

Case Officer: Sarah Kay
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Ctte Date: 7th August 2017

File No: CHE/17/00263/FUL
Plot No: 2/1339 & 513

ITEM

**ERECTION OF 34 DWELLINGS INCLUDING PRIVATE AMENITY SPACE,
CAR PARKING PROVISION, NEW ACCESS ROAD, LANDSCAPING,
DRAINAGE SWALE AND ON-SITE OPEN SPACE (ADDITIONAL /
REVISED INFORMATION RECEIVED 23/05/2017, 24/05/2017, 26/05/2017,
01/06/2017, 09/06/2017, 16/06/2017, 21/06/2017, 23/06/2017, 30/06/2017,
03/07/2017, 05/07/2017, 06/07/2017, 17/07/2017, 20/07/2017, 23/07/2017,
24/07/2017, 26/07/2017 AND 27/07/2017) AT FORMER SALTERGATE
HEALTH CENTRE, 107 SALTERGATE, CHESTERFIELD, DERBYSHIRE,
S40 1LA FOR WOODALL HOMES LTD**

Local Plan: Town Centre
Ward: Brockwell

1.0 CONSULTATIONS

Table 1: Consultee Responses

Local Highways Authority	Comments received 30/05/2017 – see report
CBC Planning Policy	Comments received 02/06/2017 – see report
Environmental Services	Comments received 10/05/2017 – see report
Design Services	Comments received 24/05/2017 and 27/07/2017 – see report
Yorkshire Water Services	Comments received 01/06/2017 and 09/06/2017 – see report
Lead Local Flood Authority	Comments received 17/05/2017, 15/06/2017 and 10/07/2017 – see report
Economic Development Unit	Comments received 06/07/2017 – see report
Housing Services	Comments received 26/06/2017 – see report
Derbyshire Constabulary	Comments received 17/05/2017 – see report
DCC Strategic Planning	Comments received 23/05/2017 – see report

NHS / CCG	Comments received 10/05/2017 – see report
Chesterfield Cycle Campaign	No comments received
Coal Authority	Comments received 19/05/2017 – see report
Tree Officer	Comments received 15/06/2017, 23/06/2017, 28/06/2017 and 26/07/2017 – see report
Derbyshire Wildlife Trust	Comments received 19/05/2017 and 04/07/2017 – see report
Derby & Derbyshire DC County Archaeologist	Comments received 15/05/2017 – see report
Urban Design Officer	Comments received 21/06/2017 – see report
Fire Officer	No comments received
Chesterfield Civic Society	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Six representations received

2.0 **THE SITE**

- 2.1 The application site is located within Chesterfield town centre and was previously, prior to the demolition of the buildings on site, the Saltergate Medical Centre. The site is approximately 0.66 hectares in area.
- 2.2 The main vehicular access into the site is from Saltergate via a tree lined avenue, however access/egress is also obtained via Spencer Street located to the north of the site.
- 2.3 The site has pedestrian connections to the surrounding residential areas (Tennyson Avenue, Queen Street, Cross Street and St Mary's primary school) and adjacent to the northern boundary of the site is Brickyard Walk, a pedestrian footpath that links the residential areas to the west of the site with Chesterfield town centre.
- 2.4 To the north and west of the site the main land uses are residential, although beyond Brickyard Walk is a hospital facility with associated car parking. To the south of the site is the former North East Derbyshire Council offices, which front Saltergate, and

500 metres to the south east is the main shopping area of Chesterfield town centre. To the east of the east on Marsden Street and beyond the land uses are characterised by a mixture of commercial uses.

- 2.5 Adjacent to the northern boundary of the site is the Church of the Annunciation, a Grade II Listed Building, which falls within the Spencer Street Conservation Area. The Town Centre Conservation Area is adjacent to the southern boundary of the site, with the Abercrombie Street Conservation Area located beyond the hospital buildings to the north east of the site.
- 2.6 Within the site there are a number of mature trees that are subject to a group Tree Preservation Order (TPO) reference 4901.261 which was made in June 2006 and confirmed in August 2006.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/16/00562/TPO - Crown lift and minor reduction to gain clearance of highway and footpath also removal of basal epicormic growth to facilitate access to property and minor crown lift over adjacent car park to facilitate unimpeded usage.
Conditional permission 06/10/2016
- 3.2 CHE/14/00415/DEM - Proposed demolition of former Saltergate Medical Centre and Marsden Street Clinic Buildings (2 x rectangular blocks, mainly single storey brick built buildings with slate roofing and basement level. Three small outbuildings/portacabin to be removed.
Prior approval not required 31/07/2014.
- 3.3 CHE/14/00287/TPO - Fell T26,T27,T28 due to low amenity value and proximity to proposed demolition works, fell T35 due to poor amenity value and health, fell T36 due to death, fell T43 due to low amenity value and proximity to wall and building, fell T45 due to location - inside courtyard building.
Split decision 20/05/2014.
- 3.4 CHE/14/00216/FUL - Provision of Paladin security fence to perimeter entry points at Saltergate, Spencer Street and Marsden Street, provision of double vehicular gates at Saltergate for ingress and egress to visitors and 24 hour security staff located within site

and at Spencer Street for emergency access only. The gates will match the same height as the new fence 2000mm.
Conditional permission 15/05/2014.

- 3.5 CHE/12/00721/TPO - T2, T5, T6, T7, T8, T9, T33, T32, T32, T30 - crown lift to 4.5metres and crown clean; T29 remove specific limbs to reduce weight, crown clean and reduce 25%.
Conditional permission 12/12/2012.
- 3.6 CHE/0196/0046 - Construction of main entrance porch.
Conditional permission 22/03/1996.
- 3.7 CHE/1291/0812 - Three small extensions.
Conditional permission 11/02/1992.
- 3.8 CHE/0685/0401 - Permission for the approval of reserved matters for proposed doctor surgery at Saltergate Health Centre site.
Conditional permission 09/08/1985.
- 3.9 CHE/0784/0419 - Permission for doctors surgery at Saltergate Health Centre Site.
Conditional permission 10/08/1984.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for 34 dwellings across the site together with private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space. Access to the site will be taken primarily from Saltergate, with a proposed highway upgrade to the existing driveway access which lies to the south of the site. 2 no. of the dwellings will be served separately from Spencer Street to the north.
- 4.2 The application proposal provides a range of dwelling types, including affordable housing. Table 2 below sets out the schedule of accommodation that the scheme provides.

Table 2: Schedule of Accommodation

Plot No.	House Type	Type	No. of Beds	Parking spaces
1	Petworth	2 storey	4 bed	2 + garage
2	Rosedene	2 storey	4 bed	2 + garage

3	Petworth	2 storey	4 bed	1 + garage
4	Lindisfarne	2 storey	4 bed	1 + garage
5	Rosedene	2 storey	4 bed	2 + garage
6	Rosedene	2 storey	4 bed	2 + garage
7	Lindisfarne	2 storey	4 bed	2 + double garage
8	Claremont	2 storey (GF flat)	2 bed	1
9	Claremont	2 storey (GF flat)	2 bed	1
10	Claremont	2 storey (FF flat)	2 bed	1
11	Claremont	2 storey (FF flat)	2 bed	1
12	Rosedene	2 storey	4 bed	2 + garage
14	Buckingham	2 storey	4 bed	2 + garage
15	Lindisfarne	2 storey	4 bed	2 + garage
16	Wycombe	2 storey	4 bed	1 + garage
17	Petworth	2 storey	4 bed	2 + garage
18	Thornton	2.5 storey	4 bed	2
19	Thornton	2.5 storey	4 bed	2
20	Thornton	2.5 storey	4 bed	2
21	Thornton	2.5 storey	4 bed	2
22	Hardwick	2 storey	3 bed	2 + garage
23	Hardwick	2 storey	3 bed	2
24	Rosedene	2 storey	4 bed	1 + garage
25	Westbury	2 storey	4 bed	1 + garage
26	Petworth	2 storey	4 bed	2 + garage
27	Rosedene	2 storey	4 bed	1 + garage
28	Kingston	2 storey (flat above garage block)	2 bed	1 + garage
29	Thornton	2.5 storey	4 bed	1 + garage
30	Thornton	2.5 storey	4 bed	1 + garage
31	Westbury	2 storey	4 bed	1 + garage
32	Affordable	2 storey	2 bed	1.5
33	Affordable	2 storey	2 bed	1.5
34	Affordable	3 storey	3 bed	1.5
35	Affordable	3 storey	3 bed	1.5

Note: Plot no. 13 is omitted

4.3 The application submission is supported by the following list of plans / documents:

SITE LAYOUT

- C00 REV A - SITE LOCATION PLAN
- C01 REV E - SITE LAYOUT PLAN
- C02 REV C - SITE LAYOUT PLAN

HOUSE TYPES / GARAGES

- C03 REV A – PLOTS 1 AND 26 PETWORTH
- C04 REV A – PLOTS 2, 5, 6, 12 AND 24 – ROSDENE
- C05 REV A – PLOTS 3 AND 17 PETWORTH
- C06 REV B – PLOT 4 LINDISFARNE
- C07 REV B – PLOTS 7 AND 15 LINDISFARNE
- C08 REV A – PLOTS 8 – 11 CLAREMONT (FLATS)
- C09 REV B – PLOT 14 – BUCKINGHAM
- C10 REV A – PLOT 16 – WYCOMBE
- C11 REV B – PLOTS 18, 19, 20 AND 21 – THORNTON
- C12 REV B – PLOTS 22 AND 23 – HARDWICK
- C13 REV B – PLOTS 25 AND 31 – WESTBURY
- C14 REV B – PLOT 28 – KINGSTON
- C15 REV B – PLOTS 29 AND 30 – THORNTON
- C16 REV A – PLOTS 31, 32 33 AND 34 – AFFORDABLE
- C18 – PLOT 27 – ROSEDENE
- C22 REV B – GARAGES
- C23 – GARAGE G7

LANDSCAPING

- C20 REV A – BOUNDARY TREATMENTS PLAN
- C21 – BOUNDARY TREATMENTS DETAILS
- SOFT LANDSCAPE PROPOSALS (1) L9008_03 REV F
- SOFT LANDSCAPE PROPOSALS (2) L9008_04 REV F
- SOFT LANDSCAPE PROPOSALS (3) L9008_05 REV E
- SOFT LANDSCAPE PROPOSALS (4) L9008_06 REV B

HIGHWAYS AND DRAINAGE

- 40337/001 REV A – EXPLORATORY HOLE LOCATION PLAN
- 40337/012 REV B – EXTERNAL WORKS
- 40337/013 REV F – PLOT DRAINAGE
- 40337/014 REV C - LONGITUDINAL SECTIONS (SHEET 1 OF 2)

- 40337/015 REV A – LONGITUDINAL SECTIONS (SHEET 2 OF 2)
- 40337/016 REV A – MANHOLE SCHEDULES
- 40337/018 REV A – S104 (DRAINAGE) LAYOUT
- 40337/019 REV A – S102 (DRAINAGE) LAYOUT
- 40337/020 REV A – FOUNDATION SCHEDULE PLAN 1 OF 2
- 40337/021 REV A – FOUNDATION SCHEDULE PLAN 2 OF 2
- 40337/022 REV A – FOUNDATION SCHEDULE TABLE
- 40337/023 REV A – FLOOD ROUTING PLAN
- 40337/024 REV A – DRAINAGE DETAILS SHEET 1 OF 2
- 40337/026 REV A – DRAINAGE DETAILS SHEET 2 OF 2
- 40337/035 REV B - S278 WORKS SPENCER STREET
- 40337/036 REV E – S278 WORKS SALTERGATE
- 40337/038 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 1 OF 2
- 40337/039 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 2 OF 2
- 40337 ATR1 REV A – VEHICLE TRACKING DIAGRAM
- 40337/044 REV A – PRIVATE CATCHPIT DETAIL
- SA1 INC. STORAGE 100YR+ CC
- SA2 INC. STORAGE 100YR+ CC
- SA3 INC. STORAGE 100YR + CC
- 40337/002 - REPORT ON ADDITIONAL INVESTIGATION
- 08321 SITE DRAWING AND WINCAN V8 (SEWER SURVEY)
- C17 REV D – FRONT BOUNDARY WALL RE-ALIGNMENT
- C19 – SITE MANAGEMENT PLAN
- W27 REV B – SITE COMPOUND
- CONSTRUCTION METHOD STATEMENT REV A – 14TH JUNE 2017

TREES

- LTP/19 – SECTION THROUGH ROAD AND T19 & T26
- 'NO DIG' CONSTRUCTION METHOD STATEMENT – 14TH JUNE 2017
- DEMOLITION AND CONSTRUCTION OF RETAINING WALL METHOD STATEMENT – 4TH JULY 2017

BACKGROUND DOCUMENTS

- DESIGN AND ACCESS STATEMENT (UPDATED 09/06/2017)

- PLANNING STATEMENT
- HERITAGE STATEMENT
- ECOLOGICAL APPRAISAL
- TRANSPORT STATEMENT
- STATEMENT OF COMMUNITY INVOLVEMENT
- COAL MINING RISK ASSESSMENT
- PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE INVESTIGATION REPORT
- FLOOD RISK ASSESSMENT
- ECUS TREE SURVEY, ARBORICULTURAL IMPACT ASSESSMENT AND ARBORICULTURAL METHOD STATEMENT DATED JULY 2017
- ECUS JAPANESE KNOTWEED SURVEY DATED 24TH APRIL 2017
- VIABILITY APPRAISAL REV A – CONFIDENTIAL (UPDATED 05/07/2017)
- PLOT MATERIALS SCHEDULE AND SITE PLAN WITH BRICK CHOICES – 20/07/2017

4.4 Throughout the application process various amendments and additional information have been submitted: 23/05/2017, 24/05/2017, 26/05/2017, 01/06/2017, 09/06/2017, 16/06/2017, 21/06/2017, 23/06/2017, 30/06/2017, 03/07/2017, 05/07/2017, 06/07/2017, 17/07/2017, 20/07/2017, 23/07/2017, 24/07/2017, 26/07/2017 and 27/07/2017.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background & Principle of Development**

5.1.1 The site is situated within the built settlement of Brockwell ward on a parcel of previously developed land in an area predominantly surrounded by residential development. The site is located fringe on the commercial town centre. Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18, CS19, CS20 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

Principle of Development

- 5.1.2 The site is within the town centre boundary in the adopted Local Plan but is not within the retail core. The policy sets out that permission will be granted for development that enhances the range and quality of residential uses with the town centre and contributes towards the objectives of the town centre masterplan. The town centre masterplan identifies this site as a development opportunity with the potential for residential use.
- 5.1.3 Policy CS1 requires new development to be within walking and cycling distance of centres. The site is within easy walking and cycling distance of the full range of facilities available in Chesterfield Town Centre and excellent public transport connections.
- 5.1.4 The site is shown as a potential housing allocation in the draft Local Plan (2017) as site H53. The allocation was for the purposes of consultation only and has yet to be put through the final stage of the council's Land Availability Site Assessment methodology. However in this case the council has already produced an informal planning brief for the site that identifies housing as the preferred use and it is therefore appropriate to consider this a material consideration in this particular case as the site has already been the subject of further consideration (and no objections were received to the proposed allocation).
- 5.1.5 The principle of residential development of this site therefore supports the objectives of the Local Plan Core Strategy.

5.2 **Design & Appearance Issues (inc. Neighbouring Impact / Amenity)**

- 5.2.1 The site is an irregular shaped area which contains a number of trees protected by TPO, including a mature avenue along the approach road from Saltergate. The land is generally level and is located to the north of Saltergate (immediately to the rear of the former NEDDC Council Offices) and south of Spencer Street. To the west are the long rear gardens of dwellings along Tennyson Avenue. To the northwest Brickyard Walk footpath curves around the boundary before connecting to Marsden Street to the east. Beyond Brickyard Walk (NE) is Scarsdale Clinic NHS premises.
- 5.2.2 The site lies between two Conservation Areas. The Town Centre Conservation Area bounds the southern part of the site, including

the former NEDDC offices and part of the access drive and avenue. Spencer Street Conservation Area abuts the northern edge of the site and encompasses the adjacent Grade II listed church and associated buildings. In addition, a number of other listed and unlisted heritage assets are located in the vicinity.

Saltergate Planning Brief (2013)

5.2.3 The Saltergate Medical Centre & Marsden Street Clinic Planning Brief (2013) is a material consideration in the determination of any application for redevelopment of this site. It was prepared by the Council to set out the requirements for a planning application as well as provide an urban design framework for its future development. The brief enabled consultation with the local community on the future of the site and identified that residential development would be an appropriate use.

5.2.4 Having regard to the site context set out above and matters specifically in relation to design and appearance consultee comments from the Council's Urban Design officer were provided on the initial application submission as follows:

Use

The site is located within the Town Centre and represents a sustainable location. Residential use of the site is also consistent with the objectives of the Planning Brief (2013).

Amount

The site area measures approximately 1.15 hectares. The proposed development of 34 dwellings equates to a density of 30 dwellings per hectare. The Planning Brief (2013) identifies that the aim should be to achieve a minimum density of 30dph having regard to the limitations imposed by the irregular shape of the site. As such the proposed density meets with this objective of the Brief.

Layout

The layout maintains the primary access from Saltergate and forms a new east-west spur into the site. A new turning head is provided from Spencer Street which should improve the ability to turn from the north side of the development.

A small 'square' is located off the main bend, from which a private drive extends northwards towards Spencer Street and affords

views towards the Grade II listed Roman Catholic Church of the Annunciation.

To the south east of the church tower the proposals include a small two-storey apartment building with a feature corner turret which provides a modest counterpoint to the church and strengthens the legibility and identity of this part of the development, which sits at the crossing point of the two footpaths. These elements are considered to be positive aspects of the proposal.

Buildings lines are set fairly tight to the back edge of the street and these will provide a strong level of enclosure to the proposed streets ensuring a well-defined streetscene and reflecting the urban character of the nearby streets in the surrounding area.

Pedestrian connectivity

The Planning Brief identifies a requirement to maintain the strong pedestrian desire lines that follow a north-south and east-west alignments, connecting the surrounding areas through the site. The proposal maintains Brickyard Walk along its current alignment and reinstates a footpath connection between Saltergate and Spencer Street, which has been cut off since the site was secured for demolition of the old medical buildings.

Forward visibility bend

The bend around Plots 29-31 has been designed to maintain forward visibility, although this results in an over-widened footway around the bend which would be almost 4m at its widest point. However, landscape proposals include the introduction of landscaped verge around the bend to ameliorate the broad expanse of hard surfacing at this point.

Relationship to Brickyard Walk

The layout retains the alignment of Brickyard Walk although the development only partially addresses this route, with only Plots 32-35 directly facing the eastern end of the footpath. However, Plots 19 and 20 which adjoin the connecting path and Brickyard Walk respectively contain no side facing windows to habitable rooms and lack surveillance over this part of the footpath. It is recommended that the development takes the opportunities available for addressing this route and that ground floor windows are provided to kitchen and study rooms to afford passive surveillance over these areas. For example, the study room/bed 4

of Plot 20 could potentially incorporate a modest window or bay window within the space available.

Beyond Plot 20 the Plots 12-19 have no direct relationship with the footpath. The neighbouring plots back onto Brickyard Walk being set back beyond a drainage swale, behind gardens and tall walls. Overlooking is limited to upper floor windows only, whereas the Planning Brief recommends this route is overlooked to ensure its security or consideration is given to diverting the path through the site.

Crime and Design

As indicated above, the relationship of the development to Brickyard Walk is only partially resolved. In addition, the location of the drainage swale between the footpath and the rear garden walls of the adjacent plots is also a concern. Notwithstanding its segregation from the path with railings, its marginal location, limited overlooking of the space and the lack of a sense of 'ownership' provide the ingredients for a space that is likely to become a litter trap and potentially neglected space or problem area.

Furthermore, in order to prevent casual access to private areas it is recommended that access to Brickyard Walk is limited to the path between Plots 19 and 20. The path that passes in front of Plot 32 from the parking court should be closed-off from Brickyard Walk or restricted to a secure residents only controlled gate.

In relation to individual parking spaces adjacent to dwellings, for reasons of crime prevention and security additional side windows should be introduced to habitable rooms to afford direct overlooking parking bays/driveways are recommended.

Plot 28

The rear windows to bed-2 of Plot 28 are positioned immediately above the gardens of Plots 30 and 31. Although the windows are labelled as inward opening casements their position and the habitable nature of the room would result in overlooking of the neighbouring gardens and Plot 31 in particular. It is recommended that the FOG unit is reconfigured to locate non-habitable spaces, such as bathrooms, storage and circulation areas to the rear and habitable rooms to the front. Alternatively the kitchen could be located in the position of Bed 2 and provided with roof windows to obviate the potential for overlooking.

Scale and massing

The proposals comprise mainly two-storey houses with three pairs of three-storey houses located either side of the pedestrian entrance onto Brickyard Walk (Plots 18-21) and terminating the view from Spencer Street (Plots 29-10). The overall scale, massing and relationship to neighbouring dwellings appear to be appropriately laid out.

Landscaping

Full details of landscaping are provided with the submission.

Focal points

Two focal points are areas shown. The main space is at the centre of the site outside Plot 15 and a smaller secondary location outside Plot 2, which provides a physical separation from Spencer Street, preventing vehicular access through the site. These locations are potentially vulnerable. In order to protect them from damage it is recommended that measures are introduced to prevent vehicles overrunning the landscape. The use of bollards, railings or other structures such as public art interventions etc. should be provided to the edges of these areas. This could be an opportunity to introduce a creative solution to this issue and strengthen the identity and sense of place of the scheme, particularly if linked to the use of public art and/or the history of the site. These measures could be managed by a suitably worded condition.

Boundary treatments

Brick walls are recommended either side of north-south route in lieu of metal railings currently shown on the west side of the path. This would ensure a consistent and visually unifying element along this section of streetscene. Railings could continue to be provided around the 'square' which is a distinctive space in its own right. Hoop top railings are a more suburban style of enclosure and a more appropriate railing detail that reflects the urban nature of this location is recommended.

It is proposed to retain and repair the stone and brick walls along the eastern boundaries. It is unclear of the extents of existing boundaries to be retained and repaired.

The nature and appearance of all the proposed boundary enclosures will be required in due course, and a layout plan

specifically detailing all proposed boundary treatments is recommended (including those to be retained/repaired) together with elevations of new boundaries proposed. These details could be managed by a suitably worded condition or provided at this stage to obviate the need for a condition.

Appearance

The proposed dwellings are generally of a traditional form and appearance and the mainly detached and semi-detached layout that echoes of Tennyson Avenue to the west.

Several areas will require care in relation to the adjacent conservation area and listed buildings. A good standard of materials and finishes should be sought for those areas with an interface with the heritage assets. For example the turret on apartments 8-11 is shown with plain tiles, whereas concrete interlocking tiles are indicated on the main roof. It is recommended that all roof tiles should match those of the turret roof to ensure a harmonious appearance is achieved. Nevertheless, notwithstanding the information provided details of materials, including samples should be managed by a suitably worded condition.

No details of the positions of meter boxes are indicated on the elevations provided. These should be located discretely on side elevations rather than positioned prominent elevations (or if applicable located at ground level for gas) i.e. alongside driveways etc. and painted a tone to match the background material of the buildings. This should be subject of a suitably worded condition or details provided at this stage to obviate the need for a condition.

The flank wall (west) of Plot 27 is exposed where this projects forward of the adjacent parking bays in front of Plot 28. This appears as a prominent blank wall within the streetscene in views from the west along the proposed road. It is recommended that additional modest sized windows are introduced into the west elevation serving the living room and bedroom one. This would also provide further passive surveillance over the adjacent parking bays.

Notwithstanding these specific points, which should be reviewed, the overall appearance of the development is considered to be compatible within this context.

Access

The scheme proposes to utilise the existing entrance from Saltergate as the primary access for the majority of the development. An extension to Spencer Street would provide a secondary access to plots 1 and 2 and a new formal turning head. This is consistent with the guidance of the Planning Brief (2013).

Conclusion

In broad terms the approach to the layout and scale of the development is considered to meet the objectives of the Planning Brief for this site, with the exception of the relationship to Brickyard Walk, where the scheme only partially responds to this edge and introduces a potential future problem area. Where identified above the proposals should be reviewed and amended as appropriate in response to the specific issues raised.

- 5.2.5 In response to the comments made by the UD Officer the applicant / agent sought to address the issues which were raised which culminated in a package of revised details being submitted on 30/06/2017 and 03/07/2017 which included the following commentary:

Relationship to Brickyard Walk

Having reviewed the opportunities for increased overlooking of Brickyard Walk, we are unable to introduce additional gable windows at ground floor level in Plot 20 due to the lack of available wall space in the kitchen and the inclusion of a second window in the study would be ineffective since the outlook will be obstructed by the 2.0m high boundary wall between the two existing brick piers. Brickyard Walk is overlooked from first floor level by plots 12-19 and from ground and first floor level by the four apartments on plots 8-11

Crime and Design

The pedestrian link adjoining plot 19 improves pedestrian security and the positioning of the swale delivers environmental and ecological improvements for the users of Brickyard Walk. I consider that the concerns expressed regarding the potential for the swale area to become a litter trap and neglected location are unfounded. Access to the swale area will be limited to a secure gate within the fence and the area will be maintained as part of the common areas covered by the management company. Should the

local Authority accept the responsibility for emptying, we will provide litter bins on Brickyard Walk but it is not clear that there is currently a litter problem in this location from the evidence on the ground. The comments regarding limited additional pedestrian access to Brickyard Walk are noted and we will provide a gate on the path adjoining Plot 32 with a coded lock for use by the residents on Plots 32-35.

Plot 28

I note that the current layout shows the windows to Bedroom 2 on Plot 28 overlook the gardens on Plots 30 & 31 and consider that this brings practical issues regarding the maintenance to the rear of Plot 28. In order to overcome this, the boundary to plot 30 has been repositioned and the land to the rear of Plot 28 bedroom is to form part of the curtilage to plot 28. The Urban Design Officer raises concerns that the garden to Plot 31 can be overlooked and we have considered shortening the garden to Plot 31 and adding further rear garden to Plot 28, but, since Plot 31 is a four bedroom house and Plot 28, a 2 bedroom first floor flat, it seems more appropriate that the former has the bigger garden, notwithstanding that the part of the garden furthest from the house may be overlooked. We have therefore chosen to leave the larger garden with Plot 31.

Focal Points

In response to a request from the Highways Officer we have amended our original layout to introduce bollards at the end of Spencer Street to prohibit vehicular access from Spencer Street to Saltergate. Having considered the Urban Officer's comments, we will further revise this element to introduce metal railings backed by a hedge in lieu of the bollards. This will have the effect of forming a clear end to Spencer Street and will encourage pedestrians to use only the footpath link through the site. Virtually all vehicle movements from the estate road to the private road will be from, or towards, Saltergate and therefore we have asked our landscape architect to introduce a shrub planted bed at the South West corner of the central area of open space and our engineers to revise the road design to introduce a full size concrete kerb along the edge of the private road as it adjoins the open space, thus preventing vehicles encroaching onto the landscaped area. I am keen to avoid the introduction of a fence, posts or bollards in this location to ensure that the open feel is maintained.

Boundary Treatments

The boundary to the houses on the West side of the 'private road' is to be retained as a metal fence, with hedging behind, in order to introduce some vegetation to the street scene. I agree with the comments regarding the use of hoop topped railings and these have now been changed for a style more suitable to the urban setting and as shown on the attached detail (16-553-C21) All the existing boundary walls (stone and brick) will be repointed, as necessary. A section of brick retaining wall adjoining 8 Spring Place is leaning and is supported by timber props. We propose to carefully take down this wall, subject to the approval of the adjoining owner and rebuild it using salvaged bricks. Windle Cook have produced a site layout (16-553-C20A) with all boundary treatments clearly defined.

Appearance

I am hopeful that we will be able to issue a materials schedule either today or tomorrow. Sample panels have been built on site using our preferred facing bricks and the applicant is looking at the cost of tiling the apartment building (plots 8-11) roof in plain tiles. Meter box positions are shown on the site layout and I can confirm that they will be painted in a colour compatible with the facing brick of each property. The house type on Plot 28 has been changed from a Lindisfarne to a Rosedene as a consequence of the request from the Tree Officer and this has caused the drive to this plot to be on the opposite side of the house to that originally shown. As a result, the gable wall to Plot 27 is substantially screened by Plot 28 and the garages below and the short section of Plot 27 flanking wall that is visible has no greater impact than a number of others on the development. Furthermore, since plot 28 is now built tight up to its Western boundary, it is not possible to introduce any windows of substance in that wall.

- 5.2.6 Having regard to the above it is considered that the applicant / agent has sought to address as many of the issues highlighted by the UD Officer in their response as possible. The proactive response of the applicant / agent to feedback has been welcomed; and this approach has been reflected in issues resolution for all aspects of the scheme covered later in this report.
- 5.2.7 Overall it is considered that the scheme presents an appropriate design response that has due regard to the Planning Brief, the site constraints and opportunities which have been appropriately

treated in the proposed site layout to ensure a good standard of design overall is achieved. The application submission is supported by working details of hard and soft landscaping solutions which have been considered and are acceptable. They offer appropriate response and legibility to the streetscene being created. A detailed materials schedule has been prepared by the developer selecting chosen brickwork and finishes to the individual plots – which are considered to be acceptable as they reflect the local vernacular.

5.2.8 The developer has prepared an Unilateral Undertaking / S106 which obligates them to appoint a private management company to handle management of any common / public spaces created by the development and this will include the soft landscaped areas, trees and the drainage swale presented to Brickyard Walk (essentially any open green spaces not conveyed). This is considered to be an appropriate response to these matters.

5.2.9 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design. Notwithstanding this however, it is noted that due to the proximity of some of the adjoining and adjacent neighbouring properties it could be possible that permitted development extensions may pose a threat to privacy and amenity and therefore it is considered necessary to impose a condition removing these rights to maintain control over the future relationship any such extensions or alterations would have upon the neighbours.

5.2.10 Overall it is considered that the development proposals are acceptable. The design, density, layout, scale, mass and landscaping proposals are considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD such that the scheme is acceptable in this regard.

5.3 **Highways Issues**

5.3.1 The application submission (which includes a Transport Statement) has been reviewed by the **Local Highways Authority** (LHA) who offered the following comments:

'The submitted details demonstrate a development of 34no. residential units, the majority served via a private access road with Saltergate, and include a Transport Statement supporting the proposals.

The existing vehicular access and access road are substandard to current layout recommendations to serve a development of the nature and scale suggested. However, the Highway Authority has previously indicated that any recommendations of refusal for a development likely to generate equitable vehicle trips to the extant use of the site would be unlikely to prove sustainable. The Transport Statement does state that 'it's considered that the additional traffic movements created by the development is unlikely to be greater than the previous medical centre use' although there are no details included to support this e.g. predicted trip generations from 32no. dwellings compared with those from 'x' square metres GFA of medical centre use.

Modifications to the access layout, that include increased entry/exit radii and relocation of a boundary wall, are demonstrated on Drg. no. 16-553-C02. Whilst exit visibility sightlines of 2.4m x 43m are stated on the drawing (unfortunately not demonstrated to the full extent in the leading direction), to meet current guidance, sightlines should be commensurate with recorded 85%ile vehicle approach speeds. It's also suggested that some allowance should be made to take account of the perceived nature of traffic using Saltergate e.g. based on the existing speed limit of 30mph, recommended sightlines are 2.4m x 47m. Notwithstanding, if there is to be no increase in trip generations from the site post development, any improvements would be considered of benefit.

As the access road is to remain private and (as far as I'm aware) 5.0m radii kerbs are not commonly manufactured, it's considered that the access should take the form of a suitably constructed vehicle dropped crossing of the footway thereby reinforcing the private status of the road as well as maximising entry width. It's recommended that submission of revised access details are made the subject of Condition on any Consent.

Plots 1 and 2 are shown as being accessed from a modified turning facility at the southern end of Spencer Street. It's assumed that the applicant will seek adoption of the modified layout and, subject to this meeting current construction guidance, it's likely that the Highway Authority would be acceptable to this. However, it should be noted that the bin assembly point will need to be provided clear of the proposed highway and the details should be modified to reflect this. The applicant will need to enter into an Agreement with the Highway Authority under Section 278 of the Highways Act 1980 in order to undertake Works within the existing highway to modify the turning facility and dedicate any land currently outside of the highway needed to achieve the approved layout.

Beyond the access to Saltergate it's noted that, as far as is possible, the new estate street will be laid out in accordance with current adoption criteria and it's appreciated that there are a number of constraints e.g. land ownership, trees subject to Preservation Orders, etc., preventing full compliance. This being the case, the Highway Authority will not undertake a full design check nor issue any Constructional Approval.

Brief comments on the layout:-

- The presence of accesses to the private drive and parking court off of the turning head of the private road should enable a Large Refuse Vehicle to turn within the site. It's recommended that the views of the local refuse collection service are sought with respect to their requirements.*
- Acceptable forward visibility has been demonstrated around the bend in alignment.*
- The private road serving Plots 3 – 14 is of substandard corridor width although may be considered acceptable as a private drive. The turning area adjacent to Plots 8 – 11 is suitable for use by service and delivery vehicles.*
- It's recommended that areas for standing of bins on collection days clear of the access road are demonstrated for all dwellings.*
- Current recommendations for off-street parking space dimensions is 2.4m x 5.5m minimum (2.4m x 6.4m where located in front of garage doors) with an additional 0.5m of width to any side adjacent to a solid barrier e.g. fence, hedge, wall, etc. A number of spaces appear to be deficient in this respect.*
- Whilst no details of dwelling sizes have been forwarded to this office, it's recommended that parking is provided on the basis of*

2no. or 3no. spaces per 2/3 or 4/4+ bedroom unit respectively and I trust that you will satisfy yourself that adequate provision is made.

- Details of a barrier to prevent use of the development road as a through route between Saltergate and Spencer Street should be submitted for approval.*
- The applicant should consider inclusion of 'private road' within the street name plate.*

Therefore, it's recommended that the applicant is given opportunity to submit additional/ revised details to satisfactorily address the above issues. However, if you are minded to approve the proposals as submitted, it's recommended that the following conditions are included within the Consent:-

- 1. Before any other operations are commenced, the access with Saltergate shall be modified in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.*
- 2. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*
 - Parking of vehicles of site operatives and visitors*
 - routes for construction traffic*
 - hours of operation*
 - method of prevention of debris being carried onto highway*
 - pedestrian and cyclist protection*
 - proposed temporary traffic restrictions*
 - arrangements for turning vehicles*
- 3. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the modification of the turning head on Spencer Street, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall*

be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

- 4. The carriageways of the proposed private estate roads shall be constructed in accordance with the approved layout up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
- 5. There shall be no means of vehicular access between Spencer Street and the proposed private estate street and to this end, a permanent physical barrier shall be erected and thereafter maintained for the life of the development, all in accordance with a scheme first submitted to and approved in writing with the Local Planning Authority.*
- 6. No dwelling shall be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the*

garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

8. *There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*
9. *No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.*
10. *Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.*
11. *No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority.'*

5.3.2

In response to the comments made by the LHA above further information was submitted by email dated 23/06/2017 to address the recommended conditions 1, 2, 3 and 11.

- *Proposed Highways condition No. 1 – Drawing No. 40337/036 which provides details of a modified access onto Saltergate utilising a drop kerb.*
- *Proposed Highways condition 2 – updated construction management plan*
- *Proposed Highways condition 3 – Drawing no. 40037/035 Rev B – showing highway improvement works for the*

modification of the turning head on Spencer Street. The construction of the turning head on Spencer Street will be completed prior to the occupation of Plots 1 & 2.

- *Proposed condition 11 – Drawing No. 16-553-C19 Site Plan Management Plan – a management company will be responsible for the maintenance of all un-adopted areas as shown on the attached plan.*
- *To address the comments in respect to the layout - Drawing No. 40337/ATR1 Rev A showing tracking for a large refuse vehicle.*

5.3.3 Further comments from the LHA were sought; however at the time of preparing this report no formal reply / response to the revised details had been received.

5.3.4 In the interests of expediency the case officer has therefore considered in turn each of the conditions the applicant has sought to address and taking into account the revised details which have been prepared and submitted for consideration the following commentary is offered:

1. *Before any other operations are commenced, the access with Saltergate shall be modified in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.*

The amendments to Saltergate and Spencer Street will form part of a S278 Agreement under the Highways Act, which is a process that requires approval from the Highways Authority separate to the planning process. Given that the drawings submitted appear to adequately address the comments of the LHA in their initial planning response it is considered that appropriate planning conditions can be imposed which require implementation of these works in accordance with the revised drawings unless an alternative scheme is submitted (this would account for any tweaks the LHA would require in order to grant S278 construction approval).

2. *No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local*

Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- *Parking of vehicles of site operatives and visitors*
- *routes for construction traffic*
- *hours of operation*
- *method of prevention of debris being carried onto highway*
- *pedestrian and cyclist protection*
- *proposed temporary traffic restrictions*
- *arrangements for turning vehicles*

A Construction Method Statement has been prepared and submitted to address the requirements of the conditions as detailed above, which include a Site Compound drawing showing the proposed location of the works compound. This is to be located at the end of Spencer Street utilising the space of Plots 1, 2 and 3. In the absence of a formal highways comments the Statement and Plan are considered to be acceptable. They detail an appropriate methodology and layout commensurate to the construction phase of development and can be conditioned accordingly to ensure full compliance.

3. *Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the modification of the turning head on Spencer Street, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.*

See comments to Condition 1 above.

11. *No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development*

have been submitted to and approved by the Local Planning Authority.'

The LHA has indicated that the highway serving the development from Saltergate will not be adopted and therefore it is necessary to ensure arrangements for future management and maintenance of the proposed streets within the development is in place. The applicant has prepared a drawing 16-553-C19 which shows the extent of land which will be taken up by a management company and a connected S106 agreement will legally secure the appointment of an appropriate body to handle this matter into the future. This is not an unusual arrangement and is acceptable. As the matter is handled by the obligated S106 agreement this condition is not necessary.

5.3.5 The applicant did not seek to address any of the other suggested conditions of the LHA detailed above; however condition 10 which relates to the control of surface water discharge from the site onto the highway has not specifically been addressed. Notwithstanding this the application includes a fully detailed drainage solution which has been examined by the necessary bodies in the report section below. The matter of surface water discharge to the highway is handled by the Highways Act and is ordinarily dealt with by advisory note rather than duplication in planning conditions.

5.4 **Flood Risk / Drainage**

5.4.1 The application submission was initially supported by a Flood Risk Assessment undertaken by Eastwood and Partners dated March 2017 which was passed to the **Design Services (Drainage) team** (DS team), **Yorkshire Water Services** (YWS) and the **Lead Local Flood Authority** (LLFA) for review in the context of policy CS7 of the Core Strategy.

5.4.2 Initial comments were received respectively from the DS team 24/05/2017, YWS 01/06/2017 and the LLFA 17/05/2017 which sought the provision of further information concerning the sites overall drainage proposals.

5.4.3 In response to these comments further information was submitted by email dated 24/05/2017 to address the LLFA comments and 09/06/2017 to address the YWS comments. These details

concerned the calculated reduction of overall surface water runoff, details of the site wide strategy for surface water disposal and the calculated capacity control for surface water run off.

5.4.4 Both the LLFA and YWS responded following receipt of these further details confirming their acceptance in principle to the details (15/06/2017 and 09/06/2017).

The LLFA requested that the following conditions and advisory notes be imposed on any subsequent decision made:

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.”

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.

No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.”

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);*
- II. to a surface water body;*
- III. to a surface water sewer, highway drain, or another drainage system;*

IV. to a combined sewer.

The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.

The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual 7353. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status.

The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

To discharge the conditions the applicant should ensure all of the below parameters have been satisfied:

- 1. The production and submission of a scheme design demonstrating full compliance with DEFRA's Non-statutory technical standards for sustainable drainage systems:
 - Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.*
 - Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.**

- *Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.*
- *Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.*
- *Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.*
- *Where reasonably practicable demonstrate that the runoff volume of the site reflects the requirements of S4.*

2. Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with Approved Document H of the Building Regulations 2000. In particular, the following information should be provided to the Local Planning Authority for review:

- I. Soakaway/ground investigation conducted in compliance BRE Digest 365 methodology or similar submitted to demonstrate the feasibility of infiltration alone to manage surface water on the site.*
- II. If infiltration is found not to be feasible, an alternative option for surface water disposal should be proposed. In order of preference this should be to:*
 - i. an adjacent watercourse with detailed evidence of the feasibility of this option given the existing site constraints,*
 - ii. a surface water public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable, or*
 - iii. a combined public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable.*

YWS requested that the following condition be imposed on any subsequent decision made:

The means of draining foul and surface water arising from the development shall be constructed and operated in accordance with details shown on the submitted drawing 40337/013 (revision C) dated 24/05/2017 prepared by Eastwood and Partners. The rate of

discharge of surface water to public sewer shall not exceed 11.7 litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works

Reason: In the interest of satisfactory and sustainable drainage.

- 5.4.5 No specific response from the applicant was made to the initial comments received from the DS team (which concerned flood risk from surface water, finished floor levels and flood runs), however the details provided to the LLFA and YWS were forwarded for their consideration.
- 5.4.6 A further package of additional detailed drainage details were submitted by the applicant for consideration, as the applicant sought to address all outstanding drainage matters the subject of suggested conditions. These were sent to the DS team and the LLFA for comment.
- 5.4.7 The following comments were received:

LLFA (10/07/2017) - The two standard condition recommended to the Local Planning Authority (LPA) by the Lead Local Flood Authority (LLFA) are recommended on most major planning applications. These two conditions ensure the principles of sustainable drainage are adhered to in line with DEFRA's Non – statutory technical standards and the proposed destination for surface water is in accordance with the hierarchy in Approved Document Part H of the Building Regulations 2000 is met.

Condition - 1

*The LLFA are aware proposals can change and we would still recommend **Condition 1** to the LPA as it will ensure DEFRA's non – statutory technical standards are adhered to. Should this condition be appended to the decision notice the LLFA at the discharge of conditions would be in a position to formally discharge it should all the required information be submitted by the applicant.*

Whilst the applicant has provided detailed information in line with DEFRA's Non – statutory technical standards. The applicant has not submitted any detailed information how the on-site surface water drainage systems shall be maintained and managed after

completion and for the lifetime of the development to ensure the features remain functional.

Condition - 2

*The LLFA are satisfied with the level of information provided in relation to **Condition 2** and would no longer need to recommend it to the LPA.*

Having regard to the comments of the LLFA detailed above they have accepted that the drainage scheme submitted is acceptable to them; however their outstanding reservation concerns the future maintenance and management of the drainage systems. In response to these concerns in similar way that the highways will be maintained and managed by a private management company so will the drainage infrastructure and a connected S106 agreement will legally secure the appointment of an appropriate body to handle this matter into the future. This is not an unusual arrangement and is acceptable. As the matter is handled by the obligated S106 agreement this condition is not necessary.

DS Team (27/07/2017) – Following a further exchange of emails between the applicant / agent and the DS team direct which included provision of revised soakaway calculations and full details of the latest drainage strategy (Eastwoods Plot Drainage 40337_013 REV F) the DS team confirmed that the full drainage design was acceptable to them.

- 5.4.8 On the basis of the comments detailed above and the receipt of a fully designed drainage system which is acceptable this negates the need to impose a pre-commencement drainage condition as would ordinarily be imposed. Alternatively a condition will be necessary which requires the developer to implement the agreed scheme in full prior to first occupation. This will ensure the development fully complies with the provisions of policy CS8 of the Core Strategy.

5.5 **Land Condition / Contamination / Noise**

- 5.5.1 In respect of the matters concerning land condition / contamination and noise the application submission has been reviewed by the Council's Environmental Health Officer (EHO) and the Coal Authority (CA).

5.5.2 Looking in turn at each of these consultees responses the EHO raised no objections in principle to the application proposals but requested conditions be imposed restricting working hours and requiring a phase I and if necessary phase II site investigation. In this regard it is unclear why the EHO requested the necessary site investigation, as this has already been done and submitted with the application. It is assumed they overlooked these details when providing their response. Notwithstanding this fact, the necessary survey work has been done and subsequently this condition is not necessary. A standard construction hours condition is acceptable.

5.5.3 Having regard to land condition the Coal Authority responded as follows:

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (July 2013, prepared by RPS Group Plc) are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.

5.5.4 Overall with regard to the provisions of policy CS8 of the Core Strategy it is considered that the application proposals appropriately consider matters of land condition, contamination and noise. Where necessary appropriate conditions can be imposed to control the development proposals if permission is granted.

5.6 **Trees and Ecology**

Trees

5.6.1 As detailed in the application description above there are a number of mature trees within the application site that are subject to a group Tree Preservation Order (TPO) reference 4901.261 and with their regard the application submission was initially accompanied by a Tree Survey and Arboricultural Impact Assessment which was reviewed by the Tree Officer (TO) alongside the prepared plans / drawings.

5.6.2

The TOs initial response (15/06/2017) examined the application in full and concluded that whilst he had no objection to the scheme in principle, a request for further details before a decision be made to ensure that the retained trees on the site are protected during construction and adequate space is provided to allow the trees to grow to maturity was set out as follows:

Further details should be provided of the demolition, realignment and construction of the walling to the western side of the access off Saltergate. These details should include a method statement, cross sections and other scale drawings to showing existing and new levels.

Further details therefore must be provided of levels, along with a scaled cross sectional drawing and method statement of how the roadway will connect to Saltergate without affecting the roots of the adjacent trees. Details of the construction method and material used for the roadway, footpaths and other hard surfaces in the trees root protection area (which should be permeable) should also be provided.

Further details including cross sectional drawings of existing and proposed levels and the construction method for the highway footpath within the root protection area of T19 Copper Beech and T26 Maple should be submitted demonstrate how this can be achieved without the severance of roots and compaction of the rooting environment.

As recommended in the ECUS Report Chapter 6 Section 6.5, construction drawings should be submitted to the Local Authority and approved of the construction methods of the garage G7 being built by pile foundations.

Details and locations of any trenches and runs for the utility services should be submitted along with a method statement to show how any excavations within the root protection areas of the retained protected trees along the access road can be achieved without the severance and desiccation of the tree roots.

Due to the location of T19 Copper Beech and Maple T26, plots 23 and plot 27 should either be relocated away from the trees by a minimum of 10 metres or removed from the scheme. A revised scaled site plan to show the location of the plots in relation to the

trees should be submitted for approval and a scaled tree protection plan showing the exact location of the tree protection fencing around the retained trees and proposed development including where any above ground construction will be carried out.

5.6.3

The applicant / agent proactively engaged with the TO to address the matters detailed above and there were several subsequent exchanges and submissions of revised information (details received 16/06/2017, 19/06/2017, 21/06/2017, 05/07/2017, 06/07/2017, 17/07/2017 and 26/07/2017 - responding to comments from the TO dated 23/06/2017 and 28/06/2017) which culminated in the final response below being received from the TO dated 26/07/2017:

'An email by Katerina Hulse dated the 17th July 2017 confirms that the rebuilding of the boundary wall at the site access off Saltergate will be constructed within the adjacent surgery garden to avoid any disturbance to the roots and main stem of the protected Tree of Heaven reference T1. Further information has been provided in drawing 16-553-C17 Rev C which shows the new wall built on a ground beam off piers at either end along with metal railings to achieve the visibility splay. The drawing also shows the ground beam 450mm below the existing ground level to support the wall. Any excavations in this area may sever the trees roots so an exploratory hand dug trench must first be dug under the supervision of an arboriculturalist to see if any roots are present and if the construction of the wall is achievable. Once this has been carried out and inspected a further decision can then be made.

After further discussions a further revised drawing has now been submitted reference 16-553-C17 Rev D showing alterations to the depth of the through ground beam which is now to be constructed at a depth of 100mm just below the existing ground level. The realignment and construction of the new boundary wall is therefore acceptable as long as a condition is attached if consent is granted that any excavations for the concrete foundations in section AA and CC at the ends of the existing wall are hand dug and the first 100mm of soil in the garden area for the through beam are hand dug to avoid any root damage. If any roots are exposed advice should be sought from an arboriculturalist and the Council's tree Officer immediately before any root severance or disturbance takes place.

Resurfacing and specifications for the proposed driveway from Saltergate.

The email from Katerina Hulse dated the 17th July 2017; states that there will be no excavations within the root protection areas along the driveway off Saltergate and the driveway will be raised with no service runs required within the RPA's. Drawing LTP/21 – No Dig Areas Saltergate has been submitted showing the areas on the site where a 'no dig' method of construction will be used which is acceptable and illustrates where on the site no excavations/no dig construction will be used for the road access, footpaths and driveway construction.

A revised ECUS report has therefore been submitted which states that there will be no excavations into the existing sub-base with construction of the roadway and footpaths being built up using existing sub-bases on the site using a geotextile on top of the existing surface before a three-dimensional cellular confinement system will be installed acting as the sub-base and infilled with no-fines aggregate which is free draining and allows gaseous exchange as stated in section 6.7 of the report. This method is being used as most of the access road from Saltergate includes RPA's of existing trees and the only change to the existing surface will be to remove the existing finish tarmac and construct the new roadway on top of the old sub-base. A typical no dig construction drawing reference I9008/07 dated March 2017 is also included in the report.

Access and service runs

Drawing 16-553-C02 Rev C by Windle Cook Architects dated March 2017 has been submitted showing the location of existing and new runs for utility services along the proposed access route off Saltergate. A typical section through no dig construction showing the location of services is also shown on the drawing and shows no disturbance to the existing ground.

As stated in the ECUS report dated July 2017 there are currently no proposals to route services or utilities through the RPA of any retained trees other than laying them above the existing sub-base along the proposed driveway from Saltergate.

Garage Construction within RPA's

Section 6.5.2 of the ECUS report recommends that garages within the RPA's should be built using piling foundations with excavations being carried out carefully using hand held tools. Construction drawings have been submitted reference 16-553-C23 showing the piling foundation system and is adequate for the protection of the neighbouring trees.

T19 Copper Beech and T26 Maple. Above ground construction method.

Drawing LTP/21 – No Dig Areas Saltergate has been submitted showing the areas on the site where a 'no dig' method of construction will be used and includes the areas within the RPA's of both T19 and T26. Further details and no dig construction method are also shown in the revised ECUS report dated July 2017.

Summary

I therefore have no objections to the application as long as my previous comments and recommendations are carried out and conditions attached where necessary.

Also the following conditions stated below should be attached to safeguard the retained trees on the site during construction in light of the revised plans submitted:

- The tree protection measures outlined in the ECUS report dated July 2017 shall be carried out and adhered to at all times.
- The realignment and construction of the boundary wall at the Saltergate access shall be carried out in accordance with the revised drawings 16-553-C17 Rev D and any excavations for the concrete foundations in section AA and CC at the ends of the existing wall are hand dug and the first 100mm of soil in the garden area for the through beam are hand dug to avoid any root damage. If any roots are exposed advice should be sought from an arboriculturalist and the Council's tree Officer immediately before any root severance or disturbance takes place.
- The areas as shown on Drawing LTP/21 – No Dig Areas Saltergate should be excluded from any excavations and land level changes and a 'no dig' method of construction carried out as shown in drawing 19008/07 and outlined in the ECUS report dated July 2017.

- *Any utility service runs located in the root protection areas (RPA's) of the retained trees on the site shall be carried out in line with drawing 16-553-C02 Rev C and typical section through no dig construction by Windle Cook Architects which proposes that no route services or utilities will require excavations within the RPA's and that all services will be above the existing sub base along the proposed driveway off Saltergate.*
- *The foundations for garage G7 shall be constructed as shown on drawing 16-553-C23 showing the piling foundation system to protect the neighbouring tree root system.'*

5.6.4 The TO also included the following recommendation in previous comments provided (15/06/2017) which remains relevant:

It is accepted that the following trees of tree preservation order 4901.261 could be removed for the development if consent is granted to the application:

- *T12 Oak*
- *T13 Purple Plum*
- *T14 Laburnum*
- *T15 Whitebeam*
- *T16 Whitebeam*
- *T17 Whitebeam*
- *T18 Birch*
- *T20 Cherry*
- *T21 Whitebeam*
- *T23 Sycamore*
- *T24 Ash*
- *T25 Ash*

5.6.5 Overall it is accepted that the redevelopment of the site will result in the removal of some TPO trees however the developer has engaged with the LPA and the Tree Officer both a pre-application stage and throughout the application process to ensure that sufficient amendment and additional information has been made and provided to the satisfaction of the Tree Officer. In accepting that the site is an appropriate redevelopment site for residential purposes (as was set out in the Planning Brief for the site when it was marketed) there is inevitably some degree of compromise which is necessary in relation to the trees.

5.6.6 The design solution presented represents an appropriate and acceptable compromise and secures the retention of the principle / key trees within and around the site which make the best contribution to the streetscene amenity. Notably these include the retention of the 2 no. mature Beech trees located on the proposed access / driveway from Saltergate; and the trees along the western boundary of the access / driveway adjoining the Doctors Surgery and the 1 no. Tree of Heaven located at the corner of Saltergate in the frontage of the Doctor Surgery. Furthermore the proposed site layout details a comprehensive package of soft landscaping works which will further enhance the amenity of the streets provided within the development proposals and provide compensatory planting / biodiversity enhancements to account for the loss of select trees on site which accords overall with the provisions of policy CS9 of the Core Strategy.

Ecology

5.6.7 Notwithstanding the individual matter of trees as outlined above, the site the subject of the application also poses a degree of ecological interest and with this regard the application submission was initially accompanied by an ecological appraisal, tree survey and arboricultural impact assessment, and ECUS Japanese knotweed survey dated 24th April 2017 which were reviewed by Derbyshire Wildlife Trust as follows:

'It is understood that there are proposals to construct 34 dwellings on previous demolition Salter Healthcare Centre. The planning application is supported by a preliminary ecological survey report produced by ECUS, December 2016.

The report provides details of a desk study and a Phase 1 habitat survey undertaken on 7th December 2016 with a tree climbing inspection of the trees on 22nd December 2016. The survey identified that the site comprises bare ground, semi-improved grassland, trees, hardstanding and scrub. Although the site appears to have open mosaic habitat (OMH) the ecology report has compared the habitat to the Local Wildlife Sites (LWS) criteria and concluded the site does not meet the criteria, we concur with this assessment. At this stage it is unclear on the number of trees proposed for removal/retention. However, the trees were assessed as low potential for roosting bats; following the BCT Guidelines (2016) does not require further surveys. It should be noted, the ecology survey for bats and trees are valid for a short

time frame (two years), and any delays to the application would require a re-survey for bats and trees i.e. December 2018. Due to the timings of the survey Japanese knotweed could not be ruled out, as discussed in the ecology report Section 4.5, a repeat survey for invasive species should be undertaken, we concur with this recommendation. It would be welcomed to include quantifiable loss and gains for the proposals to ensure the development does not result in a net loss of biodiversity, and where possible net gains are demonstrated.

The report makes numerous recommendations for biodiversity enhancement measures including the installation of bird and bat boxes, native planting, and wildflower planting for the drainage swale. It is recommended that the ecology report is followed in full and measures implemented. In addition, it is recommended that the installation of gaps at the bottom of fences to allow hedgehogs to move through the site is also included within the enhancement measures. The drainage swale is surrounded by brick wall and fencing, it is recommended the wall has suitable mammal holes present, and an access gate way installed to ensure the management of the drainage swale is undertaken in accordance with the landscape planting. Green open space is proposed, which lack connectivity to the swale and comprises monoculture hedgerow and trees. It would be welcomed for additional native and diverse planting to be included with connecting habitat to 'other' green areas.

It is considered that adequate ecological survey work has been undertaken in order for this application to be determined. If the Council are minded to grant planning permission for the proposed development, the below conditions could state:

- Prior to the commencement of development a biodiversity enhancement strategy as outlined in Section 4 of the ecology report (Ecological Assessment and Mitigation) shall be submitted to and approved in writing by the Council. Such approved measures should be implemented in full and maintained thereafter.*
- No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that*

there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

- *No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Such approved measures will be implanted in full.*
- *The retained trees present on site should be protected throughout the duration of works and follow guidance BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*
- *Re-survey for Japanese knotweed, prior to any works commencing on site should be undertaken and approved in writing by the LPA. Where remedial action is required, a detailed mitigation and management plan will be required. The measures shall be carried out strictly in accordance with the approved scheme.'*

5.6.8 The comments received above from DWT were relayed back to the applicant / agent for consideration and as a result additional details were submitted on 26/05/2017 as follows:

In respect to the requirement for a condition for further Japanese Knotweed surveys, these have now been carried out in April 2017 by ECUS, which confirms the conclusions reached in their January 2017 report that there is no evidence of Japanese Knotweed on site and that the previous treatment undertaken between 2013 and 2016 by Clear appear to have been successful.

This is acceptable.

5.6.9 In respect of the DWTs request for a further Biodiversity Enhancement Strategy and Lighting Scheme to be submitted by conditions the applicant / agent also responded 26/05/2017 querying the need for the conditions requested on the following basis:

Given that an Ecological Assessment and Mitigation Report was submitted as part of the application documentation, it is considered that a condition requiring a Biodiversity Enhancement Strategy is unnecessary, particularly given the nature of the site and its location.

DWT also request a condition is imposed for the provision of a lighting strategy. The site is in a town centre location and there is existing lighting on Brickyard Walk and the existing drive and on the surrounding streets; our proposal will simply add to this existing lighting on the estate road. There are also a number of redundant lighting columns on the site from the former Clinic use and therefore this site has been well illuminated in the past. It is therefore considered that there is no justification for the imposition of a condition requiring a lighting strategy in this instance.

- 5.6.10 In respect of the above the Ecological Appraisal prepared by ECUS dated January 2017 includes within it at section 4.0 a series of recommendations specific to each species which offer suggested wildlife protection measures throughout the construction phase and beyond the development phase offering enhancement measures including fixture of bird and bat boxes throughout the site and incorporation of small mammal holes in boundary treatments to allow hedgerows migration through the site. Had a condition been imposed as per DWTs recommended condition for an enhancement strategy these measures would be what would be expected to be secured and therefore the LPA is in agreement that duplicating this in a repeat condition is unnecessary. An appropriate alternative condition can be imposed to secure implementation of these measures accordingly – which are now fully detailed on the applications landscaping proposals.
- 5.6.11 The comments made by the applicant / agent in respect of the suggested need for a lighting strategy is also accepted. The site is in a town centre location and the applicant has indicated that lighting columns will only be necessary along the new spine road / driveway. Any bat activity affecting the site will be peripheral foraging where the applicant has confirmed there is no lighting being proposed and therefore it is not considered reasonable or proportionate for DWT to insist upon pre-commencement conditions for this issue.
- 5.6.12 Overall therefore it is concluded the applicant / agent has properly considered the impacts of the development proposals in respect of ecology and biodiversity enhancement and the provisions of policy CS9 of the Core Strategy. Appropriate planning conditions can be imposed to ensure that the measures and mitigation (which are proportionate and reasonable) offered are delivered alongside the

development to provide a biodiversity enhancement across the development site.

5.7 Archaeology / Heritage

5.7.1 The application site sits adjacent to the Church of the Annunciation, a Grade II Listed Building which is located in the Spencer Street Conservation Area to the north and the Town Centre Conservation Area is adjacent to the site to the south, therefore the application submission is accompanied by a Heritage Statement.

5.7.2 The details of the development proposals and the Heritage Statement have been reviewed by the Council's Conservation Officer and the Derby & Derbyshire DC Archaeologist who have provided the following comments respectively:

'The above proposal would be located on the edge of both the Chesterfield Town Centre Conservation Area and Spencer Street Conservation Area. It would also be located within the setting of the grade II listed Roman Catholic Church of the Annunciation (1854) which is a good example of the renowned Victorian gothic influenced architect Joseph Hansom (Hansom is perhaps most famous - alongside Edward Welch - for designing the grade I listed Birmingham Town Hall (1834)).

In accordance with the NPPF and Local Plan policies, development proposals which affect the setting of listed buildings and conservation areas should respect their character and not have a negative impact on significant settings.

I note that in accordance with paragraph 128 of the NPPF, the applicant has provided a Heritage Statement (Simon Johnson, BA; PG. Dip; FRSA; FSA Scot; IHBC; MCIFA). This, in my view, is robust and succeeds in identifying those heritage assets that might be affected by the development. The Statement is sound on what those impacts would be and concludes that the development would not lead to an unacceptable impact on the heritage assets. I would generally concur with this conclusion.

I note for instance that the developer is proposing to retain the existing brick wall (likely to be Victorian) that would separate Brickyard Wall from the new development. I support this on the

basis that it retains historic boundary treatments. Similarly, any impact on the grade II listed Marsden Street Methodist Church will be lessened by an acknowledgment that existing historic boundary treatments should be retained. I also acknowledge that there has been an attempt to mirror the Roman Catholic Church's gothic architectural style by incorporating a turret style elevation on the Claremont house type. The impact on the church's setting from the 'Petworth' house will be fairly minimal in my view given that there would be a hedgerow and driveway separating the house from the existing boundary wall.

Overall, I would not object to the proposals. Whilst there will be some loss of existing open views to the church and other heritage buildings as a result of the new housing, it should be remembered that some of these views only opened up as a result of the demolition of the former healthcare building, hence the new development is unlikely to represent an impact over and above what was on site previously. Moreover the development does present an opportunity to improve existing boundary treatments, which in my view is important. For instance, the developer is proposing to remove the unsightly concrete panel walling that currently runs along sections of Brickyard Walk and replace with a brick & railing wall and tree bounded swale area. This will improve the character of the area, including the environs of the heritage assets.'

'The applicant has submitted an archaeological desk-based assessment for the site, as well as a very useful digest of the ground investigation works mapping levels of truncation/survival of potential archaeological levels across the site.

The site is – at its easternmost projection – about 60m from the Council's Town Centre Historic Core, an 'area of archaeological interest' corresponding to the likely area of the medieval town of Chesterfield with attendant local plan policy. There is no firm evidence for medieval activity further to the west, but the proximity of the medieval core raises the possibility of some medieval or early post-medieval 'creep' westward along the line of Saltergate. The site also contains some post-medieval buildings shown on historic maps, in the north-western corner at 'Westpool Place' – a row of houses present by the Tithe Map of 1849, and along the site's western side associated with 'Westpool Villas' – also present by 1849, and the site of a late 19th century ropewalk. Well-

preserved remains of early 19th century housing with associated material culture could be of local or perhaps even regional importance.

The applicant's 'potential mapping' summarising the results of ground investigation work suggests however that the bulk of the site has been subject to complete truncation of the archaeological levels, including the parts of the site closest to the Town Centre Historic Core, and the site of the row of post-medieval housing known as 'Westpool Place'. Small areas with possible archaeological preservation are identified, in the central/eastern part of the site, and leading down to its south-western corner.

Given the rather peripheral archaeological potential and the evidence for truncation of all but limited areas, I advise on balance that the level of archaeological interest in the site does not justify an archaeological response under the policies at NPPF chapter 12.'

- 5.7.3 In the context of the NPPF and the provisions of policy CS19 of the Core Strategy the application appropriately acknowledges and assesses the potential impact of the development proposals upon surrounding heritage assets. The development has been designed to protect features of significance (such as boundary walls) and replicate architectural styles and characteristics seen in the surrounding area; furthermore the chosen development materials are appropriate in this context. In respect of heritage and archaeological matters the development proposals are acceptable.

5.8 **S106 / Planning Obligations**

- 5.8.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.
- 5.8.2 Internal consultation has therefore taken place with the Councils own **Economic Development, Leisure Services and Housing** teams, as well as externally with **Derbyshire County Councils Strategic Planning** team on the development proposals to ascertain what specific contributions should be sought.

- 5.8.3 The responses have been collaborated to conclude a requirement to secure S106 Contributions via a Legal Agreement in respect of the Affordable Housing (Policy CS11); up to 1% of the overall development cost for a Percent For Art scheme (Policy CS18); a Health contribution via the CCG (Policy CS4); and appointment of an external management company to manage and maintain the on site green open space (Policies CS9). Matters in respect of education and leisure provision are now dealt with by CIL contributions (see section 5.9 above).
- 5.8.4 The application submission is supported by a Viability Appraisal which albeit commercially sensitive and therefore confidential, has been reviewed by the LPA in light of the obligated contributions and CIL contribution set out above. As is the case with the majority of new major development proposals for residential development in the Borough, the schemes viability appraisal demonstrates that a maximum 30% affordable housing provision (11 units) and a maximum 1% of development costs for a percent for art contribution (£51,500 approx.), alongside a CIL payment (£183,250 – with social housing exemption) which is none negotiable, is not achievable.
- 5.8.5 A request for a contribution has also been received from the North Derbyshire Clinical Commissioning Group (CCG) for a contribution of £12,934 towards providing GP services. Health services are not currently covered by the council's CIL Regulation 123 list and it is therefore necessary to consider if this should be addressed through a financial contribution, secured by a S106 agreement as well as matters above.
- 5.8.6 Based upon the Viability Appraisal submitted the scheme offers the provision of 4 no. affordable housing units, a percent for art contribution of £44,325 and the full CIL amount. On this basis the developer would secure a profit / return of 14.68%; which is relatively low when the other schemes in the Borough have been accepted with reduced contribution with a profit / return in excess of 17.5% (the recommended level of the District Valuer). The CCG have only recently begun responding to planning applications again, so the GP services contribution had not been anticipated or factored into the evidence the developer had prepared.

- 5.8.7 In respect of the GP contribution Policy CS4 states that 'developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development'. The preamble (para 5.6) to the policy describes infrastructure, but does not provide an exclusive or exhaustive list. It does refer to health facilities specifically as an example of social infrastructure. Para 5.8 refers to working 'co-operatively and jointly with partners to ensure delivery of the infrastructure required to enable development and improve existing facilities'.
- 5.8.8 Under the policy, strategic infrastructure set out in the council's Infrastructure Delivery Plan should be secured through CIL. The expansion of GP services in this area is not in the IDP or on the Regulation 123 list and therefore securing a contribution through S106 would not be considered 'double counting'.
- 5.8.9 The CIL regulations and NPPF set out the tests for planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development
- 5.8.10 The CCG has clearly set out the evidence relating to the second two tests. On the basis of policy CS4, as expanded in the preamble to the text, it is clear that health facilities are covered by policy CS4 where a need can be identified. The request also therefore meets the first test and it is considered that this contribution should be sought.
- 5.8.11 Factoring in viability the scheme as submitted indicates that 12% of the units will be affordable houses, and the 4 no. units in question will be located on plots 31, 32, 33, and 34 and will comprise 2 no. 2 bed semi-detached properties and 2 no. 3 bed semi-detached properties.
- 5.8.12 Albeit below the upper threshold of a contribution of 30% affordable housing (policy CS11) the viability appraisal is accepted as demonstrating an acceptable profit margin to justify a lower contribution; particularly when other obligated contributions and the

CIL levy is taken into account. The developer has subsequently agreed to the £44,325 contribution set aside in the viability appraisal for public art, as well as the £12,934 figure being sought by the CCG and this is reflected in their Unilateral Undertaking which has been drafted alongside the progress of the planning application.

- 5.8.13 It could be argued that the contribution set aside for public art could be better spent on the provision of a further affordable housing unit, however based upon the viability appraisal submitted (which includes development costs) £44,325 is not enough to cover the build costs to provide an additional unit on site.
- 5.8.14 In respect of the remaining comments arising from the DCC Strategic Infrastructure team to the Council and the Economic Development Unit it will be necessary to look to secure by planning condition the requirement for local labour and impose an appropriate advisory note relating to the provision of on-site high speed broadband connections (Policy CS13).

5.9 **Community Infrastructure Levy (CIL)**

- 5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 38 no. new dwellings (inc. 4 no. affordable houses / dwellings) and the development is therefore CIL liable.
- 5.9.2 The site the subject of the application lies within the Medium CIL zone and therefore the CIL liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

	New GIF (sqm)	Calculation	Total
Market Dwellings	3665sqm		
Affordable Housing	295sqm		
CIL Liable GIF sqm	3960sqm	3960 X £50	£198,000
Total			£198,000 or £183,250 (if social housing exemption is claimed)

5.9.3 A CIL notice would be issued in the first instance for the total floorspace amount. Any exemption for the affordable housing components would need to be the subject of a separate application according to the CIL regulations prior to commencement of development.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notices posted on 05/05/2017; by advertisement placed in the local press on 11/05/2017 and by neighbour notification letters sent to 97 no. residents on 02/05/2017.

6.2 As a result of the applications publicity there have been six representations received as follows:

A Local Resident

I agree with the Design & Access Statement and support the redevelopment of this vacant Brownfield land. I feel it is important that the proposed development maintains the Conservation Area's character & setting of Listed Buildings in the Spencer Street / Marsden Street / Scarsdale Hospital area. I especially like the corner building at the Spencer Street entrance and feel it responds to the Catholic Church. I feel it is important that the proposed development maintains the view from Saltergate towards the Catholic Church at Spencer Street. The opportunity exists to improve the intimidating Brickyard Walk frontage by introducing active surveillance by residential properties and reducing opportunity for crime / antisocial behaviour. I feel this application is in-line with the Council's design guides for the former Saltergate clinic site.

40 Spencer Street

With regard to the proposed erection of 34 dwellings on the above site my concern living on Spencer Street is the number of extra vehicles that will be using the street on a daily basis. On any normal day there are many vehicles parked in the street, and any increase in traffic is bound to cause a safety issue. I am sure you would agree that safety is of paramount importance. Also the issue of noise is very real with vehicles coming and going constantly. To make Spencer Street an access only from Newbold Road into the development and not outward would seem to be worth consideration. I hope you will take these suggestions

seriously so that everything can be for the mutual benefit of all concerned.

20 Spencer Street

Access to the site has already been established via Saltergate yet last year when topsoil was delivered to the site Spencer Street was used and was subject to excessive heavy plant traffic, speeding aggressively with no concern for parked cars;

Noise pollution all day during building work with dust, dirt and debris for an extensive period of time; and

Parking issues. The road is already oversubscribed with parked cars with regular activities associated with the church and scout huts. At times this cause total gridlock, stress and arguments. Spencer Street cannot cope with any more extra cars parking on it or any more traffic flow to new dwellings. My worry is that Spencer Street will be used as a back entrance to the new estate.

29B Spencer Street

I do not object to the development in principle but I do object to any access or exit via Spencer Street;

They could and should access the site via Saltergate which is more convenient and appropriate;

Spencer Street is not suitable due to church services and funerals, parking is in demand and often used by people going to town, it will affect property values and I can barely get a parking space outside my house as it is.

8 Siena Gardens, Mansfield

I am wanting to purchase Plot 9;

I am very worried that there isn't a window on the side of the plot.

There will not be any privacy for Plots 8 and 9 from the walkway re the back garden!; and

Plot 9 perhaps would benefit from a small window on the side elevation which could enhance security.

1 Tennyson Avenue

Queried some aspects of the scheme due to the fact their property benefits from a right of access over the Saltergate driveway but withdrew their objection following clarification from the applicant / agent direct.

6.3

Officer Response: The site layout indicates that a new turning head will be created at the end of Spencer Street which will be

used long term to serve Plots 1 and 2 of the development. The primary access to the remainder of the development site (Plots 3 – 35) will be taken from Saltergate and there will be no vehicular link between the Saltergate driveway and the new Spencer Street turning head.

The Construction Method Statement does however indicate that the Spencer Street access will be used for the construction of the scheme throughout the development phase and this is to avoid construction traffic damaging the crown of the protected trees and their rooting environment which stand in situ along the Saltergate driveway. This also allows for the access from Saltergate to be used as a route to the site show houses and for those that have been sold and occupied in advance of completion of the construction phase. There is a right to access the site from Spencer Street and the developer will need to co-ordinate his use of Spencer Street with local residents and the church for example and to agree how this will work in the Construction Management Plan.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns

would go beyond that necessary to accomplish satisfactory planning control

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The site is regarded as brownfield / previously developed land which is considered in principle to be appropriate for redevelopment for housing under policies CS1, CS2, CS3, CS4 and the wider National Planning Policy Framework.

9.2 The proposed development is able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to provide connection (and where necessary improvement) to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development.

9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core

Strategy and where necessary it is considered that any outstanding issues can be addressed in any appropriate planning conditions being imposed.

10.0 **ADDITIONAL RECOMMENDATION**

10.1 It is therefore recommended that the application be approved subject to:

- Signing of a S106 Agreement / Unilateral Undertaking covering Affordable Housing (4 units), Percent for Art (£44,325), the CCG Contribution (£12,934) and a Management Company being set to handle open space and highways which are not adopted;
- Community Infrastructure Levy Notice being served as per section 5.9 above (£198,000); and

11.0 **RECOMMENDATION**

11.1 The following conditions / notes being imposed on any decision issued:

Conditions

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

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

SITE LAYOUT

- C00 REV A - SITE LOCATION PLAN
- C01 REV E - SITE LAYOUT PLAN
- C02 REV C - SITE LAYOUT PLAN

HOUSE TYPES / GARAGES

- C03 REV A – PLOTS 1 AND 26 PETWORTH
- C04 REV A – PLOTS 2, 5, 6, 12 AND 24 – ROSDENE
- C05 REV A – PLOTS 3 AND 17 PETWORTH
- C06 REV B – PLOT 4 LINDISFARNE

- C07 REV B – PLOTS 7 AND 15 LINDISFARNE
- C08 REV A – PLOTS 8 – 11 CLAREMONT (FLATS)
- C09 REV B – PLOT 14 – BUCKINGHAM
- C10 REV A – PLOT 16 – WYCOMBE
- C11 REV B – PLOTS 18, 19, 20 AND 21 – THORNTON
- C12 REV B – PLOTS 22 AND 23 – HARDWICK
- C13 REV B – PLOTS 25 AND 31 – WESTBURY
- C14 REV B – PLOT 28 – KINGSTON
- C15 REV B – PLOTS 29 AND 30 – THORNTON
- C16 REV A – PLOTS 31, 32 33 AND 34 – AFFORDABLE
- C18 – PLOT 27 – ROSEDENE
- C22 REV B – GARAGES
- C23 – GARAGE G7

LANDSCAPING

- C20 REV A – BOUNDARY TREATMENTS PLAN
- C21 – BOUNDARY TREATMENTS DETAILS
- SOFT LANDSCAPE PROPOSALS (1) L9008_03 REV F
- SOFT LANDSCAPE PROPOSALS (2) L9008_04 REV F
- SOFT LANDSCAPE PROPOSALS (3) L9008_05 REV E
- SOFT LANDSCAPE PROPOSALS (4) L9008_06 REV B

HIGHWAYS AND DRAINAGE

- 40337/001 REV A – EXPLORATORY HOLE LOCATION PLAN
- 40337/012 REV B – EXTERNAL WORKS
- 40337/013 REV F – PLOT DRAINAGE
- 40337/014 REV C - LONGITUDINAL SECTIONS (SHEET 1 OF 2)
- 40337/015 REV A – LONGITUDINAL SECTIONS (SHEET 2 OF 2)
- 40337/016 REV A – MANHOLE SCHEDULES
- 40337/018 REV A – S104 (DRAINAGE) LAYOUT
- 40337/019 REV A – S102 (DRAINAGE) LAYOUT
- 40337/020 REV A – FOUNDATION SCHEDULE PLAN 1 OF 2

- 40337/021 REV A – FOUNDATION SCHEDULE PLAN 2 OF 2
- 40337/022 REV A – FOUNDATION SCHEDULE TABLE
- 40337/023 REV A – FLOOD ROUTING PLAN
- 40337/024 REV A – DRAINAGE DETAILS SHEET 1 OF 2
- 40337/026 REV A – DRAINAGE DETAILS SHEET 2 OF 2
- 40337/035 REV B - S278 WORKS SPENCER STREET
- 40337/036 REV E – S278 WORKS SALTERGATE
- 40337/038 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 1 OF 2
- 40337/039 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 2 OF 2
- 40337 ATR1 REV A – VEHICLE TRACKING DIAGRAM
- 40337/044 REV A – PRIVATE CATCHPIT DETAIL
- SA1 INC. STORAGE 100YR+ CC
- SA2 INC. STORAGE 100YR+ CC
- SA3 INC. STORAGE 100YR + CC
- 40337/002 - REPORT ON ADDITIONAL INVESTIGATION
- 08321 SITE DRAWING AND WINCAN V8 (SEWER SURVEY)
- C17 REV D – FRONT BOUNDARY WALL RE-ALIGNMENT
- C19 – SITE MANAGEMENT PLAN
- W27 REV B – SITE COMPOUND
- CONSTRUCTION METHOD STATEMENT REV A – 14TH JUNE 2017

TREES

- LTP/19 – SECTION THROUGH ROAD AND T19 & T26
- 'NO DIG' CONSTRUCTION METHOD STATEMENT – 14TH JUNE 2017
- DEMOLITION AND CONSTRUCTION OF RETAINING WALL METHOD STATEMENT – 4TH JULY 2017

BACKGROUND DOCUMENTS

- DESIGN AND ACCESS STATEMENT (UPDATED 09/06/2017)
- PLANNING STATEMENT
- HERITAGE STATEMENT
- ECOLOGICAL APPRAISAL
- TRANSPORT STATEMENT
- STATEMENT OF COMMUNITY INVOLVEMENT
- COAL MINING RISK ASSESSMENT
- PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE INVESTIGATION REPORT
- FLOOD RISK ASSESSMENT
- ECUS TREE SURVEY, ARBORICULTURAL IMPACT ASSESSMENT AND ARBORICULTURAL METHOD STATEMENT DATED JULY 2017
- ECUS JAPANESE KNOTWEED SURVEY DATED 24TH APRIL 2017
- VIABILITY APPRAISAL REV A – CONFIDENTIAL (UPDATED 05/07/2017)
- PLOT MATERIALS SCHEDULE AND SITE PLAN WITH BRICK CHOICES – 20/07/2017

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

Highways

03. Prior to the occupation of the first dwelling the access with Saltergate shall be modified in accordance with the details contained on Drawing No. 40337/036 REV E – S278 WORKS SALTERGATE (unless any further revisions required under the S278 Agreement are jointly agreed in writing by the Local Planning Authority and Local Highways Authority). The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.

Reason – In the interests of highway safety.

04. Throughout the construction period works shall only take place in accordance with the Construction Method Statement Rev A dated 14th June 2017 and Site Compound drawing no. 16-553-W27 REV B. Any deviation from this agreed

methodology shall first need to be agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

05. Prior to the occupation of the first dwelling the access to Spencer Street shall be modified in accordance with the details contained on Drawing No. 40337/035 REV B - S278 WORKS SPENCER STREET (unless any further revisions required under the S278 Agreement are jointly agreed in writing by the Local Planning Authority and Local Highways Authority).

Reason – In the interests of highway safety.

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

Reason – In the interests of highway safety.

07. There shall be no means of vehicular access between Spencer Street and the proposed private estate street and to this end, a permanent physical barrier shall be erected and thereafter maintained for the life of the development, all in accordance with a scheme first submitted to and approved in writing with the Local Planning Authority.

Reason – In the interests of highway safety.

08. No dwelling shall be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason – In the interests of highway safety.

10. There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

11. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason – In the interests of highway safety.

Trees and Ecology

12. Prior to the commencement of development Root Protection Areas (RPAs) shall be established to all protected and retained trees in accordance with the ECUS report dated July 2017. The tree protection measures outlined therein shall be carried out and adhered to at all times throughout the construction phases in strict accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Any deviation thereto shall first be agreed in writing by the Local Planning Authority.

Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.

13. The realignment and construction of the boundary wall at the Saltergate access shall be carried out in accordance with the revised drawings 16-553-C17 Rev D and any excavations for the concrete foundations in section AA and CC at the ends of the existing wall are hand dug and the first 100mm of soil in the garden area for the through beam are hand dug to avoid any root damage. If any roots are exposed advice should be sought from an arboriculturalist and the Council's Tree Officer immediately before any root severance or disturbance takes place. Only intervention measures agreed in writing shall be undertaken on site.

Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.

14. The areas as shown on Drawing LTP/21 – No Dig Areas Saltergate should be excluded from any excavations and land level changes and a 'no dig' method of construction carried out as shown in drawing 19008/07 and outlined in the ECUS report dated July 2017.

Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.

15. Any utility service runs located in the root protection areas (RPA's) of the retained trees on the site shall be carried out in line with drawing 16-553-C02 Rev C and typical section through no dig construction by Windle Cook Architects which proposes that no route services or utilities will require excavations within the RPA's and that all services will be above the existing sub base along the proposed driveway off Saltergate.

Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.

16. The foundations for garage G7 shall be constructed as shown on drawing 16-553-C23 showing the piling foundation system to protect the neighbouring tree root system.

Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.

17. The ecological enhancement measures as set out in section 4.0 of the ECUS Ecological Appraisal dated January 2017 and as detailed on the associated landscaping proposals (listed in condition 2 above) shall be implemented in full and maintained thereafter respective of the relevant construction phase and prior to the occupation of each respective dwelling.

Reason - In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

18. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written

confirmation should be submitted to the local planning authority.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

Others

19. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason - In the interests of residential amenities.

20. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.

Reason – In the interests of sustainable development and to ensure that the development is capable of meeting the needs of future residents and / or businesses in accordance with policy CS4 of the Core Strategy and para. 42 of the NPPF.

21. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

Drainage

22. The means of draining foul and surface water arising from the development shall be constructed and operated in accordance with details shown on the submitted drawing 40337/013 (Revision F) prepared by Eastwood and Partners. The rate of discharge of surface water to public sewer shall not exceed 11.7 litres per second. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no dwelling shall be occupied until the respective drainage works for each plot has been fully implemented.

Reason: In the interest of satisfactory and sustainable drainage.

Notes

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

Highways

03. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Community at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available by email ETENetmanadmin@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

04. The Highway Authority recommends that the first 6m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/ new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
07. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
08. Car parking provision should be made on the basis of 2no. or 3no. parking spaces per 2/3 bedroom or 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 5.5m (2.4m x 6.5m where located in front of garage

doors) with an additional 0.5m of width to any side adjacent to a physical barrier, e.g. hedge, wall, fence, etc., and adequate space behind each space for manoeuvring.

09. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
10. The applicant is advised that to discharge Condition 11 that the Local Planning Authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
11. The Highway Authority, in this event, would prepare a report to the appropriate cabinet, recommending that the development streets be exempt from adoption under Section 219-4(e) of the Highways Act 1980, i.e., exempt as the highway is unlikely to fall into such state as would require intervention by the highway authority, and details of the developer's management covenant proposals to ensure future maintenance should be forwarded for this process. Such proposals should include indemnity insurance in the event that the management company should fail whereupon a replacement would be appointed. It follows, therefore, that the developer would not be liable to secure the works with advanced payments under of the Highways Act, and that this

Authority would issue an exemption notice upon notification of building regulation approval from your authority. The developer's attention is drawn to Section 2.81 of the Department of Transport's Design Bulletin 32, Second Edition, 1992, requiring the developer to advise the statutory undertakers that the road will not be adopted for the provision of services.