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File No: CHE/17/00390/OUT
Plot No: 2/2148

ITEM 6

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ALL MATTERS RESERVED EXCEPT ACCESS FOR UP TO 17 DWELLINGS (IN ADDITION TO RETENTION OF EXISTING FARMHOUSE AND CONVERSION OF EXISTING CARTSHED TO GARAGING) INCLUDING ASSOCIATED INFRASTRUCTURE WORKS AT PONDHOUSE FARM, 2 TROUGH BROOK ROAD, HOLLINGWOOD, CHESTERFIELD, DERBYSHIRE, S43 2JP FOR CHATSWORTH SETTLEMENT TRUSTEES

Local Plan: Dev. in open countryside / other open land
Ward: Hollingwood & Inkersall

1.0 **CONSULTATIONS**

Local Highways Authority	Comments received 12/07/2017 – see report
Environmental Services	Comments received 03/07/2017 – see report
Design Services	Comments received 03/07/2017 – see report
Strategic / Forward Planning	Comments received 28/07/2017 – see report
Environment Agency	Comments received 19/06/2017 – refer to LLFA
Yorkshire Water Services	Comments received 10/07/2017 – see report
CCG	See report – 5.7
DCC Strategic Planning	Comments received 07/07/2017 – see report
Lead Local Flood Authority	Comments received 14/08/2017 – see report
Derbyshire Wildlife Trust	Comments received 17/07/2017 and 15/09/2017 – see report
Coal Authority	Comments received 29/06/2017 – standing advice applies
Urban Design Officer	Comments received 19/07/2017 – see report

Ward Members	No comments received
Site Notice / Neighbours	Six letters of representation received

2.0 **THE SITE**

- 2.1 The site comprises the farmhouse, buildings and yard areas known as 'Pondhouse Farm' and some associated paddock and garden/former orchard land to the north, south and east, extending to approximately 1.20 hectares in total. The site is located to the east of Troughbrook Road, Hollingwood.
- 2.2 The site lies on the edge of the built up area with semi-detached residential properties to the immediate north and the large housing area of Hollingwood to the west (on the opposite side of Troughbrook Road). A short distance to the north, beyond the Chesterfield canal, is the site of the former Staveley Works. To the east beyond lies Trough Brook, which sits in the bottom of a small valley. Woodland defines the eastern side of that valley. There is also an area of woodland to the south of the site.
- 2.3 Buildings at Pondhouse Farm include a brick, 19th century detached farmhouse, an earlier stone and brick cartshed, a stone barn and more modern barns, sheds and stables, constructed of steel, corrugated sheeting and timber. Some of the buildings are in poor condition. There is an access from Troughbrook Road into the farmyard, through which the other land is accessed.
- 2.4 Land around the farmyard and buildings is used for horse grazing. Immediately adjacent to the farmhouse are former orchard and garden areas.
- 2.5 The Troughbrook Road boundary of the site is marked by unmanaged, overgrown hedgerows, hedgerow trees and low stone walling. The northern boundary is marked by fencing, hedgerows and hedgerow trees. The southern boundary is marked by fencing and the edge of woodland (outside the site). The eastern edge of the site extends across paddock, garden and orchard areas. The eastern boundary of the proposed residential development area is marked by a mixture of fencing and overgrown vegetation.



3.0 **RELEVANT SITE HISTORY**

3.1 There is no site specific planning history; however planning permission currently exists on the adjacent site of the former Troughlee Club under application reference CHE/17/00271/FUL for three new dwellings which was granted on 30 May 2017.

3.2 In addition CHE/17/00225/OUT is also relevant – outline planning application for residential development of up to 6 dwellings with all matters reserved (revised drainage plan rec'd 05/07/2017) on land to the east of Troughbrook Road, Hollingwood, Chesterfield, Derbyshire. Refused by Planning Committee on 18/07/2017 for the following reason:

01. *The application site is considered to be greenfield land which is protected from development by the allocation of policy EVR2 of 2006 Local Plan which was saved in the adoption of the 2013 Chesterfield Local Plan: Core Strategy 2011 - 2031.*

In accordance with provisions of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 - 2031, the wider provisions of the National Planning Policy Framework and the fact the Local Planning Authority can currently demonstrate a 5 year supply of deliverable housing sites; the principle of residential development on this greenfield site is

contrary to policy CS10 and is therefore considered to be unacceptable.

4.0 **THE PROPOSAL**

4.1 The application seeks outline planning permission for residential development with all matters reserved except access. For illustrative purposes, a layout has been prepared to show how the site could be developed with 17 new dwellings, with the existing farmhouse retained and the existing cartshed retained and converted to garaging. All other buildings would be demolished, though materials would be retained for re-use within the site where possible. A foul sewer pumping station and a surface water storage pond would be located to the east of the dwellings. Details of scale, layout and landscaping are reserved for future consideration.



4.2 The application submission is supported by the following plans and documents:

- Site Location Plan
- Topographical Survey
- Access Plan – Driveway Visibility Splay
- Access Plan – Junction Profiles
- Access Plan – Swept Paths and Visibility
- Illustrative Layout Plan
- Opportunities and Constraints Plan
- Supporting Planning Statement
- Bat Survey
- Coal Mining Risk Assessment

- Design & Access Statement
- Extended Phase 1 Habitat Survey
- Flood Risk and Drainage Statement
- Transport Statement
- Structural Report
- Tree Survey Stage 1 and Indicative Arboricultural Impact Assessment
- Ecological Survey – *Confidential*

5.0 **CONSIDERATIONS**

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

- 5.1.1 The site the subject of this application includes elements of both previously developed and greenfield land. It is in a location identified in saved policy EVR2 of the Replacement Chesterfield Borough Local Plan (2006) as Open Countryside. The adopted Core Strategy (2013) indicates the broad location of a Strategic Gap within the area, although the draft Local Plan (2016) and the Strategic Gap and Green Wedges study (2016) do not include the site within the extent of the Strategic Gap. The site is shown as a potential housing site in the draft Local Plan (2016).
- 5.1.2 The council's most recent Five Year Housing Supply Statement includes the site within the five year supply on the basis that the previously developed part of the site would meet the council's overall spatial strategy of being within walking distance of a centre, being 'suitable' for development and not contrary to policy CS10 as a 'brownfield' site. The greenfield part of the site, should be considered under policy CS10 – Flexibility of Delivery of Housing.
- Weight to be given to policies.
- 5.1.3 The site is subject to a range of policies to be given different weight.

CS10 – This policy would apply to only part of the site. The council can currently demonstrate a five year supply of deliverable housing sites (this is being updated at the moment). Full weight should be given to all policies of the Core Strategy. This includes policy CS10, which sets out that greenfield housing development will not usually be permitted.

CS1/CS9, Strategic Gaps: The Core strategy sets out the broad location of the Strategic Gap. The boundary shown in the draft Local Plan has been subject to consultation but not examination. However significant weight should be given to this as no objections have been received to the boundary affecting this site and the boundary is clearly set out in the ARUP Green Wedges and Strategic Gap study prepared in 2016. This is considered clear and robust evidence for the boundary.

EVR2. This policy pre-dates the NPPF. The weight to be given to this policy therefore depends upon the extent to which it accords with the objectives of the NPPF. The Core Principles of the NPPF recognise the 'intrinsic character and beauty of the countryside'. A recent court of appeal decision has confirmed that it is the responsibility of the LPA to determine the weight to be given to policies that pre-date the NPPF.

- 5.1.4 The proposed Strategic Gap boundary (policy CS1 and CS9) would start immediately to the east of the site. The Strategic Gaps and Green Wedges Study undertaken by ARUP on behalf of the council to provide evidence for the Strategic Gaps identified the eastern boundary of the site as a robust and long term boundary suitable for a Green Wedge. This lends credence to the view that development beyond this boundary would have a significant impact upon the openness of the countryside in this location. However to the west of this boundary (the application site) it is more difficult to conclude that the impact on the 'intrinsic value of the countryside' would be significant and relatively less weight can accordingly be given to EVR2 in this respect.
- 5.1.5 When read alongside the more up to date (and therefore NPPF compliant) policy CS2, which generally supports the development of previously developed land within walking distance of a centre, it is reasonable to conclude that the redevelopment of the previously developed part of the site (the farm buildings) would be in accordance with the adopted Local Plan.
- 5.1.6 **Housing Allocation (H62)**. Although shown as a potential housing site in the draft Local Plan (2017) it is important to recognise that the draft housing sites were for the purposes of consultation only and have yet to be put through the final stage of the council's Land Availability Site Assessment methodology. Little

weight can therefore be attached to the allocation for housing in the draft plan.

Spatial Strategy

- 5.1.7 Policy CS1 requires that new development be concentrated within walking distance of centres. Although the adopted Core Strategy does not identify a specific Local Centre near the site there is a group of shops at Hollingwood Crescent within walking distance of the site. The council's own surveying of centres has identified that this has sufficient amount and range of facilities to be considered a Local Centre, and it is identified as one in the draft Local Plan. Hollingwood Primary School is also within walking distance, as is a children's play area, also on Hollingwood Crescent. The location therefore fits with the council's spatial strategy in this respect. Development proposals are also considered under the criteria set out in CS2. The proposal accords with five of the seven criteria.

Principle of Development

- 5.1.8 Policy EVR2 allows for the conversion of existing buildings in the open countryside for housing purposes. It also allows for the redevelopment of existing buildings for specific purposes (which do not explicitly include residential use) if the new buildings do not have any greater impact upon the open character of the site. The council's most up to date assessment of the proposed strategic gap boundary shows it starting from the easternmost boundary of this site. When read alongside the more up to date (and therefore NPPF compliant) policy CS2, which generally supports the development of previously developed land within walking distance of a centre, and taking the location of the proposed Strategic Gap boundary into account it is reasonable to conclude that the redevelopment of the previously developed part of the site (the farm buildings) would be in accordance with the adopted Core Strategy as an exception to the limitation on redevelopment in EVR2 to being for agricultural or farm diversification purposes only.
- 5.1.9 Policy CS10 states that "planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites." Part of the site (the southernmost part) would normally be considered 'greenfield' and this policy would therefore apply.

- 5.1.10 As the council is currently able to demonstrate a five year supply of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of small scale greenfield infill plots. The NPPF is also clear that “Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development” (NPPF para 186). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals.
- 5.1.11 Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres.
- 5.1.12 The aim of CS10 (set out in para 5.34 of the Core Strategy) is to “ensure a supply of housing land that meets the aims of the Core Strategy”. Given the small scale of the loss, and that the redevelopment of the PDL part of the site would be considered appropriate, there is an argument in favour of also accepting the principle of development on the ‘greenfield’ part of the site as well.
- 5.1.13 Applying the presumption in favour of sustainable development (set out in paragraph 14 of the NPPF), the development of the greenfield part of this site would:
- otherwise meet the spatial strategy and the principles for the location of development set out in policies CS1 and the majority of CS2,
 - would not directly conflict with, and arguably would support, the intent of policy CS10 (to ensure a supply of housing land that meets the aims of the core strategy)
 - would not impact on the area identified as being particularly vulnerable in terms of openness within the Green Wedges and Strategic Gap assessment (having housing to either side and not intruding into the proposed Green Wedge)
- 5.1.14 More weight could be given the presumption in favour of development and the aims of policy CS1 and less to EVR2 in this case and there is an argument, given the small scale of the loss of greenfield land compared to the wider site, to set aside a strict interpretation of policy CS10. However this would likely require

that the site be advertised as a departure from the Local Plan (which is has been – see section 6.0 below).

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

Amount

5.2.1 The site area measures 1.2 hectares. The proposal is for up to 17 dwellings which equates to 14dph which equates to a low density of development.

Layout

5.2.2 The site contains a number of physical assets that contribute significantly to the character and appearance of the location. Key features of interest include:

- Existing mature trees at the site margins
- Red brick and slate farmhouse (includes strong chimneys, vernacular form/style, stone wall and occupies key position)
- Cart shed adjacent to farm house (local stone with single Roman clay tile roof and arched openings)
- Local stone walls along road frontage and into entrance
- Vernacular stone barn with a stepped form under clay single Roman and pantile roofs

5.2.3 The existing traditional buildings retain considerable character and are of local interest. The presumption should be to retain such 'assets' for repair and integration/re-used as part of the development in accordance with guidance contained within the Successful Places SPD (2013).

Existing built assets

5.2.4 A structural report confirms that, with some modest remedial work and repairs, both the farmhouse and cart shed are capable of retention and continued use. As such, these should be required to be retained for form part of any subsequent proposals. The existing stone barn however has a number of more serious structural problems and its retention and re-use in the longer term is not considered practical.

5.2.5 As such, if the stone barn is to be demolished it is recommended that the best materials are salvaged and re-used within the development in the form of boundary walls and perhaps roof tiles to outbuildings such as garages. It is recommended these are

focussed around the site entrance, farmhouse and first part of the estate road to concentrate the effect and impact of these materials and form a positive sense of arrival into the site. Similarly, the removal of stone walls around the entrance to accommodate the new access should also be salvaged and reused in this manner.

- 5.2.6 Salvaged materials should be carefully stored on site for re-use. A condition should be added to any grant of outline consent requiring a scheme to be first agreed with the LPA detailing how/where the salvaged materials will be stored on site and re-used within the development.

Interface with site edges

- 5.2.7 This site represents a transition between the existing built up area of Hollingwood and the countryside. As such, the interface created between the development and its edges will be important. It is recommended that any proposals will need to respond to this context appropriately, through its design and layout (see *Landscaping* comments below).

Townscape

- 5.2.8 Addressing corners with dual aspect house types, particularly at the main entrance and forming a terminating viewpoint at the end of the proposed new street are indicated on the Indicative Layout and within the submission, which reflect alterations suggested at the pre-application stage. These elements are supported.

Rear garden access

- 5.2.9 Access paths are shown to rear gardens, which is appropriate. This would provide easy access to gardens and encourages bins to be stored at the rear rather than remaining on frontages, which can detract from the appearance of the streetscene.

Scale and massing

- 5.2.10 Dwellings up to two-storeys in height are suggested, although this could include a mix of heights such as one-and-a-half storeys, having regard to the visual impact. This approach is potentially acceptable and will need to be managed as part of any reserved matters submission.

Landscaping

- 5.2.11 No details are provided at this stage, although it is noted that some mature trees and hedging are indicated to be retained. Management of the hedgerow along the road frontage is recommended, together with reinstatement hedge planting where gaps currently exist. The existing stone wall along the boundary with Troughbrook Road should be retained and repaired as necessary.
- 5.2.12 Details of new boundary treatments to frontages will be important in terms of front boundaries, including the re-use of salvaged stone from the demolished barn for this purpose. Furthermore the interface with Troughbrook Road and the east boundary adjacent to the valley will need to be carefully considered so as to achieve a suitable edge treatment. For example a stock proof (post and rail) fence and native hedge planting against the countryside would be appropriate, rather than close board fencing or similar suburban style fencing in this context.
- 5.2.13 In light of the above, a condition requiring details of all external boundary treatments to be provided is recommended. This should include details of materials, height, elevations (scale 1:50) and locations and extent of each boundary type.

Appearance

- 5.2.14 No details of appearance are provided at this stage although a more vernacular style format that reflects the rural setting on this side Troughbrook Road would be appropriate design response. This could manifest in a number of ways including through building placement and alignment, footprints, roof styles and pitches and use of locally relevant materials. Garages could be designed to reflect the outbuildings concept, perhaps echoing design elements of the existing cart shed, support the distinctive character of the site. However, these matters can be addressed at matters stage.

Access and servicing

- 5.2.15 Detailed consideration of highway matter are set out in section 5.3 below; however given the distance from the proposed highway stub to the end of the proposed street (approximately 92m) it is likely this road would need to be adopted or a turning head located part way along the street so as to facilitate access for service vehicles and bin collections.

5.2.16 Waste Collection Services will not normally enter private land to undertake bin emptying. Bin carry distances should be kept to a minimum, and not normally exceed a maximum of 30m. This would reduce the bin carry distance for residents to a more acceptable distance.

Conclusion

5.2.17 There are no objections to the proposal on urban design grounds at this stage. However, in order to ensure that the suggested details and approach are able to be carried forward to the reserved matters stage, it is recommended that any planning permission should include a condition requiring reserved matters to be in general conformity with the Indicative Masterplan layout, Design and Access Statement (May 2017) and the accompanying Design Principles outlined in Section 6.9 of the Planning Statement (May 2017).

5.2.18 In addition, the following matters should be conditioned:

- Details of hard and soft landscaping.
- Details of external materials.
- Details of all boundary treatments.
- Retention of the Cart Shed and Farm House together with details of remedial works required to these buildings to be submitted and agreed with the LPA (recommendations are included within the HWA Consulting Structural Report 30/05/17).
- Materials from the demolition of the stone barn should be salvaged, carefully stored on site and re-used within any subsequent residential development in accordance with details to be first submitted and agreed with the LPA.

5.2.19 It is considered that the proposed development can be appropriately designed to reflect the character and appearance of the streetscene and to preserve appropriate levels of amenity and privacy to adjoining and adjacent neighbouring properties in the context of policies CS2 and CS18 of the Core Strategy. As further designs are developed they will need to take account on the observations made above and also the advice which is contained in the Council's adopted Supplementary Planning Document for Housing Layout and Design.

5.3 **Highways Issues**

5.3.1 The application has been reviewed by the **Local Highways Authority** (LHA) who has provided the following comments:

'It is noted that the site has been the subject of an informal consultation on which the Highway Authority provided comments.

There are no objections in principle to residential development and it is noted that an illustrative layout has been submitted. As this is a reserved matter it should be noted that only brief comments in respect of this have been provided.

It would appear that some direct frontage access is proposed as well as a new estate street.

It is suggested that the applicant is in control of sufficient frontage to create accesses / a junction to meet current layout guidance. Any reserved matters / full application would need to demonstrate exit visibility commensurate with recorded 85th percentile wet weather speeds. As a guide, where vehicle speeds are 30mph visibility should be 2.4m x 50m in both directions.

The illustrative layout for the proposed new road does not meet the Highway Authority's requirements for adoption. The layout should comply with the 6C's design guide.

The Highway Authority would also expect the provision of adequate off-street parking based on two spaces per two / three bedroom property or three spaces per four / five bedroom plus property; ideally turning space should be provided to enable vehicles to enter / exit Troughbrook Road in a forward gear.

Subject to the above, there are no objections to the proposal and it is recommended that the following conditions are included on any consent:

1. New vehicular and pedestrian accesses in connection with properties with direct access to Troughbrook Road shall be formed prior to occupation of dwellings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 50 metres in both directions measured along the nearside

carriageway edge 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 greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

2. Before any other operations are commenced in respect of dwellings to be served via a new road a new vehicular and pedestrian junction shall be formed to Troughbrook Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 50 metres in both directions measured along the nearside carriageway edge 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 greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

3. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

4. The premises, the subject of the application, shall not be occupied until the proposed new estate street within the application site have been designed and laid out in accordance with the 6 C's Design Guide which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

5. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

5.3.2 Having regard to the comments of the LHA above (and on the basis of this being an outline application) it is considered that the development proposals can be appropriately serviced by driveways and a dedicated access junction such with space to provide the necessary highway visibility splays such that the development does not give rise to any adverse highway safety concerns. Appropriate driveway widths and length can be accommodated, alongside appropriate visibility splays and parking provision to meet the requirements of the LHA and the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

5.4 **Flood Risk / Drainage**

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

5.4.2 The LLFA responded to the application as follows:
'The drainage strategy for the proposed development is to dispose of surface water using an attenuation basin before being discharged into Trough Brook located to the east of the site. Discharge will be restricted to 5.0l/s. The applicant should demonstrate where the responsibility will lie for the maintenance of such drainage.

The Local Planning Authority should be mindful to obtain information regarding any outfall into the ditches/watercourse outside of the developable zone to be satisfied that it is designed so that it does not result in a surcharge onto any adjacent land or public Highway.

The applicant should be aware that the LLFA has received a report of historical flooding to the south of the site relating to highway flooding. There is no further information regarding this incident.

The applicant should consider this information when developing the proposals for the site so as not to cause or exacerbate flood risk to and from the site.

It appears the applicant hasn't undertaken an appropriate ground investigation to support and inform the application. Therefore the application cannot demonstrate the runoff destination hierarchy as described in Document Part H of the Building Regulations 2000. A full ground investigation will be expected at the detailed design stage.

The current plans for the use of Sustainable Drainage Systems to dispose of surface water from the proposed development are above ground and would be considered acceptable by the LLFA. The current plans demonstrate the principles and aims of Sustainable Drainage which is to improve water quality, amenity and biodiversity.

If proposals change from above ground storage to below ground storage of surface water after the consultation process of the outline application, the LLFA would change their stance in regards to the proposals. This is because the surface water disposal method would no longer be considered sustainable and this would be a significant departure from the agreed proposals at the outline stage.

To ensure adherence to DEFRA's Non-statutory technical standards for sustainable drainage systems these recommended conditions should not be altered without consulting the County Council Flood Risk Management team.

1. "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.

2. "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.'*

5.4.3

The DS team responded to the application as follows:

'We have no objection to the above application in principle but would like to see some further design detail and also some maintenance proposals prior to full approval.

The site is shown to be in close proximity to Flood Zone 3 adjacent the Trough Brook. However the flood risk assessment identifies that the proposed properties are away from this potential flooding and are not put at risk with the development.

The surface water drainage is shown to be discharged into the Trough Brook at a controlled rate of 5 l/s via a detention basin. We have no objection to this method but would like to see construction details of the proposed basin and the full drainage details. The outline design shows that this will be designed to accommodate a 100year + climate change design storm. The construction of the outfall to Trough Brook will require Derbyshire County Council approval. We would also like to see may management and maintenance proposals for the detention basin.

The foul drainage is shown to discharge to the public sewer system in Troughbrook Road via a pumping station. This connection will require approval from Yorkshire Water.'

5.4.4 YWS responded to the application as follows:

Waste Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

(In the interest of satisfactory and sustainable drainage)

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

(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network)

1) The Flood Risk and Drainage Statement 21730/05-17/4902 (prepared by - Report dated May 2017) is acceptable. In summary, it states that foul water will discharge to public foul sewer and as sub-soil conditions unlikely to support the use of soakaways, surface water will discharge to Trough Brook crossing the site via storage with a restricted discharge.

As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken.

Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

2) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak

pumped foul water discharge must not exceed 3 (three) litres per second.'

5.4.5 Having full regard to the comments detailed above and the requirements of policy CS7 of the Core Strategy relating to flood risk and drainage it is considered that the development proposals are acceptable. Appropriate pre-commencement planning conditions can be imposed to secure the necessary drainage solution detail required.

5.5 **Land Condition / Contamination / Noise**

5.5.1 Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the planning application submission was accompanied by a Coal Mining Risk Assessment, despite the fact the site lies in an area covered by the Coal Authority's Standing Advice. It was not necessary to refer the CMRA to the **Coal Authority** for comment as the CA have provided the LPA with relevant advisory notes they wish to be imposed on any planning permissions granted in such areas.

5.5.2 In respect of potential land contamination (and noise) the Council's **Environment Health Officer** (EHO) has also reviewed the application submission and provided the following comments:

'I have no objections regarding this application, however, should planning consent be granted, I recommend:

Noise – the hours of construction shall be limited to between 8:00am and 5:30pm Monday to Friday and between 9:00am and 4:00pm on a Saturday. No construction shall be carried out on a Sunday or Public Holiday.

Land Contamination – the site is within an area of Chesterfield where there might be land contamination. I recommend that a desk study and if necessary, a site investigation is carried out. All reports should be submitted in writing to Chesterfield Borough Council for approval prior to commencement of development.'

5.5.3 To address the comments of the EHO above appropriate planning conditions can be imposed on any consent given to secure the necessary Phase I and / or II studies and to control construction hours accordingly.

5.6 **Ecology**

- 5.6.1 The application submission is supported by a Phase 1 Ecology Survey (including Otter and Water Vole), Bat Survey and Protected Species Report which have been prepared in accordance with the requirements of the NPPF and policy CS9 of the Core Strategy.
- 5.6.2 Under the terms of our Service Level Agreement, **Derbyshire Wildlife Trust** (DWT) was invited to review the surveys and reports submitted and the following comments were made:

'DWT would disagree with the ecological assessment in regards to the habitats on site and the loss of impacts proposed by the development. There are two areas of Traditional Orchard, both areas to be lost to facilitate the development. Traditional orchards are a long-established and widely distributed habitat and make a significant contribution to biodiversity, landscape character and local distinctiveness across the UK. Orchards are hotspots for biodiversity in the countryside, supporting a wide range of wildlife and containing UK BAP priority habitats and species, as well as an array of Nationally Rare and Nationally Scarce species. The wildlife of orchard sites depends on the mosaic of habitats they encompass, including fruit trees, scrub, hedgerows, hedgerow trees, non-fruit trees within the orchard, the orchard floor habitats, fallen dead wood and associated features such as ponds and streams. The ecology report states "The area occupied by the traditional orchard would be retained, although the trees themselves are recommended for removal due to their poor condition". Removal of the trees would equate to removal of Traditional Orchard. Without suitable mitigation, compensation and/or enhancements, the removal of UK BAP Priority habitat would result in a net loss of biodiversity. In addition, the proposals boundary are adjacent to the LWS/Ancient Woodland Trough Brook boundary.

The proposed development at present comprises UK BAP Traditional Orchard, semi-improved grassland and tall ruderal vegetation, therefore based on the habitats present on site and the current proposals would equate to 83% net loss of biodiversity – this significant loss does not comply with the Local Plan nor the NPPF.

Ideally, a buffer along the entire LWS should be implemented and the retention of UK BAP Traditional Orchard or as a minimum, mitigation, compensation and enhancements should be included.

Therefore based on the above our recommendations are for the traditional orchard to be retained and area excluded from development; a suitable buffer (along the southern boundary retained and enhanced and excluded from the residential gardens), ideally 5-10m buffer from LWS; retention of the hedgerow and enhancement to the hedgerows to include intact native hedgerow and off site compensation.

If the development decides to adhere to the current proposed plans and are not willing to change the plans to incorporate biodiversity, then the only option available would be offsite compensation. Offsite compensation should be used as a last resort and outline details will need to be submitted prior to development (The Environment Bank can aid the developer with offsite compensation).

At present, DWT would not want to provide further advice/conditions until all information has been provided and the losses/gains quantified to ensure the proposals do not lead to a net loss of biodiversity. DWT will be able to provide further comments on the application once the information has been received and a revised layout plan undertaken.'

5.6.3 The comments above were passed to the applicant / agent for consideration and their consultants (Penny Associates) provided a written response (dated 23/08/2017) as follows:

Whilst the site does contain two areas of former orchard, these are lacking in the characteristic features of traditional orchards that can make the latter so valuable for wildlife. In particular, the trees are not of notable age or structural diversity (in fact the arboricultural report recommends the trees for removal) and there is a lack of standing and fallen deadwood. The smaller of the two areas contains no fruit trees at all, except some scattered trees along its boundary. There are no non-orchard trees of any particular value and the boundary hedgerows are already taken into account of in the ecological assessment as a habitat in their own right. The orchard floor habitats comprise species-poor over grown grassland dominated by nettle, dock and other tall herbs. There are no other

'associated' habitats such as ponds or streams. Overall, neither of the orchard areas was considered to be such a good example of a traditional orchard that it would warrant retention within the scheme or off-site compensation. It is more important, in our view, that the habitat corridors are retained as undeveloped habitat for bats associated with the roosts on site (which is precisely what is proposed within the Illustrative Masterplan).

In terms of habitat compensation, we are not familiar with the Biodiversity Impact Assessment calculator tool used by DWT so cannot comment on how the 'Net Biodiversity Balance' or 'Percentage of Biodiversity Loss' figures have been calculated. It would be helpful to see the underlying calculations so that we can see how the figures have been derived in order to be able to provide a meaningful comment.

5.6.4

The comments made (which included a suggestion from the applicant / agent that there may be flexibility within the layout (which is in any case a reserved matter) to accommodate some form of standoff in respect of the suggestion of a 'buffer' alongside the woodland area to the south) were passed to DWT for further consideration and the following response was received:

'The Trust previously responded to this application expressing concerns regarding the loss of traditional orchards within the development as well as other habitats including semi-improved grassland and tall ruderal vegetation. We also advised that there should be a buffer between the development and the ancient woodland within Troughbrook Local Wildlife Site (CH009) located to the south. Our earlier response identified the need for additional mitigation and raised the issue of potential biodiversity loss at the site as a result of the scheme. Penny Anderson Associates (PAA) responded to our comments on the 23rd August and I have now reviewed their comments.

The proposed development will clearly result in the loss of some habitats of low biodiversity value (semi-improved grassland and tall ruderal). The ecological report also states that trees within the orchard will be removed. The orchards are described as derelict traditional orchards by the ecology report and the latest response from PAA maintains that these orchards are lacking in the key features of typical traditional orchards.

The development could also indirectly adversely impact on the ancient woodland through increased disturbance (noise, light, chemical), pollution, predation (from domestic pets).

In order to mitigate for these impacts we would advise that the scheme should provide a buffer between the ancient woodland and the development of at least 20 - 30m. Within this area the scheme should create a mix of native trees and shrubs as well as some more open areas of flower rich grassland. This could then form a direct link through to the proposed area for the attenuation pond (as shown on the layout plan 15060.07b).

There would appear to be scope to provide a mix of habitats that would mitigate and compensate for the losses through a sympathetic ecological enhancement scheme. This should include planting of some fruit trees within a broader mix of native trees and shrubs. Additionally if areas of species rich wet grassland can be established around the attenuation pond (grading into more typical wetland vegetation) and potentially within a buffer to the ancient wood, that could offset the loss of habitat elsewhere within the site.

We agree with PAA that the habitat corridors should be retained as undeveloped habitat. We would also recommend that the recommendations made in the ecological report from PAA are implemented in full.

We would, however, further advise that the layout should be amended or the applicant should undertake to provide a) the buffer zone for the ancient woodland within the Local Wildlife Site and b) an ecological enhancement scheme to provide habitats of higher biodiversity value than currently present. This could then be addressed through a condition for submission of an ecological mitigation and enhancement plan including details of subsequent aftercare/management.'

- 5.6.5 The applicant / agent confirmed in a letter of intention dated 26th September 2017 that they would be willing to review the layout (which at this stage is only indicative) and provide the woodland 'buffer' zone and biodiversity enhancement in and around the surface water attenuation pond as sought by DWT. These measures would need to be the subject of appropriate planning conditions, if permission is granted, to ensure that these measures were provided in detail at the reserved matters stage. This design

solution would ensure that there was scope within the development proposals to create a mix of habitat types in accordance with the provisions of policy CS9 of the Core Strategy and wider NPPF.

- 5.6.6 In addition to the comments of DWT above it is accepted that the development proposals may result in the loss of trees and some sections of hedgerow local to the application site in order to provide the site access and visibility however it is considered that appropriate enhancement measures and mitigation can be achieved to compensate for this loss. In this context none of the trees affected are protected (as confirmed by the Council's **Tree Officer**) and the affected hedgerows have been considered under the Hedgerows Regulations 1997 to determine their status / significance because the hedgerow adjoins agricultural land and land for the keeping of horses and ponies.
- 5.6.7 After consultation with **Derby and Derbyshire DC Archaeologist** it was found from early maps and surveys of the site that the hedgerow affected by the development proposals does not fall within the definition of an 'important' hedgerow and subsequently neither they nor the Tree Officer object to the application proposals. Inspection of early maps and surveys confirmed that the original eastern boundary hedgerow had been removed for the widening of the roadway and a new hedgerow planted further back into the field.

5.7 **Community Infrastructure Levy (CIL) and Planning Obligations**

- 5.7.1 Having regard to the nature of the application proposals the development comprises the creation of up to 17 no. new dwellings and the development is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £50 per sqm (index linked) of gross internal floor area created.
- 5.7.2 The following advice note will be appended to any subsequent decision notice drawing this to the applicants' attention:

'You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This

charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.'

- 5.7.3 As submitted the size of development/site would trigger a need to negotiate a section 106 agreement should planning permission be granted, potentially covering affordable housing and public art. Policy CS11 requires up to 30% of units to be affordable on all sites of 15 or more dwellings. Should the applicant believe that this would not be viable they will need to provide evidence demonstrating this and what, if any, level would be viable. In addition should the development costs exceed £1m, artwork or contribution to a scheme of public art should be sought under policy CS18.
- 5.7.4 At the time of writing this report comments were still pending from the North Derbyshire Clinical Commissioning Group (CCG) on the likely figure for a contribution towards GP services. Notwithstanding this, and on the basis of a scheme for 17 dwellings, the case officer has used the CCGs standard calculator for other sites in the area which has suggested that a contribution of £6,467 towards providing GP services is likely to be requested. 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.
- 5.7.5 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'.

5.7.6 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'.

5.7.7 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

5.7.8 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.

5.7.9 In respect of the remaining comments arising from the DCC Strategic Infrastructure team to the Council and the fact the application is 'major' it will be necessary to look to secure by planning condition the requirement for local labour and the provision of on-site high speed broadband connections (Policy CS13).

6.0 **REPRESENTATIONS**

6.1 The application has been publicised (as a major application and LP departure) by site notice posted on 22/06/2017; by advertisement placed in the local press 06/07/2017; and by neighbour notification letters sent on 19/06/2017.

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

57 Troughbrook Road

I have previously objected to planning on my road under app. CHE/17/00225/OUT so for this new application my views are even stronger as this relates to 17 houses instead of the 6 previous; and I am more against this application than the previous one as the traffic, road management, child and family safety, outlook, overall community feelings and not forgetting the school drop and pickups will be 3 or 4 times higher than my previous objection.

A Local Resident

I agree with the Design & Access Statement and support the retention / refurbishment of the existing period farm building. I feel it is important that the proposed development is in-keeping with the existing period buildings and the Staveley Rother Valley Corridor Area Action Plan.

4 Troughbrook Road

Since the previous application it now seems to have increased to up to 17 dwellings and further encroachment on Pond House Farm;

I strongly object to this new housing development it definitely looks like the thin edge of the wedge;

Clearly this is blatant attempt and gradual attack on Pond Farm's ability to maintain a viable business, weakening their position to continue farming. After forcing them out more housing will be proposed;

This is I assume still a protected green field and Hollingwood wish to protect our environment, quality of life and continue our rural local heritage;

Would the brownfield site at Staveley Works not be more appropriate for housing; and

My objections are that there will be increased traffic on a road which is already congested, lack of parking space and reduced greenbelt and wildlife preservation.

51 Troughbrook Road

I have lived on Troughbrook Road all my life and I strongly disagree with this development;

The road has become increasingly busy and there have been a number of incidents where cars parked on the road have been damaged by cars driving too fast;

Wildlife would be at danger as their feeding areas will be restricted by this development and other proposed in the local area – I thought we were supposed to be protecting wildlife and at present we currently see and hear all different kinds of species; and

As there are plans for the HS2 site to run near my house also I feel the environment will be detrimentally affected by noise, pollution and safety.

53 Troughbrook Road

We strongly object and have grave concerns about safety implications as Troughbrook Road is extremely busy and narrow. Additional dwellings would just cause more serious safety issues as drivers speed and try to pass three abreast causing damage to parked cars;

The road is also used as a cut through to Staveley and Whittington. It is not a bus route and is not readily gritted; but in winter people cannot use Private Drive so this is their alternative route;

The access proposed will have restricted visibility pulling out onto Troughbrook Road;

The canal and River Rother often flood and this makes the road impassable, also would there be a possibility the new dwellings will be at risk;

Other concerns we have are lack of space in the local schools, doctors surgeries etc as new homes bring increased demand.

There have already been a number of new developments in our village so there should be increased facilities; and

During construction there will be increased traffic and lorries will bring noise disruption and we will also have to cope with disruption from the proposed HS2 development.

49 Troughbrook Road

I have serious concerns regarding the above development and the safety implications. Traffic along Troughbrook Road has increased immensely and not only the amount of traffic but also the speed;

I park my car on the road and this puts it at risk from impatient drivers who overtake where the road is too narrow. The number of

cars per household has increased over the years (seen at peak times) making parking and safety more important especially for families with young children. Access from the development will have restricted views which is of concern with the speed people choose to travel and we do not want increased anxiety of a busier road; and
I believe HS2 is to be sited in close proximity to my home which will cause enough disruption with traffic, environmental issues and wildlife disruption without added problems additional housing will cause.

6.3 ***Officer Response: Refer to sections 5.1, 5.2, 5.3, 5.6 and 5.7 above.***

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 proposals have been considered against the principles of policy EVR2 of the 2006 Local Plan; policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy. In addition consideration has been given to the wider National Planning Policy Framework (NPPF) and the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places'.

9.2 It is considered that although some conflicts have been identified with policy EVR2; the proposed development can be considered in broad compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its connection to social, economic and environmental infrastructure and the key benefits of supporting the development are such that it meets the definitions of sustainable development and there is a presumption in favour of its approval.

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 mitigated and addressed in any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

10.1 That a S106 agreement be negotiated (as per section 5.7 above) to cover:

- Affordable Housing (up to 30%);
- Percent for Art (up to 1% of development costs);
- the CCG Contribution (£6,467);
- and a Management Company being set to handle any open space areas; drainage infrastructure and highways which are not adopted.

10.2 That the application be **GRANTED** subject to the following conditions / notes:

Conditions

Time Limit etc

01. Approval of the details of the layout, scale and external appearance of the building(s), the means of access and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

Drainage

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

Reason - In the interest of satisfactory and sustainable drainage.

05. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. 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 - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

Ecology

06. 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.

07. Prior to the commencement of development a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.
This is to ensure that a sensitive lighting is designed in line with guidance within Paragraph 125 of the NPPF.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

08. Concurrent with the reserved matters submission concerning layout, a landscaped 'buffer' zone between the woodland located to the south of the application site and any new development shall be created alongside details of proposed habitat creation in / around the proposed surface water attenuation ponds in accordance with the commitments of the applicant in their letter of intent dated 26th September 2017 and the requirements of Derbyshire Wildlife Trust as set out in their comments dated 15th September 2017).

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the National Planning Policy Framework.

09. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the National Planning Policy Framework.

10. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.
 - a) Description and evaluation of features to be protected, enhanced, created and/or managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery for a period of no less than 10 years.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The scheme shall include a timetable for implementation relative to the completion of dwellings hereby approved.

Thereafter the approved ecological mitigation, compensation and enhancement scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.

The approved plan will be implemented in accordance with the approved details.

Reason - To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit, in accordance with Policy CS9 and the National Planning Policy Framework.

11. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

The scheme shall include provision within the new dwellings (as integral boxes) rather than in retained trees.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

Land Condition / Contamination

12. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

Others

13. Construction 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.

14. 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.

15. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

16. 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.

17. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.
- Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

18. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

Highways

19. New vehicular and pedestrian accesses in connection with properties with direct access to Troughbrook Road shall be formed prior to occupation of dwellings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 50 metres in both directions measured along the nearside carriageway edge 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 greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

Reason – In the interests of highway safety.

20. Before any other operations are commenced in respect of dwellings to be served via a new road a new vehicular and pedestrian junction shall be formed to Troughbrook Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 50 metres in both directions measured along the nearside carriageway edge 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 greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

Reason – In the interests of highway safety.

21. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason – In the interests of highway safety.

22. The premises, the subject of the application, shall not be occupied until the proposed new estate street within the application site have been designed and laid out in accordance with the 6 C's Design Guide which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

Reason – In the interests of highway safety.

23. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

24. The reserved matters details shall be in general conformity with the Illustrative Layout Plan, Opportunities and Constraints Plan, Supporting Planning Statement and Design & Access Statement.

Reason – To clarify the extent of the outline planning permission and to ensure a comprehensively designed scheme which takes account of the parameters set therein.

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.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
04. The Highway Authority recommends that the first 5m of the proposed driveways to individual properties 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 householder.
05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

06. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control 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. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) although the length should be longer, in line with 6 C's where it is in front of a garage. Single garages should have minimum internal dimensions of 3m x 6m and double garages 6m x 6m with adequate space behind each space for manoeuvring.
08. 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 Local Planning Authority should be mindful to obtain all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant, which is fundamental to allow the drainage of the proposed development site.

The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. We would recommend an easement of approximately 3m if the swale is less than 2m in width and 4.5m for swales over 2m in width. Whilst this is not stipulated within any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

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 3.3 of the CIRIA SuDS Manual C697. 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:
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 S4/5.