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Ctte Date: 20th November 2017

File No: CHE/17/00421/FUL
Plot No: 2/1192

ITEM 1

RESUBMISSION OF CHE/16/00591/FUL - RESIDENTIAL DEVELOPMENT OF 12 UNITS AND ASSOCIATED ANCILLARY WORKS - REVISED PLANS RECEIVED 12/10/2017 AT THE SHRUBBERIES, 46 NEWBOLD ROAD, NEWBOLD, CHESTERFIELD, DERBYSHIRE, S41 7PL FOR PEPPERMINT GROVE LTD

Local Plan: Unallocated
Ward: Brockwell

1.0 CONSULTATIONS

Local Highways Authority	Referred on 28/07/2017 but no further comments received
Strategic Planning Team	No comments received
Environmental Health Officer	Comments received 17/07/2017 – see report
Design Services	Comments received 03/08/2017 – see report
Economic Development Team	Comments received 01/08/2017 – see report
Yorkshire Water Services	No comments received
Derbyshire Constabulary	Comments received 18/07/2017 – no objections
DCC Strategic Planning	Comments received 07/08/2017 – see report
Lead Local Flood Authority	Comments received 25/07/2017 – see report
Coal Authority	Comments received 03/08/2017 – see report
Tree Officer	Comments received 22/08/2017 – refer to previous app. comments
C/Field Civic Society	Comments received 09/08/2017 – see report
Conservation Officer	Comments received 17/08/2017 – refer to previous app.

	comments
Urban Design Officer	No comments received
Derby & Derbyshire County Archaeologist	Comments received 01/08/2017 – no objections as proposals have no archaeological impact
Derbyshire Wildlife Trust	Comments received 09/08/2017 – see report
Care Commissioning Group	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Ten letters of representation received

2.0 **THE SITE**

- 2.1 The application site (known locally as The Shrubberies, 46 Newbold Road) is a 0.4ha previously developed parcel of land located on the north western edge of Chesterfield Town Centre, positioned at the south side of the B6051 Newbold Road. It has previously been utilised as office accommodation for the NHS Primary Care Trust, featuring one building on site, parking and gardens which all remain in situ but are currently vacant. The site is enclosed with boundary walls to all adjoining aspects and features a number of mature trees which are all protected by Tree Preservation Order 4901.133.
- 2.2 Uses in the surrounding area represent a transition from the mixed uses of the town centre becoming more predominantly residential. To the north (on the opposite side of Newbold Road) there is a mix of commercial and residential properties which face the site and align Highfield Road. To the west are the rear elevations of neighbouring residential properties which front onto Cobden Road. To the south is the playing field of St. Mary's Catholic Primary School and to the east is the detached property St Joseph's which also currently lies vacant (but was recently operated as a residential care / support home).

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0193/0034 - Permanent change of use from residential to office accommodation. Conditional permission granted 18/03/1993.

- 3.2 CHE/1093/0622 - Outline application for erection of office building. Condition permission granted 10/02/1994.
- 3.3 CHE/0395/0146 - Extension to offices and alteration to car park. Application withdrawn 07/07/1995.
- 3.4 CHE/0597/0222 - Car parking provision for up to 14 vehicles. Conditional permission granted 25/06/1997.
- 3.5 CHE/1197/0584 - Waiver of condition 2 and 7 of CHE/597/222 relating to site entrance site entrance. Conditional permission granted 24/02/1998.
- 3.6 CHE/08/00413/TPO - Work to T4 Hawthorn, T14 Sycamore and T15 Oak and fell T11 & T12. Conditional permission granted 25/07/2008.
- 3.7 CHE/09/00202/TPO - T1-T10 Crown lift + reduce. Conditional permission granted 16/04/2009.
- 3.8 CHE/10/00012/FUL - Replace timber rear gates that face onto Cobden Road. Conditional permission granted 10/03/2010.
- 3.9 CHE/16/00591/FUL - Residential development of 13 units and associated ancillary works (correspondence received 11/10/2016 and revised plans / details received 13/10/2016, 22/11/2016, 07/12/2016 and 16/12/2016). Refused by Planning Committee on 10/01/2017 for the following reason:

1. *In the opinion of the local planning authority the loss of the existing building will result in the erosion of the character of the area to the detriment of the appearance of the local area. Furthermore the loss of protected trees will be detrimental to the character of the area having regard to the ecological and amenity contribution they provide. The local planning authority consider therefore that the development does not respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context and will therefore be at odds with policies CS9 and CS18 of the Core Strategy 2011-2031.*

The above refusal was the subject of an Appeal to PINS which was dismissed by an Inspector on 28/09/2017 for the following reasons:

I conclude that the development would result in significant harm upon the character and appearance of the area, due to the incompatible siting of Plot 13 which would have a harmful effect upon the health and longevity of protected Whitebeam (T3) and Beech (T5) trees that contribute high amenity value to the Newbold Road frontage. The proposal, therefore, would conflict with Policies CS9 and CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011 - 2031 (CS), adopted July 2013. When taken together the policies seek that all development should identify, respond to and integrate with the character of the site and surroundings and the local distinctiveness of its context, including tree cover and an attractive interface between development boundaries and their surroundings. The policies are consistent with the National Planning Policy Framework (the Framework).

The proposal would not have a harmful effect upon biodiversity and I attribute positive weight to the social and economic benefits arising from the development of 13 new homes in an accessible location close to Chesterfield Town Centre. However, the harm upon the character and appearance of the area arising from the incompatible siting of the dwelling on Plot 13 resulting in a harmful effect on the long term health and longevity of Whitebeam (T3) and Beech (T5) trees on the Newbold Road frontage, is significant and overriding. The absence of harm in all other respects is a neutral factor. Consequently, the proposal would not result in sustainable development when considered relative to the development plan and the Framework as a whole.

This Appeal outcome was reported to Planning Committee at the last meeting held on 30th October 2017, under Agenda Item 8.

3.10 CHE/17/00059/DEM - Demolition of vacant/former office accommodation. Prior approval for method of demolition agreed on 03/04/2017.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the erection of 12 no. dwellings. The scheme detailed comprises of a courtyard one and half storey development of detached, semi-

detached and terrace properties served by a single shared access driveway to Newbold Road.

- 4.2 The scheme submitted adopts a contemporary design and the development focuses on a mono-pitched one and half storey concept around the courtyard development. Access into the site is maintained in its current location within the Newbold Road frontage but is subject to reconfiguration to maximise visibility and amendments are also detailed to the frontage boundary wall to Newbold Road, due to existing damage (weathering and structural).
- 4.3 The scheme comprises a mix of two and three bedroom properties, each which include at least 1 no. bedroom at GF level. House types B, C and D are detailed. All units are served by a single driveway parking space and a single integral garage space.
- 4.4 The application submission has been accompanied by the following list of plans / supporting documentation:
- PG.218516.LOC – Site Location Plan
 - PG.218516.101D Planning Layout
 - PG.218516.102D Landscaping Masterplan
 - PG.218516.103C Site Sections
 - PG.218516.104A Survey Block Plan Overlay
 - PG.218516.111B Type B Proposed Plans
 - PG.218516.112 Type C Proposed Plans
 - PG.218516.113 Type D Proposed Plans
 - PG.218516.115B Courtyard Block Elevations
 - PG.218516.116B Courtyard Block Elevations
 - PG.218516.119 Site Frontage Railings
 - PG.218516.SS Indicative Streetscene Visuals (1-5)
 - 21620_OGL-REV0 – Topographical Survey
 - TSC 01B Tree Survey
 - TSC 02B Tree Constraints Plan
 - TSC 03C Tree Protection Plan
 - TSC 04A Landscape Masterplans
 - PG.218516.DA Rev A - Design & Access Statement
 - Ecology Scoping Survey (prepared by Prime Environment) dated December 2016 and a Bat Climbing Inspection.
 - Phase 2 Geotechnical and Geo-environmental Site Investigation Report (prepared by Eastwoods & Partners) dated December 2016
 - Arboricultural Method Statement – Nov 2016

4.5 Revisions to the application were made on 12/10/2017 and this information was subject to re-consultation.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.1.1 The site is situated within the built settlement of Brockwell in an area predominantly residential in nature. Having regard to the nature of the application policies CS2 and CS18 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.

5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

5.1.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

5.2 **Principle of Development**

5.2.1 The site the subject of the application is unallocated and is situated within the built settlement of Brockwell ward surrounded by a combination of residential properties and commercial properties which reflect the transition from the nearby town centre to the peripheral suburban residential areas.

5.2.2 Policies CS1 and CS2 of the Core Strategy set the Councils overall spatial strategy and the principles for the location of new development stating that all new development and growth should be located in areas which are within walking and cycling distances of centres. In regard to the sites spatial setting, the site is within walking / cycling distance of the Chesterfield Town Centre (Policy CS1) and is therefore considered in principle to be an appropriate infill development site for new development.

5.3 **Design and Appearance Considerations (including Neighbouring Effect)**

Use

5.3.1 The site lies in an established residential area, but which also contains a mix of transitional uses, leading away from the town centre. These include St Marys Primary School, bed and breakfasts, a church, a care home etc. The site is sustainably located and the principle of residential development on the site is acceptable, subject to a design which reconciles the various site constraints.

Amount

- 5.3.2 The submission proposes 12 units arranged around a central courtyard which based upon the site area, represents a fairly standard sub-urban density.

Layout

- 5.3.3 The proposals are designed in the form of a courtyard arrangement which backs onto Newbold Road and creates a largely insular, inward looking layout. Ordinarily a format that achieves a positive relationship with the streetscene that looks towards and addresses the road would be sought.
- 5.3.4 Notwithstanding this however given the presence of mature trees along the site frontage and the stand alone nature of the current building, developing further into the site is considered to be a legitimate design response on this site.
- 5.3.5 The proposed units comprise a mix of two and three bedroom dwellings and gardens should achieve a minimum of 50sqm for 2-bed units and 70sqm for 3-bed units. Overall the proposals exceed these requirements for the majority of plots, although Plots 4 and 9 appear to fall slightly below the minimum garden size thresholds for a 3-bed house.
- 5.3.6 The proposed layout will require the removal of a number of trees in order to accommodate the proposed layout. This will inevitably reduce the amount of visible tree cover currently contained within the site, potentially detracting from the appearance of the Newbold Road streetscene and diminishing sylvan qualities of the site and its contribution to the appearance of the locale.
- 5.3.7 Notwithstanding this the remaining trees along the front margin of the site alongside Newbold Road would retain a presence of some mature trees, although this would provide only a thin layer relative to the depth of mature tree cover currently present. As per the Tree Officers comment below however a compensatory planting scheme is detailed which will strengthen this cover over time.
- 5.3.8 It is assumed the access road is unlikely to be adopted by the local highway authority and as such a bin collection point (BCP) will be required close to the entrance to enable waste collection to take place from Newbold Road. During a double bin collection day sufficient space would be required to accommodate two bins per

property (26 in total). Large BCP's have the potential to appear utilitarian and unsightly. As such, any BCP would need to be carefully located and designed to avoid adverse visual impacts on the amenity of the development and streetscene. An appropriate planning condition can be imposed to this effect to require further details to be submitted for approval.

Scale and massing

- 5.3.9 The courtyard layout creates a concentrated form of development with units on the eastern and western edges of the site in very close proximity to the party boundary. Although the removal of the existing building would result in a more open aspect to the outlook from Nos. 48 Newbold Road and 43-45 Cobden Road, the outlook from Nos. 35-41 Cobden Road would be more significantly impacted by the proposed layout and Plots 9 and 10 in particular, which run the full length of these rear gardens, within approximately 1.0m of the current boundary wall.
- 5.3.10 The DAS indicates that the scale is intended to be subservient with a layout and windows designed to respect neighbour amenity. The submission is accompanied by site sections which accurately reflect the position of the existing boundary wall and the scale / mass of the proposed development. The proposed units have been designed as 1.5 storey dwellings with some accommodation contained within the roof spaces, although no direct overlooking would result due to the positioning of roof windows.
- 5.3.11 Throughout the previous application process there had been an ongoing dialogue with the applicant over the scheme proposed. One concern which was raised related to the scale and massing of the development relative to Nos. 35-41 Cobden Road as described above.
- 5.3.12 As a result of these concerns the design of the scheme was amended and the height of the roofs to the attached garages were reduced to add some visual relief to the ridgeline along the western boundary as viewed from the neighbouring properties along Cobden Road. The resubmitted application which is now being considered still reflects this change and it is considered that whilst some of the neighbouring properties to Cobden Road have enjoyed uninterrupted views from their rear gardens boundaries the right to a view is not a material consideration as circumstances can change where new development is proposed.

- 5.3.13 In order to assess the impact of such circumstances described above, the LPA have prepared an Supplementary Planning Document (SPD) specifically to inform judgement of new residential development and this document sets out appropriate separation distances to protect and preserve neighbouring amenity. In this instance the development proposed meets the parameters of the SPD and therefore whilst an impact would occur (given the current circumstances enjoyed) the severity of the impact would not be sufficient as to warrant refusal of planning permission.
- 5.3.14 On the recent appeal the inspector considered the relationship with the neighbouring properties adjoining the site which he noted are generally at raised land levels relative to the site. The removal of the existing building and replacement with a one and half storey development would reduce the scale, bulk and massing of built form visible from Nos. 43 and 45 Cobden Road and No 48 Newbold Road. The inspector accepted that the development would introduce built form closer to the habitable windows and rear gardens of Nos. 35-41 (odds) Cobden Road and No 44 Newbold Road. However, the difference in slab and garden levels of those properties, together with the modest scale of buildings proposed would prevent any adverse impact in terms of outlook, privacy and light despite the close proximity of built form to boundaries. Consequently, the inspector considered the development would not have a detrimental impact upon the living conditions of occupiers of neighbouring properties.

Hard Landscaping

- 5.3.15 The front boundary wall is constructed from a type of early aggregate block with a core of brick which is revealed in places due to erosion. The wall itself is a substantial height, but its materials are not characteristic of the local area. It is possible that the wall may need to be removed and a new boundary reinstated. Any replacement boundary treatment will need to be appropriate to the streetscene, as well as in relation to the retained trees however, screen fencing would not be appropriate on such a prominent frontage.
- 5.3.16 It is consider that an appropriate hard landscaping condition could be imposed on any decision issued to secure the exact detail and finish to this boundary wall.

Appearance

- 5.3.17 The application proposes a contemporary approach to the architectural form of the houses, mixing dual pitched, asymmetrical and mono-pitched roofs. This styling would be in contrast to the largely Victorian and Edwardian character of the locality. Nevertheless there is no objection in principle to employing contemporary design, provided that the selection of materials and finishes is harmonious with its setting.
- 5.3.18 The materials should reflect those of the locale and therefore an appropriate condition can also be imposed on any permission issued to control the choices and finishes in this respect.
- 5.3.19 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not adversely impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies. Notwithstanding this however, due to the proximity of some of the adjoining and adjacent neighbouring properties and internal plot relationships 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.

5.4 Highways Issues

- 5.4.1 The **Local Highways Authority** (LHA) have not provided any specific comments on the latest application submission, however on the basis the proposals are identical to the previously submitted scheme with the exception of the loss of Plot 13 it is considered that their comments on the previous planning application would still be applicable.

‘The site has been the subject of a previous informal enquiry and in principle residential development is considered acceptable. It should be noted that on the layout as indicated the Highway Authority would not consider the access for adoption as part of the publicly maintainable highway and the developer should be aware

of the implications of this in terms of lack of future maintenance etc.

The access shall be constructed as a standard vehicular dropped crossing to give priority to pedestrians and not with kerbed radii.

Information provided indicates that the applicant is under the assumption that a refuse vehicle will enter the site. This should be clarified with the refuse/recycling collection authority and in the event this will not be the case a bin dwell area will be required clear of the highway and access and will need to be of adequate dimensions to accommodate the maximum number of bins on any one collection day.

It is understood that each dwelling will have a single integral garage and it is assumed, in the absence of any specific information that these are of adequate internal dimensions i.e. 3m x 6m with a door opening of 2.3m.

Subject to the above, there are no objections and it is recommended that the following conditions are included in any consent.

- 01. No development shall take place including any works of demolition 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 but not necessarily be restricted to the following as appropriate*
 - 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*

- 02. No part of the development shall be occupied until the following works have been carried out in accordance the details first submitted to and approved, in writing, by the Local Planning Authority in respect of any necessary alterations to the footway crossing for the access to the site*

such that a vehicular dropped crossing is provided rather than kerbed radii.

- 03. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No. UR Revision A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.*
- 04. The garages hereby permitted and car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. 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.*
- 05. There shall be no gates or other barriers on the access/driveway.*
- 06. The proposed access to Newbold Road shall be no steeper than 1:30 for the first 10m from the nearside highway boundary and 1:12 thereafter. Individual drives shall not exceed a maximum longitudinal gradient of 1:14.*
- 07. 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.*
- 08. 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.'*

5.4.2 Having regard to the comments received from the LHA above, it is confirmed that the internal garage measurements commented upon meet the dimensions standards sought by the LHA. Furthermore the issue of refuse collection has been highlighted to the applicant, who has been informed that it is highly unlikely the refuse collection vehicle would enter the site to undertake collections. The applicant has accepted this scenario and confirmed that would be happy to provide further details by condition of a refuse collection area at the entrance of the site where residents would present their bins on collection day to allow collection to take place at Newbold Road. In this regard it is not unusual for a development of this nature to have refuse collection service in this manner and there is appropriate space located within the application site boundary adjacent the shared driveway proposed to ensure a bin collection facility can be accommodated without detriment to highway safety.

5.4.3 The site at present is currently served by a dropped crossing access point and the desire of the LHA for this to be maintained as part of appropriate access alterations are noted. This would ensure that pedestrian priority is maintained across the site frontage.

5.4.4 Given the sites previous use as offices and the level of on site car parking evident in association with this use, whilst highway safety associated with residential use is raised by a number of objectors, it is unlikely that the number of vehicle movements associated with 13 no. dwellings would be significantly greater than the number of vehicle movements which took place in association with the previous use / fall-back position. It is noted that the LHA have not raised any objections to the use of the single access point to serve a residential development and overall it is considered that the scheme provides an appropriate level of off street parking commensurate with the scale and type of development being sought. It is considered that the development, subject to appropriate condition, meets the requirements of policies CS2, CS18 and CS20 in respect of highway safety matters.

5.5 **Heritage / Archaeology**

5.5.1 Matters concerning heritage and archaeology had previously been considered alongside the 2016 scheme (the subject of the refusal /

appeal) and the loss of the building on site formed part of the LPA's initial reasons for refusal.

5.5.2. Notwithstanding this since the 2016 refusal, the building on site has been the subject of a separate application of prior notification for proposed demolition and the LPA / Planning Committee subsequently gave prior approval for the building to be demolished under application ref CHE/17/00059/DEM on the 03/04/2017.

5.5.3 Despite the fact the building is yet to be demolished matters concerning any of the buildings heritage merit now carries very little weight in the consideration of this planning application. Furthermore despite the comments made by the **Chesterfield Civic Society** in response to this current planning application; a planning refusal on such grounds of the loss of the building would be wholly unreasonable given the subsequent planning history and appeal which has followed the previous decision.

5.6 **Trees & Ecology**

Trees

5.6.1 Having regard to the fact the application site is covered by a blanket of trees protected by tree preservation order the application submission was accompanied by an Arboricultural Method Statement and Tree Survey, Tree Constraints Plan, Tree Protection Plans and Landscape Masterplans.

5.6.2 These documents and the application proposals were reviewed by the Council's **Tree Officer** who replicated his comments on the scheme as per the previous planning application as detailed below:

'A detailed tree survey has been submitted with the application by Weddle Landscape Design dated July 2016. It is proposed that 29 individual trees on the site are to be felled for the development, including 12 of 19 under tree preservation 4901.133.

Two of the protected trees reference T11 and T12 on the TPO plan attached are replacement Oak trees which replaced two willow trees from the original order. These two trees have recently been planted and could possibly be planted elsewhere in the scheme or alternatively new trees planted as replacements due to their small size. It is proposed that T11 is retained in the scheme in its current location however its ultimate height and spread so close to the

proposed development would cause considerable problems in the future. The re-location of this tree is therefore recommended.

Other trees within the Order reference T2, T4, T7 & T9 Hawthorn are either dead or dying. T8 Whitebeam, T13 Hawthorn, and T14 Sycamore are of poor shape due to overcrowding by other trees or smothered in ivy which has reduced their visual appearance and loss of internal structure.

The poor condition and limited life expectancy of T16 Weeping Ash (decay in the upper crown and limited branch framework), T18 Cherry (included union at the base) and T19 Sycamore (decay in the main stem and base) also make them unsuitable to be retained in any development scheme where the risk of failure and potential damage they may cause increases dramatically.

This leaves just 7 trees within the Order which are of good condition and worthy of retaining. Five of these trees reference T1, T5, T6 & T10 Purple Beech and T3 Whitebeam are located to the frontage of the site off Newbold Road and have very high visual amenity and should be retained in the scheme and protected throughout the demolition and construction phases.

The other two protected trees are located further into the site and which are proposed to be removed reference T15 Oak and T17 Sycamore. These two trees lack visual amenity due to their position within the site. After an assessment of the two trees and walking around the public highway around the site, the Helliwell Amenity Evaluation system was used to assess their amenity value. It was concluded that these two trees lack visual amenity because of the limited visual impact they have on the surrounding area and the only visual advantage points are from St Mary's school grounds and the surrounding houses. T15 Oak also seems to be suffering from stress which is shown by the amount of epicormics growth in the trees crown and may be attributed to the new tarmac driveway which has been constructed all around the tree. I therefore have no objection to these two trees being removed to accommodate the proposal as long as new trees are planted in mitigation for the loss.

It was also noted on a recent site visit that the front boundary wall is of very poor condition due to the materials used and how it was constructed. This wall will probably have to be removed at some

stage because of this deterioration, cracking and bulging around T1 Beech. It is unclear at this stage if it will be possible to rebuild the wall around T1 Beech until the wall is removed and further assessed. There is also a land level change in this area and the walls removal might compromise the stability of T1 Beech if the trees main anchoring roots are found to be the cause of the problem. This will therefore have to be reassessed once any action is taken whether or not the application is approved.

Plot 13

One dwelling is proposed to the frontage of the site reference plot 13 which may have an impact on T1 & T5 Purple Beech and T3 Whitebeam. The dwelling will also be overshadowed by the protected trees to the frontage. This dwelling is only 4 metres away from the nearest protected tree and will also restrict any new tree planting to the frontage for the trees lost.

Pressure will also be put onto the local authority to have the trees pruned or felled in the future to reduce any perceived nuisance from overhanging branches, leaf fall, shade and light issues.

The new proposed dwelling and driveway will also run through the RPA of T5 Purple Beech and T3 Whitebeam. The dwelling should therefore be removed from the scheme unless the applicant can show how any impact on the rooting system of T5 through above ground construction methods can be avoided and how any perceived nuisance that the existing and new tree planting can be avoided without affecting the quality of life to any new occupier of the dwelling. Due to the lack of suitable tree planting locations on the site which would improve the visual amenity for the general public for the tree lost then the dwellings removal if the preferred option.

Other trees on the site.

Other trees on the site as shown in the tree survey submitted with the application by Weddle Landscape Design dated July 2016 have been categorised as C2 (trees of low quality with low landscaping benefits) and U trees (Those is such a condition that they cannot be realistically retained). I am in agreement with the assessment as the trees are either of poor condition, small in size, located next to walls or other structures and/or are crowded out by other more dominant trees.

New Landscaping

As so many trees are to be removed from within the site through natural decline and to accommodate the development, a revised landscaping scheme should be submitted if the development is approved. Any new planting scheme should enhance the frontage of the site and the proposal should consist of new trees to replace the protected trees lost and an understorey of small woodland trees and shrubs to enhance the biodiversity of the site. As stated in the Derbyshire Wildlife comments, there will be a net loss of biodiversity within the proposal which would not comply with NPPF. This could be offset by a wildlife zone to the frontage to provide a source of beneficial vegetation for wildlife and creating new habitats such as bird boxes, wood piles and low nesting sites by using low woodland vegetation.

The revised landscaping scheme should also show the location of the replacement trees replacing the ones removed from the Order which will then be automatically covered by the existing Tree Preservation Order.

The replacement trees should be planted to the satisfaction of the Borough Council during the first available planting season i.e. 1st November 2017 to 31st March 2018 following the completion of the development and they shall be maintained under the terms and provisions of the aforementioned Tree Preservation Order.

The replacement trees should be a mixture of Mountain Ash, Hawthorn, Silver Birch, Hazel and Field Maple or an agreed alternative and conform to BS8545: Trees: from the nursery to independence in the landscape-Recommendations, 2014, Section 10 Planting.

The replacement trees shall comprise of standard size trees with a stem circumference of 8-10cm which should be staked and tied.

Tree Protection

A tree constraints plan reference TSC 02 Rev A and a tree protection plan reference TSC 03 Rev A by Weddle Landscape design have been submitted with the application. The plans supplied are acceptable and a condition should be attached if the scheme is given approval which ties the tree protection measures and location of tree protective fencing to the scheme before any demolition of construction commences on the site.

Further details need to be provided showing how any disturbance to the rooting environment of T5 Purple Beech can be avoided for the driveway to plot 13 if consent is granted for this plot. Details of an approved 'no dig' construction method should be submitted for consideration showing how the driveway can be achieved without root severance and compaction to the T5. Any hard surfaces/driveways within the retained tree RPA must be constructed using the 'no dig method'. This means that construction will have to be above ground but with no change in ground level and using a 3-dimensional load spreader in filled with a no-fines aggregate to allow oxygen to diffuse and creating a free draining environment.

Facilitating Pruning

Before construction work commences details of any intended tree pruning works shall have been submitted in the form of a formal tree application to the Local Planning Authority for consideration. Only those works approved in writing by the Local Planning Authority shall be undertaken in a method which accords with BS 3998.

I therefore have no objections to application CHE/16/00591/FUL as long as the above mentioned comments are taken into consideration and the conditions below are attached.

Conditions

- *Trees T1, T5, T6 & T10 Purple Beech and T3 Whitebeam of Tree preservation Order 4901.133 shall be retained.*
- *A revised landscaping scheme shall be submitted showing addition wildlife planting to the frontage of the site off Newbold Road and show the location of the replacement trees replacing the ones removed from the Tree Preservation Order 4901.133 which will then be automatically covered by the existing Tree Preservation Order.*
- *To protect the trees during demolition/removal of hard surfaces and construction a root protection area (RPA) calculated to form a construction exclusion zone around the trees should be established as shown in drawing TSC 03 Rev A by Weddle Landscape design.*
- *The trees should then be protected by fencing as shown on drawing TSC 03 Rev A by Weddle Landscape design conforming to BS 5837 during site clearance and while any*

construction is in progress. Notices should be attached to the fencing at regular intervals to this effect.

- *The protective fencing around the trees root protection area's should be inspected and approved by an Officer of the Council or appointed Arboriculturalist before any materials and machinery are brought on to the site and before the removal of hard surfaces, soil stripping and construction commences.*
- *Once erected, barriers should not be removed or altered without prior approval of the local planning authority.*
- *For tree roots to be retained undamaged there must be no excavations, no soil stripping and no grading of the site within the RPA. There should also be no storage of materials within the RPA.*
- *A plan showing where the storage of materials, site cabins, plant and machinery and any other construction material and parking will be located on the site. This should be submitted and approved before demolition, soil stripping and construction commences.*
- *A method statement should be submitted to the Council demonstrating how the existing hard surfaces, services are to be removed within the designated root protection areas before construction on the site commences. The removal of any existing hard surfaces within the RPA should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools or appropriate machinery should be used to remove the existing surface.*
- *Any hard surfacing within the root protection areas should be constructed above ground using a recognised 'no dig' method. Details of the 'no dig' construction method should be submitted and approved before construction within the RPA's commences.*
- *Any works not agreed within the Root Protection Area must be discussed with the Planning Officer before any operations commence.*
- *The protective fencing shall be retained intact for the full duration of the development and should not be repositioned or removed without prior written approval from the Local Planning Authority.*
- *Before any operations commence, details of the space provided within the site for the storage of plant, and materials, site accommodation, loading, unloading and manoeuvring of goods*

vehicles, parking and manoeuvring of employees and visitors vehicles first submitted to and approved in writing by the Local Planning Authority avoiding the Root Protection Areas (RPA) of the retained trees on the site and adjacent land. Once implemented the facilities shall be retained and not relocated within the retained trees RPA throughout the construction period.'

5.6.3 Following the initial comments above on the original planning application the Tree Officer provided further comments on a revised package of details (21 November 2016) as follows:

'Further details have now been provided in response to my previous comments on the 14th October 2016 and meeting with the applicant on the 23rd November 2016.

Revised Drawing PG.218516.104 Rev B Planning Layout

The drawing now shows the driveway to plot 13 further to the south and outside the root protection area (RPA) of T5 Beech `as shown on drawing KL-63TSC03 Rev B 'Tree Protection Plan' by Weddle Landscape Design. The driveway can now be constructed using a traditional method without the need for an above ground system being used. As the driveway edge is on the outer perimeter of the root protection area, care must be taken when excavating for the driveway edgings and any excavations must not encroach into the RPA.

Revised drawing PG-218516-102 Rev B Landscaping Masterplan

The submitted drawing shows hedge planting to the frontage of the site off Newbold Road which is contradictive of drawing TSC04 Landscape Master Plan and Planting Details by Weddle Landscape Design which shows a wildlife shrub planting as requested in my previous comments and which will mitigate against the loss of trees and shrubs from the development proposal.

The landscaping proposals and species, quantity, size and location on drawing TSC04 Landscape Master Plan and Planting are acceptable and will provide a valuable wildlife habitat and varied ornamental shrub planting around the site. Also noted is the relocation of the replacement TPO trees reference T11 & T12 Oak which have been moved from the southern boundary to the frontage of the site off Newbold Road.

11 protected trees out of a total of 19 will be removed due to the development with 16 new trees being planted around the site. Two new trees to the north of plots 1 & 12 consisting of one Mountain Ash and one Field Maple as shown on drawing TSC04 Landscape Master Plan and Planting Details will be highly visible in the street scene when viewed from Newbold Road and should therefore be included as replacement trees for T2 & T4 Hawthorn of TPO 133 so that the Council has control over any further proposals to fell or prune the trees.

I therefore have no objections to application CHE/16/00591/FUL as long as the above mentioned comments are taken into consideration and the conditions from my previous comments as amended below are attached.

Conditions

- Trees T1, T5, T6 & T10 Purple Beech and T3 & T8 Whitebeam of Tree preservation Order 4901.133 shall be retained.*
- Trees T11 & T12 Oak of tree preservation order 4901.133 shall be relocated to the frontage of the site as shown in drawing TSC04 Landscape Master Plan and Planting Details by Weddle Landscape Design. If these two trees fail during transplanting and thereafter, two new heavy standard Oak trees shall be planted as their replacements and maintained under the terms and provisions of the aforementioned Tree Preservation Order.*
- Two trees consisting of one Mountain Ash, Sorbus aucuparia and one Field Maple, Acer campestre shall be planted in the first available planting season after the development is completed in the location as shown on drawing TSC04 Landscape Master Plan and Planting Details by Weddle Landscape Design to the frontage of the site off Newbold Road as replacement trees for T2 & T4 Hawthorn of tree preservation order 133 and maintained under the terms and provisions of the aforementioned Tree Preservation Order.*
- To protect the trees during demolition/removal of hard surfaces and construction a root protection area (RPA) calculated to form a construction exclusion zone around the trees should be established as shown in drawing TSC 03 Rev A by Weddle Landscape design.*

- *The trees should then be protected by fencing as shown on drawing TSC 03 Rev B by Weddle Landscape design conforming to BS 5837 during site clearance and while any construction is in progress. Notices should be attached to the fencing at regular intervals to this effect.*
- *The protective fencing around the trees root protection area's should be inspected and approved by an Officer of the Council or appointed Arboriculturalist before any materials and machinery are brought on to the site and before the removal of hard surfaces, soil stripping and construction commences.*
- *The protective fencing shall be retained intact for the full duration of the development and should not be repositioned or removed without prior written approval from the Local Planning Authority.*
- *For tree roots to be retained undamaged there must be no excavations, no soil stripping and no grading of the site within the RPA. There should also be no storage of materials within the RPA.*
- *A plan showing where the storage of materials, site cabins, plant and machinery and any other construction material and parking will be located on the site. This should be submitted and approved before demolition, soil stripping and construction commences. This should be outside the designated Root Protection Areas.*
- *A method statement should be submitted to the Council demonstrating how the existing hard surfaces, services are to be removed within the designated root protection areas before construction on the site commences. The removal of any existing hard surfaces within the RPA should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools or appropriate machinery should be used to remove the existing surface.*
- *Any hard surfacing within the root protection areas should be constructed above ground using a recognised 'no dig' method. Details of the 'no dig' construction method should be submitted and approved before construction within the RPA's commences.*
- *Any works not agreed within the Root Protection Area must be discussed with the Planning Officer before any operations*
- *commence.'*

5.6.4 In respect of the above it is noted that the latest application now being considered deletes Plot 13 from the scheme and this amendment has come about as a result of the PINS Appeal decision whereby the Inspector dismissed the Appeal against the previous refused planning application on the grounds of the potential impact of the development upon two specific protected trees which were affected by Plot 13.

5.6.5 Notwithstanding the fact that the Council's Tree Officer was originally happy with the proposals with the inclusion of Plot 13, in deleting Plot 13 the only outstanding reason for the Appeal being dismissed is eliminated and thus there cannot be any other conclusion reached than that the development as amended is acceptable in terms of its impact upon protected trees.

Ecology

5.6.6 In addition to the comments received from the Tree Officer above the application submission and supporting documentation was also reviewed by **Derbyshire Wildlife Trust (DWT)** who offered the following observations:

We have considered the relevant documents submitted as part of the planning application with particular reference to the following:

- *Tree inspection letter – Prime Environment – March 2017*
- *Ecology Scoping Survey – Prime Environment – Rev 2 December 2016*
- *Design and Access Statement – Oasis Urban Design – Rev A June 2017*

The Tree inspection letter details the results from recommendations within the Ecology Scoping Survey (Section 3 Results and Discussion) which outline specifically that Trees 8 (T8) and Tree 17 (T17) should be subject to an aerial inspection of the features considered suitable for roosting bats. The subsequent results showed that T8 was of low potential and T17 of moderate potential.

We would request that the recommendations detailed within the letter are now adhered to, with T8 being 'soft felled' and T17 having additional nocturnal (dusk/dawn) surveys undertaken within the appropriate survey period.

With regards to the building on site, our previous comments on this still stand (emailed correspondence, C Adkins, 16/03/2017 – application CHE/16/00591). However, further correspondence suggests that the building may have already been demolished under application CHE/17/00059/DEM which was granted on 3rd April 2017. We would request clarification on whether this building is still standing or has been demolished.

It is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development.'

- 5.6.7 Having regard to the comments from DWT detailed above it is noted that the building in question still stands in situ; however it is the subject of a separate permission for demolition under application CHE/17/00059/DEM. On this basis DWT cannot insist that further survey work is undertaken of the building as permission for its demolition exists and can be implemented at any time without further ecological impact consideration. Such a requirement would be unreasonable. Notwithstanding this, any protected species potentially present on site (such as bats) are separately protected under the Countryside and Wildlife Act and the developer has a separate duty to ensure demolition works adhere to statutory protection laws.
- 5.6.8 Overall in the context of the comments which have been offered by DWT it is argued that appropriate planning conditions could be put in place to require further surveys of the trees (T17) to be undertaken prior to development commencing. The inspector on the recent appeal concluded that the development would not have a harmful effect on biodiversity, including protected species, subject to the imposition of conditions and the proposal, therefore, would not conflict with Policies CS9 and CS18 of the CS or the Framework in that respect. Furthermore it is considered under the provisions of policy CS9 of the Core Strategy that an appropriate balance can be struck between the retention of certain protected trees on site, new planting and incorporation of biodiversity enhancement measures (bird and bat boxes) such that a net gain in biodiversity can be achieved and the development proposals be accepted.

5.7 **Flood Risk & Drainage**

- 5.7.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from fluvial flooding. In respect of drainage, the application details that the development is to be connected to existing mains drain for foul water and mains drain / soak away for surface water.
- 5.7.2 The Councils **Design Services** team and **Yorkshire Water Services** have both commented on the application raising no objections in principle however details of the proposed site drainage strategy will need to be submitted for approval in accordance with the Council 'Minimum Standards for Drainage'. The developer will be required to demonstrate that sustainable measures of handling surface water drainage are not feasible prior to the scheme being accepted for connection to the mains system. Appropriate conditions can be imposed to this effect, if permission is granted.
- 5.7.3 The **Lead Local Flood Authority (LLFA)** has also commented on the application submission and have indicated that in their opinion the following information be sought prior to the application being determined.
- Site plan and impermeable area
 - Topographic survey of the site
 - Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company)
 - Basic calculations of the greenfield/brownfield runoff and discharge rates, in l/s/Ha, for the site.
 - A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location.
 - Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep.
 - Basic ground investigation (desktop survey as a minimum).
- 5.7.4 Notwithstanding the above it is considered that an appropriate drainage strategy can be requested by planning condition and it is not reasonable, given the scale and nature of development, for the LLFA to request the information prior to determination. The site is of sufficient size that it will easily accommodate appropriate storm storage and given the parameters of the site the handling of

surface water run off to appropriate discharge rates can be secured under the same condition without requiring detailed designs at this stage.

5.8 **Land Condition / Contamination**

- 5.8.1 The site the subject of the application is in part previously developed land and in part former garden / open land and therefore it is essential to ensure that the ground conditions are appropriate, or can be appropriately remediated to an appropriate level, to ensure that the ground is suitable for the development being proposed.
- 5.8.2 In accordance with policy CS8 of the Core Strategy and wider advice contained in the NPPF the application submission is accompanied by a Phase 2 Geotechnical and Geo-environmental Assessment (prepared by Eastwoods & Partners) which has been reviewed alongside the application submission by the **Coal Authority** and **Environmental Health Officer**.
- 5.8.3 The **Coal Authority (CA)** commented as follows:
'The Coal Authority considers that the content and professional opinions expressed in the Phase 2 Geotechnical & Geo-Environmental Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, 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, foundation design and gas protection measures should take place as part of any subsequent application for the development under the Building Regulations.'
- 5.8.4 Specifically in relation to land condition, the Councils **Environmental Health Officer (EHO)** has offered the following comments:
'Should planning consent be granted, please restrict the hours of demolition and construction to minimise noise disturbance to the residents of nearby existing properties. I see that the planning application is supported by a site investigation/geotechnical report. The report concludes that there is contamination within the soils and that these soils are not suitable with residential end use. The applicant will need to provide

a detailed report, such as a validation/verification report to demonstrate that the contaminated soils have been removed from site. All soils to be imported onto site must be tested at source and validated prior to importation. The results of the top soil testing must be submitted to Chesterfield Borough Council and approved in writing prior to importation. All lighting installed on site shall be designed as to minimise glare and overspill off site. The applicant shall submit a detailed lighting plan.'

5.8.5 Having regard to the comments detailed above it is considered that all of the issues raised by the EHO can be subject to appropriate planning conditions (under policy CS8 of the Core Strategy) if permission is granted. The CA has confirmed the site investigations undertaken and reported do not require any further mitigation / remediation in respect of coal mining legacy.

5.9 **Community Infrastructure Levy**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 12 no. new 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
New Dwellings	1039sqm		
Building (to be demolished)	- 574sqm		
CIL Liable GIF sqm	465sqm	465 x £50 (index linked)	£23,250
Total			£23,250

5.10 **Other Considerations**

S106 Contributions

5.10.1 Having regard to the nature of the application proposals, if the principle of development is accepted, several contribution requirements would be triggered given the scale and nature of the proposals (major application / residential development). 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.

- 5.10.2 Internal consultation has taken place with the Councils own **Economic Development** team, as well as externally with **Derbyshire County Councils Strategic Planning** team to ascertain what specific contributions should be sought.
- 5.10.3 The responses have been collaborated and considered alongside the development plan concluding a requirement to secure S106 Contributions / Legal Agreements in respect of negotiations up to 1% of the overall development cost for a Percent For Art scheme (Policy CS18); and appointment of an external management company to manage and maintain the on site drainage systems, communal areas and landscaping (Policies CS9). Matters in respect of education contributions (as requested in DCCs Strategic Policy response) and green infrastructure are now dealt with by CIL contributions (see section 5.9 above).
- 5.10.4 In respect of the remaining policy considerations and comments received the LPA would 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 by site notice posted on 20/07/2017; by advertisement placed in the local press on 27/07/2017; and by neighbour notification letters sent on 17/07/2017.
- 6.2 Following the outcome of the Planning Appeal the resubmitted application was subsequently revised on the 12/10/2017 and therefore the originally consulted neighbours and anyone who had made a representation on the application as a result of the first round of publicity were re-notified on 12/10/2017 giving 14 days for any further comments.
- 6.3 As a result of the applications publicity there have been ten letters of representation and comments from the Chesterfield Civic Society received as follows:

39 Cobden Road - 27/07/2017

Please take this letter as my objection to the re-submitted planning application on the grounds listed below:

The original planning application was rejected on the grounds that the building and trees should not be destroyed, the developer has found a way to demolish the building legally but the trees still remain protected both by TPOs and the planning committee decision. The proposed development still intends to destroy multiple mature trees, including a protected tree (T11) which is at the rear of my property. The Tree Officer's guidance that recommends this 20ft+ tree is to be relocated is an unrealistic suggestion and therefore the development continues to plan to fell this tree. The landscaping plan does not intend to substitute the loss of vegetation & the mature trees to an equivalent level already found on the site. We wish to reinforce our position with regards to the destruction of these natural assets, it is our opinion that the health, remaining life span and aesthetic & biodiversity values of these trees & vegetation has been underestimated and that the destruction of these would be a disgrace.

The development still proposes a significant impact on highway safety as well as the convenience of local road users. The comment that the amount of vehicles is comparable to the properties current level is inaccurate. The development would provide parking for around 26 vehicles (2 cars per plot) and over the past three years, the car park has only contained around 10-14 cars on an average daily basis. This development would increase the probability of an accident on Newbold Road.

I'm extremely concerned that the proposed development and subsequent foundations as well as the removal of tree root balls within the immediate proximity of my property (proposed garage less than 1.00-1.75m from my property boundary), would result in damage to my boundary wall, garden and property.

During the committee meeting in January, most of the committee agreed that building within 1.75m of the property boundaries on Cobden Road was unfair and I'm hoping the committee still agrees.

Below are some models that have been made by taking the information available on the planning portal. What hasn't been shown in the proposal is the overall impact the height of the buildings, window positions and loss of trees will have on the adjoining residents.

Even though the updated design has lowered the roof eaves, given that they are still 1.5 story houses, the large windows that remain in the roof are only a few meters away from the rear boundary of existing properties, persons upstairs will be able to look directly into the rear gardens and back rooms of the properties of Cobden Rd, resulting in an intolerable loss of privacy.

These models have been scaled from plans available on the Chesterfield Borough Council planning portal, as such they are approximations.

The proposed development will still severely diminish the open aspect of the area currently available to the occupants of adjacent housing on Cobden Rd, resulting in blight to the neighbourhood. No information on what will happen to the gated access route into the site from Cobden Road has been proposed and currently this is now an overgrown waste ground that's not being maintained by the current owner. It is our fear that this area will be fenced off and left to deteriorate over time, a more sustainable use of the land should be considered.

The proposed unacceptable high density and over-development of the site will further impact current services which are already stretched. There has been no investigation into what the impact of 13 new houses would have on the combined sewer network that runs along Newbold Road. The Environment Agency or water authority may not have this area down as a flood risk, but outgoing foul drainage from properties on Cobden Rd still backs-up to a point where it overflows from private manholes resulting in pollution incidents linked to storm events or network congestion. Please understand how we the residents feel about this being built so close to our homes and think how you would feel if this was your home. We are not against development; we just believe a more reasonable design can be achieved.

39 Cobden Road - 19/10/2017

Please take this letter as my objection to the re-submitted & amended planning application on the grounds listed below:

The original planning application was rejected on the grounds that the building and trees should not be destroyed and an appeal by the developer has now been dismissed. The amended application has taken comments from the appeal decision report into consideration but not the comments made by Chesterfield Council's planning committee.

The proposed development still intends to destroy multiple mature trees, including a protected tree (T11) which is at the rear of my

property. The landscaping proposal to introduce species friendly vegetation is admirable but it does not substitute the loss of vegetation & the mature trees to an equivalent level already found on the site. We wish to reinforce our position with regards to the destruction of these natural assets, it is our opinion that the health, remaining life span and aesthetic & biodiversity values of these trees & vegetation has been underestimated and that the destruction of these would be a disgrace.

The proposal has now included railings along the site frontage adjacent to Newbold Road. These railings are unfitting within the local surroundings and they do not offer adequate privacy for the potential occupiers of the new development as their backrooms will be on show.

I'm extremely concerned that the proposed development & its subsequent foundations, as well as the removal of tree root balls within the immediate proximity of my property (the roots have spread under my property), would result in damage to my boundary wall, garden and property. The planning office has stated that this is a private matter between me and the developer, but given that my children's playhouse sits beneath the canopy of the tree to be removed and at the edge of the development site; it will be unsafe for them to play in the garden for as long as the construction takes place.

During the committee meeting in January, most of the members agreed that building within 1.75m of the property boundaries on Cobden Road was unfair and I'm hoping the committee still agrees. Below are some models that have been made by taking the information available on the planning portal. What hasn't been shown in the proposal is the overall impact the height of the buildings, window positions and loss of trees will have on the adjoining residents.

Even though the updated design has lowered the roof eaves, given that they are still 1.5 story houses, the large windows that remain in the roof are only a few meters away from the rear boundary of existing properties. Potential occupants will be able to look directly into the rear gardens and back rooms of the properties on Cobden Rd and residents from Cobden Rd will be able to look directly down into the proposed properties from upstairs, resulting in an intolerable loss of privacy for both parties.

These models have been scaled from plans available on the Chesterfield Borough Council planning portal, as such they are approximations.

I've noted that previous planning applications submitted to the council has taken the matter of window positions seriously and I hope it will be taken seriously again in this scenario.

The proposed development will still severely diminish the open aspect of the area currently available to the occupants of adjacent housing on Cobden Rd, resulting in blight to the neighbourhood. No information on what will happen to the gated access route into the site from Cobden Road has been proposed and currently this is now an overgrown waste ground that's not being maintained by the current owner. It is our fear that this area will be fenced off and left to deteriorate over time, a more sustainable use of the land should be considered.

The proposal is an unacceptable level of high density development within a small boundary, squeezing as many properties into the plot as possible will lead to encroaching on the local resident's wellbeing and personal space unnecessarily.

Please understand how we the residents feel about this being built so close to our homes and think how you would feel if this was your home. We are not against development; we just believe a more reasonable design can be achieved.

33 Cobden Road - 20/10/2017

Objects to the Planning Application. Reasons: Policy - Residential Amenity - Traffic or Highways - Visual

Comments: Removal of mature trees; Overlooking of windows; Proximity of build to our rear walls; and Design naff.

41 Cobden Road - 07/08/2017

The proposed development will have an adverse effect on my property, as the height and closeness of the properties will result in loss of light and privacy (there are rear windows proposed in the planned properties);

Two large trees due to be felled (despite protection) are close to my retaining walls and their removal may well result in partial or full collapse of my wall and garden;

Twenty nine trees are planned to be felled, one cut back and four allowed to stay. These are all mature or semi-mature and not diseased or damaged;

The proposed demolition of the 19th Century building seems perverse and is subject to restrictive covenant. As recently as November 2015 the building was considered suitable for conversion.

35 Cobden Road - 04/08/2017

I am writing to object to the above planning application:

1. The proposed development would have an adverse effect on the residential amenity of neighbours on Cobden Road, by reason of overlooking and subsequent loss of privacy and overshadowing/loss of light. The windows in the rear of the planned properties adjacent to Cobden Road are within a few metres of the garden wall allowing the gardens and back rooms of neighbours to be overlooked with resulting loss of privacy. The height of the buildings will result in loss of light to the gardens on Cobden Road particularly as the sun rises behind the proposed development.
2. The proposed development will result in an unacceptably high density and overdevelopment of the site. The proposed development will severely diminish the current open aspect currently available to the occupants of adjacent neighbours on Cobden Road from their houses and gardens. This will result in a blight for neighbours. There are already problems with drainage at this point on Newbold Road. There appears to be no sustainable urban drainage system planned for the new development which will mean a greater chance of flooding on Newbold Road. In particular the removal of the trees covered by tree preservation orders will result in removal of root ball systems and subsequent greater likelihood of flooding.
3. The proposed development will destroy the present views of massive and well established trees which have preservation orders on them. The proposed replacement shrubs/small trees will in no way compensate for this. I ask that officers and Members visit the site to view for themselves the detrimental impact on the local view of the proposed development.
4. The proposed development will have a severely adverse effect on the character of the neighbourhood. At present Cobden Road and this part of Newbold Road has a mixture of owner occupier, social housing and rented accommodation as well as business and local authority and voluntary organisation properties. The proposed development appears to have no social housing element which will unbalance the current character of the neighbourhood.
5. The design of the proposed development appears to be completely out of keeping with the housing surrounding it. It is a dated suburban design rather than one that reflects the town houses in the neighbourhood. The proposed development is

- over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.
6. The size of the proposed development would adversely affect highway safety and the convenience of road users in that Newbold Road is a busy trunk road already servicing the town centre and local schools and residential facilities. The pedestrian school entrance and bus stop would be adjacent to the access road to the development, raising the likelihood of accidents.
 7. The houses on Cobden Road adjacent the proposed development are subject to severe subsidence due to old mining workings which extend under the proposed development. This has resulted in houses not being insurable. The footings on the houses and the garden walls separating the houses from the proposed development are Victorian and are likely to be only 18 inches deep. The rootballs of the preserved trees go underneath the walls. Their removal will result in damage to the walls and possibly the houses on Cobden Road
 8. The trees to be removed have tree preservation orders on them. They are host to colonies of bats and possibly other protected species such as bees. A survey of protected species must be undertaken. The indicative plan made at the time the area was sold by the NHS provided a more reasonable lower scale development of the site, allowing less loss of visual amenity for the neighbourhood and less impact on the trees, habitat and highway safety. Specifically houses in this plan didn't directly back on to neighbouring gardens. A councillor at the meeting which rejected the previous application suggested turning the plan by 90 degrees meaning the houses back onto the school playground. This would be best in my view.

35 Cobden Road - 25/10/2017

Please take this letter as my objection to the re-submitted & amended planning application on the grounds listed below.

1. Member Mick Wall at the previous planning meeting stated that it would be more appropriate for the back of the properties to be backing onto the school and old convent. This 45 degree move would prevent the loss of light and amenity in the current plan and prevent the new residents and my family looking into each others houses.

2. Replacing mature large protected trees with virtual shrubs pays lip service to tree conservation only
3. I am not against development per se. If only the developers would follow best practice and consult!

48 Cobden Road - 01/08/2017

I am writing to you regarding the above planning application. I wish to register my objection to the application on the following grounds:

1. The architectural design of the proposed houses is unexciting and drab. It is completely out of keeping with the surrounding neighbourhood, which consists of attractive, largely Victorian town houses. When a Chesterfield borough council officer visited my property on a planning matter, he commented on the attractions of the area and was surprised that it was not a conservation area. A previous development on Cobden Road was required to be amended, from a block of flats to two detached houses, to remain in keeping with the surroundings.
2. The plans require the felling of a number of mature trees, among them ash and elm trees. As you will be aware, these are both species under threat of disease and where healthy mature specimens continue to flourish, they should be protected.
3. The Shrubberies is an attractive and well maintained building which enhances the locality. It is part of the heritage of the Newbold Road area and should not be demolished. Whilst I acknowledge the need for new housing, we should not be building it at the cost of architectural heritage. An alternative and far more acceptable development strategy would be to convert the Shrubberies building to luxury flats and build further dwellings in the grounds.
4. A previous planning application concerning The Shrubberies was rejected some years ago, on grounds of safety of access in and out of the site for increased volumes of traffic. The site exits onto Newbold Road, adjacent to the school (both St Marys and St Joseph's Nursery) and bus stop, and there is very limited visibility for pedestrians of any traffic exiting the site. This has the potential to be highly dangerous to pedestrian users of Newbold Road, especially at school start and finish times. I should add that the Spire Heights development was refused an exit onto Saltergate due to traffic safety considerations, so the same criteria should be applied here.

5. Landscaping to the site appears to have a significant paving component. This will exacerbate local flood risk.
6. The design and orientation of the proposed houses shows no consideration to existing residents of Cobden Road, whose properties directly adjoin the site. A number of my friends and neighbours will, if this scheme goes ahead, be looking directly onto the back of the proposed dwellings, and will have their gardens overlooked by the new houses, resulting in a loss of privacy. Redesign of the development to at least have gardens facing the Cobden Road neighbours would go some way to alleviating this.

In summary, I would stress that I am not against the Shrubberies being developed for housing, however the development should take place in sympathy with the surrounding area and neighbours, and must respect the existing architecture.

Chesterfield is very limited in the number of fine heritage buildings it possesses and those remaining should be preserved as they make Chesterfield a more attractive town. I am very disappointed that no progress has been made with exploring the options for the introduction of a Conservation Area – the Council seem prepared to sit and watch while heritage buildings are in danger of being destroyed.

43 Cobden Road - 07/08/2017

I object to the above application:

1. The overwhelming damaging impact of the development on the privacy and visual amenity for all the residents in Cobden Road whose properties abut the site.
2. Effects on individual buildings: The necessary ground disturbance consequent on the construction of the proposed dwellings adjacent to the walls of the properties in Cobden Road will inevitably increase the risk of further subsidence to the existing dwellings. The removal of the rootballs of trees on the site will result in damage to neighbouring garden walls. The height of the buildings will result in overshadowing & loss of light to the gardens in Cobden Road and the windows of those particular houses will look directly into the existing properties resulting in a loss of privacy.
3. Drainage: The removal of TPOd trees in the middle of the site and the creation of a central courtyard will materially impact on the drainage of surface water. The drains in both Cobden Road

and on Newbold Road are already inadequate to cope with the existing demands and residents have experienced spasmodic flooding to their properties.

4. Highway safety issues: The proposed development is an overdevelopment of the site. There is only one vehicular entrance to the site which is on Newbold Road, a major through route to the Town Centre. The sight-line for traffic is restricted because of a rise in the land and a bend in the road just past the junction with Cobden Road. There is bus stop & pedestrian crossing nearby and a pathway to the school alongside the development which is in constant use by young children and their parents. As the school has a wide catchment area there is heavy car traffic on the four adjacent roads at school times.
5. Visual effects on the area: The proposed development will have a severely adverse effect on the character of the neighbourhood, particularly the demolition of the existing 19th century building on the site, which is a significant part of the urban scene in this part of Chesterfield. The comments made by the Department's own consultees in relation to the original application are still valid (particularly the Planning & Conservation Officer who states 'the proposed demolition represents an unacceptable erosion of the town's identity and character').
6. The proposals will destroy the present views of massive, well-established trees in the centre of the site and materially diminish the overall views for the whole of the neighbourhood. TPOs are granted when the tree can be considered of sufficient significance to the wider environment to merit such protection. Clearly the Local Authority's professional arboriculturist has rated these trees as such and that opinion should not be disregarded.
7. Nature Conservation issues: In the 6 months since the original application we have observed the presence of bats, which are a protected species.
8. National & Local planning policy: Recent advice to planning authorities on environmental concerns highlights the importance of elements of green space (particularly urban gardens and trees) to protection from the impacts of climate change, in particular the risks of flooding and the concentrations of greenhouse gases. The ability of mature trees to absorb excess carbon dioxide is now recognised as one of the ways to help achieve internationally agreed targets on global warming.

9. I am concerned by the timing of this resubmission, coming as it does before the Developer's appeal against the original refusal of Planning Permission has been determined with a deadline for objections to this Application (7th August) falling BEFORE the deadline for submissions to the Appeal hearing ((th August). Inevitably this is causing confusion for local residents, and I think this may be an abuse of procedure with serious consequences for the residents, as seems to have happened with to the notice of Demolition of the Shrubberies.

43 Cobden Road – 25/10/2017

The objections below are additional to those I expressed in my objections to the Resubmitted Planning Application on 05.08.17, since unusually the application had been made prior to the outcome of the Appeals Procedure. The revised plan remains essentially the same as the original one last year with the exception of the one dwelling on plot 13 and so my comments here relate particularly to the findings of the Inspector when he rejected the appeal. They should be taken together with the objections I made in August;

I note that the Inspector states that while 'The Shrubberies' " is not statutorily listed or within a Conservation Area, it is a non-designated heritage asset as it has been included within the Council's draft local list with its significance derived from villas of its style being increasingly uncommon in Chesterfield";

He goes on to say "since the determination of the application subject to this appeal, the Council have subsequently granted prior approval on 3 April 2017 for the demolition of No 46 The building had not been removed at the time of my visit, but the evidence before me indicates that there is a realistic prospect that its demolition would take place, irrespective of the outcome of this appeal. Consequently, the loss of the building in terms of its local significance would be outweighed by the fallback position in this instance.";

It was clearly the intention of the Planning Committee when they refused planning permission last year that The Shrubberies should NOT be demolished, a conclusion implicitly supported by the Inspector in his comments about the proposal for the dwelling on plot 13 that "the development, therefore, would cause significant harm to the character and appearance of the area".;

It is therefore significant that a notice of Proposed Demolition of the Shrubberies was validated by the Council on the 6th February, objections required by 24 February & a determination required by

6th March but that the matter did not come to the Planning Committee until 3rd April when they were informed that, because of time constraints, they had no option but to grant prior approval. I note that, in a briefing note to Committee Members, Mr Staniforth stated “A decision has to be made to be made within the prescribed time periods because failure to do so gives deemed permission. The decision as to whether prior approval is required cannot therefore determined by planning committee and will be determined by officers in line with agreed delegation scheme.”; Had this matter been addressed in due time there is no doubt from the comments made by the members of the Planning Committee in April that they would have taken steps to refuse agreement to the demolition. This could be deemed a case of maladministration as failure to ensure the requisite time scales were adhered to has materially affected the conclusion of the Inspector, at the cost of the local heritage and character of Chesterfield. It is particularly ironic as the neighbouring property on Newbold Road, of similar period, is currently going to the trouble of re-roofing the building to maintain its original character!; and I hope, therefore, that the Planning Committee will consider what steps could be taken to remedy this position and then ensure that in relation to the amended proposal they will take note of the Inspectors comment that: “ When taken together the policies seek that all development should identify, respond to and integrate with the character of the site and surroundings and the local distinctiveness of its context, including tree cover and an attractive interface between development boundaries and their surroundings. “

76 Dukes Drive - 12/08/2017

Objects to the Planning Application. Reasons: Residential Amenity – Visual

Comments: A surprising attempt to inflict LEGOLAND on the mainly Victorian Newbold Road.

Chesterfield Civic Society – 09/08/2017

We continue to regret the loss of the existing house on the site, The Shrubberies, and potentially some of the mature trees, not all of which we understand are the subject of TPOs, although we accept that both these matters are at present a lost cause; We fully support the letters sent in by several adjoining residents, complaining at the loss of light, privacy and amenity, because the new building will approach very close to their boundary walls on

the western side of the site. We see this as one aspect of a major defect of the application, which is that it is seeking to get too many houses onto the site. This is completely out of keeping with adjoining properties, which stand on mid 19th-century streets built to a low density. Modern houses will obviously not have as much land attached but we feel that the layout in this case has gone too far in the opposite direction;

Access to and from Newbold Road appears to be poor, with limited visibility for vehicles entering the main road. The junction has not been splayed and there seem to be mature trees on either side of the entrance. The driveway to the houses is very narrow and we are not clear how either refuse lorries or emergency vehicles could easily get access to the properties if there were cars parked on this driveway. This presumably would be the case, since the owners of these properties will almost certainly not use the garages provided, or have more cars than each property has parking space for;

The design of the actual houses we can only describe as appalling in all respects. The elevations are marred by the exceptionally ugly monopitch roofs, and the walling materials shown on the indicative drawings are completely out of keeping with the neighbourhood, which is built almost entirely of red brick. We see absolutely no need for this. Even if the designers of the houses thought that the plans and elevations were a good idea (which we do not), they could have finished them in a material that would fit into the area. The internal layout of the house-types strikes us as uniformly awful. The houses are too small to have integral garages, which means that most purchasers will immediately convert them into additional living space, thus creating parking problems and at the same time probably introducing unsympathetic new windows and doors. We do not understand why all the houses seem to have downstairs bedrooms and room for a lift, since they are not apparently intended as elderly persons' dwellings. We fail to see the point of having living rooms open to first floor ceiling level, which is surely a waste of space in houses as small as these. This really is a case where we do not believe that the designers of the houses would ever consider living in one themselves, and so we wonder why they feel entitled to inflict them on others;

We feel strongly that if this development goes ahead in its present form it will become a serious blot on the landscape, in what a pleasant, mature residential area, in a conspicuous position, adjoining a busy road near the town centre. It is infill development of the worst kind. There should be ample scope on a plot as large

as this to produce a much more satisfactory scheme that blends in much better with its surroundings; and
The Civic Society committee hopes very much that the Borough Planning Committee will reject this design out of hand and recommend to the applicants that they think much harder about how best to build on this site. Ideally, we would like such second thoughts to include the retention of The Shrubberies.

6.4 ***Officer Response –***

Please refer to sections 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8 above.

The covenant mentioned in some of the representations received is not a material planning consideration.

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 objector, 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 are considered to be designed such that whilst contemporary, they would still be appropriate having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of drainage, flood risk, land condition and contamination.

10.0 **ADDITIONAL RECOMMENDATION**

10.1 That a S106 agreement be negotiated and signed concurrent with the planning permission and dealing with:

- Negotiations up to 1% of the overall development cost for a Percent For Art scheme; and
- Appointment of an external management company to manage and maintain the on site drainage, open space and communal landscaping.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability notice issued as per section 5.9 above;

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

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.

PG.218516.LOC – Site Location Plan

PG.218516.101D Planning Layout

PG.218516.102D Landscaping Masterplan

PG.218516.103C Site Sections

PG.218516.104A Survey Block Plan Overlay

PG.218516.111B Type B Proposed Plans

PG.218516.112 Type C Proposed Plans

PG.218516.113 Type D Proposed Plans

PG.218516.115B Courtyard Block Elevations

PG.218516.116B Courtyard Block Elevations

PG.218516.119 Site Frontage Railings

PG.218516.SS Indicative Streetscene Visuals (1-5)

21620_OGL-REV0 – Topographical Survey

TSC 01B Tree Survey

TSC 02B Tree Constraints Plan

TSC 03C Tree Protection Plan

TSC 04A Landscape Masterplans

PG.218516.DA Rev A - Design & Access Statement

Ecology Scoping Survey (prepared by Prime Environment) dated December 2016 and a Bat Climbing Inspection. Phase 2 Geotechnical and Geo-environmental Site Investigation Report (prepared by Eastwoods & Partners) dated December 2016
Arboricultural Method Statement – Nov 2016

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.

Drainage

03. 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.

04. 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 no surface water discharges take place until proper provision has been made for its disposal.

05. 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, 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 LPA in advance of full planning consent being granted.

06. 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:

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

Site Investigations/Contamination

07. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

08. 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.

09. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

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

Highways

10. No development shall take place including any works of demolition 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 but not necessarily be restricted to the following as appropriate
- 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

Reason – In the interests of highway safety.

11. No part of the development shall be occupied until the following works have been carried out in accordance the details first submitted to and approved, in writing, by the Local Planning Authority in respect of any necessary alterations to the footway crossing for the access to the site such that a vehicular dropped crossing is provided rather than kerbed radii.

Reason – In the interests of highway safety.

12. No dwelling shall be occupied until space has been laid out within the site in accordance with approved planning layout

for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason – In the interests of highway safety.

13. The garages hereby permitted and car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. 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.

14. There shall be no gates or other barriers on the access/driveway.

Reason – In the interests of highway safety.

15. The proposed access to Newbold Road shall be no steeper than 1:30 for the first 10m from the nearside highway boundary and 1:12 thereafter. Individual drives shall not exceed a maximum longitudinal gradient of 1:14.

Reason – In the interests of highway safety.

16. 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.

17. 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.

Reason – In the interests of highway safety.

Tree & Ecology Conditions

18. Development shall not commence (including any site clearance / preparation) until a further bat survey of T17 has been undertaken (in accordance with recommendations within the Ecology Scoping Survey (Section 3 Results and Discussion) and the results submitted to the Local Planning Authority for written approval. Only once the survey / report has been considered by the Local Planning Authority and its written approval has been given shall any works (which may include necessary mitigation works) commence on site and the works shall be completed exclusively in accordance with the scheme receiving written approval.

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.

19. 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.

20. 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 be 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.

21. 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.

Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

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.

22. Under Tree Preservation Order 4901.133 Trees T1, T5, T6 & T10 Purple Beech and T3 & T8 Whitebeam shall be retained; furthermore in the first available planting season prior to any development commencing Trees T11 and T12 of the same Order shall be translocated to the frontage of the site as shown in drawing TSC04 Rev A Landscape Master Plan and Planting Details by Weddle Landscape Design and detailed in the Arboricultural Method Statement Nov 2016. If either of these two trees fail during transplanting two new heavy standard Oak trees shall be planted as their replacements as shown in drawing TSC04 Rev A Landscape Master Plan and Planting Details by Weddle Landscape Design / detailed in the Arboricultural Method Statement Nov 2016 and thereafter maintained under the terms and provisions of the aforementioned Order.

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.

23. Prior to development commencing (including site clearance / demolition) the Root Protection Area's (RPAs) illustrated on drawing no. TSC03 Rev B Tree Protection Plan by Weddle Landscape Design and as detailed in the Arboricultural Method Statement Nov 2016 shall be established to all retained protected trees within the application site boundary. Protective fencing to define these RPAs shall be erected conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012) during site clearance and while any construction is in progress and notices should be attached to the fencing at regular intervals to this effect. There must be no excavations, no soil stripping and no grading of the site within the RPAs and there should also be no storage of materials within the RPAs.

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

24. Removal of any hard surfacing, boundary walls, retaining walls and services within the defined Root Protection Areas (RPAs) shall be undertaken strictly in accordance with the Arboricultural Method Statement Nov 2016. The removal of any existing hard surfaces within the RPAs should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools or appropriate machinery should be used to remove the existing surfaces unless prior written approval is sought in writing by the Local Planning Authority.

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

25. Prior to the commencement of development details of the location of site cabins, materials, construction vehicles and parking shall be submitted to the Local Planning Authority for

consideration and written approval; and these should be outside the RPAs of the retained trees.

Reason – In the interest of safeguarding the retained / neighbouring trees, having regard to their root protection areas, and in the interest of the appearance of the surrounding area.

26. 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. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered (as detailed in the Arboricultural Method Statement Nov 2016 – or any subsequent revisions thereto).

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.

Others

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

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 & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
04. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
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. The following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:
“The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts Newbold Road.
07. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
08. The applicant is advised that to discharge Condition 17 that the local planning authority requires the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Trees

09. This permission does not extend to tree works proposed to TPO trees proposed to be retained as part of the development. A separate TPO Tree Works application will need to be submitted to cover these issues inc. the removal of T2, T4 T7 and T9 Hawthorn where replacement trees will be required.