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File No: CHE/17/00756/OUT
Plot No: 2/536

ITEM 1

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND ON GOYTSIDE ROAD CORNER WITH FACTORY STREET, CHESTERFIELD, DERBYSHIRE FOR LIDL UK GMBH

Local Plan: Unallocated
Ward: Holmebrook

1.0 CONSULTATIONS

DCC Highways	Referred on 02/11/2017 – no further comments received
Environmental Services	Comments received 27/10/2017 – see report
Crime Prevention Design Advisor	Comments received 03/11/2017 – see report
Lead Local Flood Authority	Comments received 07/11/2017 – refer to Standing Advice
DCC Archaeologist	Comments received 14/11/2017 – see report
Design Services	Comments received 15/11/2017 – see report
Planning Policy Team	Comments received 16/11/2017 – see report
Coal Authority	Comments received 17/11/2017 – see report
Derbyshire Wildlife Trust	Comments received 17/11/2017 – see report
Yorkshire Water Services	Comments received 20/11/2017 – see report
Urban Design Officer	Comments received 28/11/2017 – see report
Ward Members	No comments received
Site Notice / Neighbours	Two letters of representation received

2.0 **THE SITE**

2.1 The site is currently used for vehicle storage as part of Perrys Ford Garage located off Chatsworth Road and is 0.11 hectares (0.27 acres) in area. It is located at the junction of Factory Street and Goytside Road and is enclosed by a metal fence along its south and west boundaries. Vehicular access into the site can be taken from Factory Street and from within the garage site. Existing residential development is located to the east of the site and a full planning application has been submitted on behalf of Lidl for the redevelopment of the Perrys Ford Dealership site for a replacement new Lidl foodstore to the north / north east.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/17/00757/OUT - Outline application for residential development on land off Goyt Side Road, Brampton. Pending consideration.

3.2 CHE/17/00209/FUL - Demolition of existing buildings and structures apart from the retention of the former Sunday School building, erection of foodstore and creation of new/alterations to existing accesses, with associated parking, servicing and landscaping.
Pending decision – Planning Committee resolution 30th October 2017 to approve subject to S106.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks outline planning permission with all matters reserved for the proposed development of the site located at the corner of Factory Street and Goyt Side Road for residential purposes. Access to the development is indicated as being proposed from Factory Street which adjoins the site on its western boundary.

4.2 The application submission is accompanied by the following plans / documentation / reports:
P415 REV A – Site Location Plan
P413 REV D – Indicative Site Masterplan
Lichfields Covering Letter dated 17/10/2017
Coal Mining Risk Assessment prepared by Brownfield Consulting & Development (dated August 2017)

Ecology Survey prepared by BSG Ecology (dated March 2017)
Flood Risk Assessment prepared by Eastwood & Partners (dated October 2017)
Arboricultural Report & Impact Assessment prepared by AWA Tree Consultants dated March 2017.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated in within the built settlement of the Holmebrook ward, adjacent to the designated Chatsworth Road District Centre and Chatsworth Road Conservation Area. The site is surrounded by a mix of commercial and residential uses.

5.1.2 Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS18, CS19 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.1.3 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 application site is not identified for any specific use on the Local Plan Regulation 22 (1) (b) proposals map, however it is within the extent of the broad area covered by Place Shaping Policy PS2: 'Chatsworth Road Corridor'. PS2 and policies CS1 and CS2 are therefore the key factors in determining the principle of development in this case.

5.2.2 The site, which is on previously developed land, is within walking distance of Chatsworth Road District Centre and benefit from the proximity of public transport links along Chatsworth Road and the presence of the Hipper Valley Cycle Trail. Chatsworth Road is also identified through place shaping policy PS2 as an area for regeneration. It is are therefore in accordance with the principles for the location of development ('concentration and regeneration') set out in CS1 and CS2.

- 5.2.3 Policy PS2 sets out a series of criteria against which development in this area should be assessed. Of Particular note is a) (vitality and viability of Chatsworth Road district centre), c) (strengthening links between the land south of Chatsworth Road with the district centre and surrounding communities, and d) providing a new variety of uses that will create a mixed, sustainable community). By adding to the residential components in the area, the proposal is likely to contribute positively towards these three objectives, and would not be contrary to any of the other objectives of the policy.
- 5.2.4 Although the application is in outline only, attention is drawn to the potential relationship to the recently approved scheme for a new food store to the north (by the same applicant) and nearby substation. Assessments of noise and, if necessary, appropriate mitigation will need to be undertaken to support future reserved matters applications in order to satisfy the requirements of policy CS8.
- 5.2.5 Given the potential to create off-street parking opportunities for future residents, the comments of the council's Environmental Health team, and the government's commitment for all new vehicles in the UK to be zero emission at source by 2040, attention is drawn to criteria (e) of policy CS20, that development proposals will be expected to demonstrate 'provision of opportunities for charging electric vehicles where appropriate'. A condition requiring submission of a scheme for electric vehicle charging should be considered.
- 5.2.6 The proposed developments would be liable for the Community Infrastructure Levy (CIL), subject to exemptions, upon commencement. The proposals are in the 'medium' charging zone, subject to a charge of £50 per sqm GIA (subject to index linking). The applicant's attention should be drawn to the requirements of CIL going forwards in terms of providing appropriate information and applying for any exemptions.

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

- 5.3.1 The application seeks outline planning permission with all matters reserved; however an indicative layout is provided at this stage with buildings shown addressing the Goyt Side Road and the corner with Factory Street and parking to the rear. This is

appropriate in principle and any development should positively address the frontages and the corner location in particular, which is an important location within the local townscape.

- 5.3.2 As currently shown, one plot appears to cut across the rear of two units facing Goyt Side Road, which is unlikely to prove acceptable in practice but at this stage it is appreciated that this layout is only indicative in showing potentially how a development may be formed on the site.
- 5.3.3 Private amenity space appears very limited and would be likely to fall short of the normal expected requirements as defined within the adopted SPD (Successful Places, 2013). This would need to be considered at the reserved matters stage having regard to the nature of the accommodation (for example flats require less amenity space), the number of units proposed and the ability to deliver a suitable form of development for the location.
- 5.3.4 The comments of the Crime Prevention Design Advisor are noted in relation to the rear parking area. However, provided that any rear parking is appropriately design i.e. with lighting, good levels of supervision, robust boundary treatments and hard and soft landscaping there is no reason why a successful rear parking area could not be achieved in principle. Further guidance on the design of rear courts is available within the parking section of the Councils SPD Successful Places (2013).
- 5.3.5 Given the corner position of the site, local building lines, the need to achieve adequate visibility and limit conflicting vehicle movements, the provision of individual on-plot parking is unlikely to prove practical or appropriate in townscape terms. As such, a rear parking court would provide a suitable parking solution (subject to achieving a satisfactory design).
- 5.3.6 Scale and massing is currently reserved, although the adjacent 3-storey houses would provide a suitable benchmark in respect of height and scale and the corner position is such that the scale of development at the junction could potentially be slightly higher to address this location in the local townscape.
- 5.3.7 Appearance and Landscaping are also reserved and therefore materials, hard and soft landscaping can be addressed at the detailed application stage. Requirements for landscaping and

approval of materials / finishes should however be required by condition.

5.3.8 Overall there is no objection in principle, from an urban design perspective, to residential development in this location. However, the way in which any development addresses the corner position and adjacent frontages will be a particularly important consideration. It is considered that the proposed development can be appropriately designed to reflect the character and appearance of the streetscene and to preserve appropriate levels of amenity and privacy to adjoining and adjacent neighbouring properties in the context of policies CS2 and CS18 of the Core Strategy. As further designs are developed they will need to take account on the observations made above and also the advice which is contained in the Council's adopted Supplementary Planning Document for Housing Layout and Design.

5.4 **Highways Issues**

5.4.1 The application submission was referred by the Local Highways Authority (LHA) to their team for review; however no further comments have been received at the time of writing this report (despite the statutory consultation period having lapsed).

5.4.2 Notwithstanding this given that the application at this stage is only seeking outline permission with all matters (including access) reserved, highways considerations are limited to securing an agreement that a point of access could be achieved to serve the development.

5.4.3 The indicative site layout plans shows that for this development parcel an access could be created to Factory Street which is considered to be acceptable. It is noted that the frontage to this particular development site is also the suggested route for an enhancement to the footway along Factory Street to upgrade the footpath to a shared pedestrian and cycle path to serve the new Lidl foodstore proposed on the site to the north. Notwithstanding this it is considered that there would still be an opportunity to create an access to serve residential development; however this is likely to take the form of a dropped crossing to ensure pedestrian / cycle priority is not interrupted. Visibility would need to be designed into a reserved matters layout commensurate to this type of route.

5.4.4 Overall it is considered that the development proposals can be appropriately serviced by a dedicated access junction with space to provide the necessary highway visibility splays such that the development does not give rise to any adverse highway safety concerns. An appropriate driveway width and length can be accommodated, alongside appropriate visibility splays and parking provision to meet the requirements of the LHA and the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

5.5 **Flood Risk & Drainage**

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

5.5.2 The DS team and YWS responded to the application as follows (respectively):

'With regards to the above planning applications for the residential development at Goytside Road, the drainage strategy mentions the use of infiltration drainage. If this is proposed we would like to see percolation tests of the subsoils prior to approval to ensure that soakaways are suitable for use at this site. The soakaway should be designed in accordance with BRE Digest 365 to ensure that no flooding occurs during a 30 year design storm and no flooding to property occurs during a 100 year storm.'

If any connections are to be made to the public sewer then the applicant will also need to liaise with Yorkshire Water.

We would like to see full details of the proposed drainage from site. The surface water drainage should be carried out in accordance with DEFRA technical standards and should look to employ sustainable drainage principles where suitable.'

'The Flood Risk Assessment (prepared by Eastwood and Partners - Report 36710-008 dated October 2017) is acceptable. In summary, it states that foul water will discharge to public combined sewer, and with regard to surface water, sub-soil conditions do not support the use of soakaways so surface water will drain to watercourse (River Hipper).'

As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.'

- 5.5.3 It is considered that an appropriate planning conditions can be imposed which requires the submission of further detailed drainage designs to satisfy the queries outstanding. Both consultees are agreeable in principle to the drainage strategy being proposed, but seek further technical detail on the system to be fully satisfied. This can be dealt with by pre-commencement condition in accordance with policy CS7 of the Core Strategy.

5.6 **Land Condition / Contamination**

- 5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

- 5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission (which included a Coal Mining Risk Assessment) and provided the following response:

'The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.'

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for approval;*
- * The undertaking of that scheme of intrusive site investigations;*
- * The submission of a report of findings arising from the intrusive site investigations, including the results of gas monitoring;*
- * The submission of a scheme of remedial works for approval; and*
- * The implementation of those remedial works.*

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are broadly 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 subject to the imposition of a condition to secure the above.'

5.6.2 Having regard to the comments detailed above from the CA appropriate conditions can be imposed to this effect, if permission is granted, to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition.

5.6.3 In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) also provided the following response having regard to potential noise impacts and land condition:

'The site has a previous industrial use, in light of this any development will require the submission of a desk study and it is likely that follow up site investigation may be required carried out. All reports should be submitted in writing to Chesterfield Borough Council for approval prior to commencement of development.

Any approval granted will require restrictions on the hours of building operation due to the proximity of dwellings.

Noise assessments will be required on the impact of the existing electrical transformers and substation to the east of the site, and mitigation measures which will be included in the design of the proposed dwellings

Noise assessments will be required on the impact of the proposed plant room at the proposed supermarket to the north of the site and mitigation measures which will be included in the design of the proposed dwellings or supermarket

As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase of the dwellings.'

5.6.4 Having regard to the comments of the EHO above and the provisions of policies CS2 and CS8 of the Core Strategy / NPPF it is considered appropriate that the matters raised in respect of potential land contamination and noise can be addressed through the imposition of planning conditions which will require appropriate studies to be undertaken. In respect of land contamination these can be required prior to the commencement of development; however in respect of noise assessment these will need to be undertaken to inform any subsequent reserved matters application (as the results may have an impact /bearing upon the overall layout of the site, landscaping and the design of the dwellings). The standard construction hours restriction condition would also need to be imposed to protect the amenity of the adjoining residential neighbours.

5.6.5 It is noted that the comments of the EHO and also those from the Planning Policy team (incorporated in section 5.2 above) refer to the provisions of policy CS20 of the Core Strategy (and more up to date Government guidance) where the need to ensure provision for electrical vehicle charging is incorporated into new development is set out. It is considered an appropriate planning condition can be imposed to this effect to ensure that any reserved matters application is designed to facilitate these provisions.

5.7 **Archaeology / Heritage**

5.7.1 In respect of archaeological / heritage issues the site the subject of the application is of interest to the DCC Archaeologist due to potential below ground archaeological remains from the industrial history associated with the site. The DCC Archaeologist sought

consultation on the planning application and provided the following response:

'An archaeological desk-based assessment which was prepared for the wider site, in association with application number: CHE/17/00209/FUL, identified archaeological potential in the area which is the subject of this application.

Historic mapping which is depicted in the desk-based assessment shows that the wider application site (CHE/17/00209/FUL) had some level of development by the time of a plan of 1811 depicting the route of the Chesterfield to Baslow Turnpike diversion. The Walton Township of tithe map of 1849 however, shows structures and land divisions within the footprint of the proposed development site (CHE/17/00756/OUT). Immediately to the south of these features is a mill goyt. It is thought that this was constructed to power the iron foundry known as Cannon Mill which lay c. 400m to the east of the site. This mill was one of the earliest industrial buildings in the Chesterfield area, built before 1778, and was part of the Griffin Foundry operated by John & Ebenezer Smith and Co in the period 1775 – 1833.

The 1878 O.S. map of this part of Chesterfield shows a block of terraced housing (Sherwin's Row) within the development site (CHE/17/00756/OUT), which were largely demolished by the mid 1960s, but for a row of houses which front on to Factory Street. These structures are shown on maps which date from the mid 1990s, but have since been demolished. .

The desk-based assessment confirms that the wider site has high potential for 19th and 20th century industrial archaeological remains, medium potential of deeper cut features such as coal mining bell pits and medium potential for palaeoenvironmental remains and Mesolithic flint knapping sites associated with the River Hipper (sections 5.4 and 6.5). These remains are non-designated heritage assets and the desk-based assessment recognises that these will be impacted by the groundworks involved in the development (section 5.6) and that they are of archaeological significance (section 5.11 – 5.13).

In terms of the proposed development site (CHE/17/00756/OUT) specifically, is likely that the subsurface remains of the structures which are shown on the 1849 Tithe map, as well as those of the

housing which is shown on the 1878 O.S, still survive as foundations. In addition to this, the close proximity of the line of the River Hipper and the former goyt structure, are likely to retain waterlogged conditions which will contain the palaeoenvironmental remains described in the desk-based assessment.

Paragraph 141 of NPPF requires that developers should record and advance understanding of the significance of any heritage assets to be lost. In order that this requirement can be can be addressed we would recommend that the following condition be attached to CHE/17/00756/OUT:

a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.'

5.7.2 Having regard to the comments received above from the DCC Archaeologist the Council is aware of the potential below ground interest as it arose as a result of the adjacent sites proposed development considerations for the new foodstore (CHE/17/00209/FUL). The studies which were submitted recommend that the further WSI works are undertaken and therefore it is considered to be acceptable to impose an appropriate condition to this affect where these potential features affect this particular application site.

5.8 **Ecology**

5.8.1 The site the subject of the application is predominantly hard surfaced and is subsequently cleared of any vegetation with peripheral trees being the only soft landscaped features.

5.8.2 The application submission was accompanied by a Tree Survey and Ecology Survey which were reviewed by Derbyshire Wildlife Trust under their service level agreement with the LPA. The following comments were received:

'The ecology report submitted covers the entire car sales site, of which the current application area is located in the south-eastern corner. The area supports ephemeral/short perennial vegetation and hardstanding, with scattered trees and a small area of scrub. There are no buildings within the application area and the River Hipper is located 50 m to the north.

Whilst the ecology report does not specifically assess the impacts of the proposed housing (it deals only with proposals of a supermarket), it does conclude that the loss of ephemeral/perennial vegetation would be of importance at the level of the Site only.

We note that the Masterplan indicates that all trees within the application area will be removed. Currently, ecological value on site is limited and this will result in the loss of the main features of ecological interest. We recommend that these trees should only be removed if absolutely necessary and that replacement native tree planting is incorporated. There appears to be scope for this in the very eastern corner.

It is considered that sufficient information has been provided to determine the planning application. In accordance with national planning policy, we would encourage ecological enhancements to be included within proposals. If the council are minded to grant permission, we recommend that the following conditions are attached:

Prior to the commencement of development details of ecological enhancement measures that shall include details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the LPA. Replacement native tree planting should also be included, along with other ecologically beneficial landscaping. Such approved measures shall be implemented in full and maintained thereafter.'

- 5.8.3 In its current form the application is only outline in nature and therefore should permission be granted any reserved matters submission will be expected to secure a net gain in ecological enhancement under the provisions of policy CS9 of the Core Strategy. This could be secured in the form of bird and bat boxes and under the provisions of policy CS9 it is considered that these measures should be conditioned.

5.9 **Community Infrastructure Levy (CIL)**

- 5.9.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £50 per sqm (index linked) of gross internal floor area created.
- 5.9.2 The following advice note will be appended to any subsequent decision notice drawing this to the applicants' attention:

'You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the

Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.'

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 01/11/2017 and by neighbour notification letters sent on 27/10/2017.

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

A Local Resident

I support the residential development of this vacant Brownfield land.

Sidcot Group – Walton Papermill

Having looked at the plans, I write in response to your notification letter;

Whilst we support the overall regeneration of the area as laid out in section 4.11 of the local plan, we feel we must make an objection to this application on grounds of potential future complaints about noise and vehicular movements;

Goytside Road and Factory Street are the roads that we use for our site access, we have over forty HGV movements between our premises and Chatsworth Road daily over a 24hr period Mon-Fri and at least twenty movements over a 24hr period Sat-Sun;

The development if approved will cause an inevitable source of future complaints against our premises and established B2 class operation because of these vehicle movements and noise from our sites plant and equipment. Any such complaints would seriously compromise the operation of our site.

6.3 ***Officer Response. The comments of the representation above are noted; however it is considered that appropriate measures can but put in place to protect the future amenity of any residents through noise assessment and mitigation. This***

reflects the approach which has already been advocated on the Walton Works development proposals which include housing development on sites also in close proximity to the Papermill. The quantum and frequency of the HGV movements along Factory Street and Goyt Side Road associated with the Papermill are noted; however this does not justify rejection of planning permission for any other development in the nearby vicinity.

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 appropriately designed such that they are considered in keeping with 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 **RECOMMENDATION**

10.1 It is therefore recommended that the application **GRANTED** subject to the following conditions / notes (inc. a CIL Liability note imposed as per section 5.9 above):

Conditions

Time Limit etc

01. Approval of the details of the layout, scale and external appearance of the building(s), the means of access and the landscaping of the site (hereinafter called "the reserved

matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

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

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

Drainage

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

Reason - In the interest of satisfactory and sustainable drainage.

05. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

Site Investigations / Contamination / Noise

06. 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.

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 and contamination 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 remediation / 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 contamination and / or 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. Concurrent with the first reserved matters submission the application shall be accompanied and informed by the results of a further Noise Survey and Assessment (the parameters of which shall first have been agreed by the Local Planning Authority). The subsequent Noise Assessment shall include details of the necessary measures to mitigate any adverse impact of noise upon the development, arising from adjacent and proposed commercial uses. Only those details which are agreed in writing by the Local Planning Authority shall be implemented in full on site and maintained as such thereafter.

Reason – In the interests of residential amenity.

09. Any reserved matters submission including residential uses shall be accompanied by an updated noise assessment to confirm that internal noise levels in bedrooms and living rooms should not exceed 35dB LAeq(1hr) during the daytime

(between 07:00 and 23:00) and 30dB LAeq(1hr) or 45dB LAmax(1hr) during the night-time (between 23:00 and 07:00). Similarly, daytime (between 07:00 and 23:00) garden noise levels should not exceed 55dB LAeq(1 hr).

Reason - In the interests of the amenities of any future occupants.

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

Reason - In the interests of residential amenities.

Archaeology

11. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the

archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.

Ecology

12. Prior to the commencement of development details of ecological enhancement measures that shall include details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the LPA. Replacement native tree planting should also be included, along with other ecologically beneficial landscaping. Such approved measures shall be implemented in full and maintained thereafter.

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.

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

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

Others

14. Concurrent with the first reserved matters submission the application shall be accompanied by a design statement which sets out how and where the development will incorporate electric vehicle charging facilities. Only those details which receive subsequent approval shall be implemented, as approved, and retained in perpetuity.

Reason – In the interests of promoting the use of more sustainable methods of transportation in accordance with policy CS20 of the Core Strategy.

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

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

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

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

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

Highways

04. The Highway Authority recommends that the first 6m of the proposed access driveway(s) should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
07. Car parking provision should be made on the basis of 1.5no, 2no. or 3no. spaces per 1 bedroom, 2/3 bedroom or 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 5.5m (with an additional 0.5m of width to any side adjacent to a physical barrier) with adequate space behind each space for manoeuvring.
08. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with

Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

Drainage

09. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.