an acceptable form of development within the defined Settlement Development Limits of Tupton. Officers consider that the proposed development would represent an acceptable visual addition to the site and surrounding streetscene. Moreover, Officers consider that the proposals would satisfactorily protect the residential amenity currently enjoyed by the occupiers of adjoining properties, whilst providing acceptable levels of residential amenity for the occupiers of the two proposed properties. Subject to conditions, Officers are satisfied that the proposed development would not result in any unacceptable highway safety harm. Equally, based on the other technical considerations such as biodiversity/ecology, tree protection, and environmental protection, Officers are satisfied that, subject to conditions, the proposals set out in this application would represent a form of development that accords with the relevant Policies

contained in the North East Derbyshire Local Plan and the NPPF when read as a whole.

9.0 Recommendation

9.1 On the basis of the above considerations, Officers recommend that planning permission is **APPROVED** subject to conditions, with the final wording delegated to the Planning Manager (Development Management):-

Conditions

No	Condition	Reason	Pre-commencement agreement
1.	The development hereby permitted shall be started within 3 years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.	N/A
2.	<p>The development hereby approved shall be carried out in accordance with the submitted plans listed as follows, all of which were uploaded to the Council's website on which were uploaded to the Council's website on 30th September 2025:</p> <ul style="list-style-type: none"> • Drawing Number DWG1 – Plot 1 Plans and Elevations. • DWG3 - Plot 2 Plans and Elevations. • Drawing Number DWG4A – Proposed Site Layout 	For clarity and the avoidance of doubt.	N/A
3.	Before above ground works commence, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	In the interests of the character and appearance of the area.	N/A
4.	Before any above ground works start, a plan to show the positions,	In the interests of the character and appearance of the area.	N/A

	design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed as agreed before the first occupation of the dwellings hereby approved, and shall be retained as approved thereafter.		
5.	Before development starts details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	In the interests of the character and appearance of the area and to protect the amenity levels of the occupiers of adjoining properties.	TBC
6.	Before above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority: a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, b) the details of any trees and hedgerows to be retained, together with measures for their protection during development, c) a schedule of proposed plant species, size and density and planting locations and d) an implementation programme	In the interests of the character and appearance of the area.	N/A
7.	All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation	To ensure conformity with the approved details and in the interests of the character and appearance of the area.	N/A

	<p>of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p>		
8.	<p>Notwithstanding the submitted details, the first floor bathroom windows on the north and south facing side elevations of the two-storey dwelling hereby approved (Plot 1) shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 3 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed.</p>	<p>In the interests of protecting neighbouring residential amenity.</p>	N/A
9.	<p>The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing DWG4A.</p>	<p>To ensure conformity with the approved details and in the interests of highway safety.</p>	N/A
10.	<p>The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured</p>	<p>In the interests of highway safety.</p>	N/A

	perpendicularly), for a distance of 45.6m visibility to the north and 48.8m to the south measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.		
11.	The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.	To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.	N/A
12.	No works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.	In the interests of biodiversity mitigation/ enhancement.	N/A
13.	Prior to the completion of development, the following species enhancement measures shall be implemented: - 1No. bat box at eaves level (favouring southern elevations) - 1No. universal nest box at eaves level (avoiding southern elevations) Evidence that these measures have been implemented should	In the interests of biodiversity mitigation/ enhancement.	N/A

	be submitted to the Local Planning Authority for approval within one month of completion of development. Measures shall be retained in perpetuity.		
14.	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.	In the interests of environmental protection and residential amenity.	TBC
15.	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.	In the interests of minimising the impacts arising as a consequence of the construction phase.	N/A
16.	Prior to the first occupation of the dwellings hereby approved, any made ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that the site is suitable for the use hereby approved. Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	N/A

	prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as approved and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the dwellings hereby approved.		
17.	Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 1 above shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that that part of the site is suitable for the use hereby approved.	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	
18.	In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to and shall be approved in writing with the Local Planning Authority.	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	
19.	Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a	Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality,	

	<p>tree protection plan(s) (TPP) shall be submitted to and approved in writing by the Local Planning Authority</p> <p>Specific issues to be dealt with in the TPP:</p> <ul style="list-style-type: none"> a. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. b. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>	<p>in accordance with Local Plan Policy SDC2 and pursuant to section 197 of the Town and Country Planning Act 1990.</p>	
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