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File No: CHE/17/00634/OUT
Plot No: 2/5302

ITEM 2

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (APPLICATION SITE BOUNDARY AMENDED 21.11.17 FROM PREVIOUSLY ADVERTISED / CONSULTED), UPDATED COAL MINING RISK ASSESSMENT RECEIVED 21.01.18 AT 1 BRIDLE ROAD, WOODTHORPE, DERBYSHIRE, S43 3BY FOR MR AND MRS NEEDHAM

Local Plan: Development in open countryside and other open space
Ward: Lowgates and Woodthorpe

1.0 CONSULTATIONS

Ward Members	No comments
Staveley Town Council	Comments received – see report
Strategy Planning Team	Comments received – see report
Environmental Services	Comments received – see report
Design Services	Comments received – see report
Economic Development	Comments received – see report
Housing Services	Comments received – see report
Leisure Services	No comments
Environment Agency	Comments received – see report

Yorkshire Water	Comments received – see report
Derbyshire Constabulary	No objections
DCC Strategic Planning	Comments received – see report
Lead Local Flood Authority	No objections
DCC Highways	Comments received – see report
C’field Cycle Campaign	No objections
Coal Authority	Comments received – see report
Tree Officer	No objections
Urban Design Officer	Comments received – see report
Neighbours/Site Notice	11 representations received – see report

2.0

THE SITE

2.1

This application concerns part of the site of 1 Bridle Road, in the Woodthorpe area of Chesterfield. The application site previously comprised a larger area, however this was reduced on 21.11.17 and the application was started afresh. The site in question is a roughly rectangular shaped plot of land situated on the corner of Bridle Road and Woodthorpe Road. The site is allocated as Open Countryside, however it is covered by hardstanding and is occupied by a large sheet metal building that was used for haulage. The gradient of the site is relatively flat, and the hardstanding is interrupted by occasional scatterings of grass and foliage. The site was formerly part of St John’s Farm to the West, and one of the traditional stone buildings associated with this use overlaps onto the site in question. Vehicular access to the site is via an entrance from Woodthorpe Road, to the North East of the

site, where a set of wide double gates are located. The site can also be accessed via the main entrance to 1 Bridle Road, to the West of the site, from Bridle Road itself. The roadway of Bridle Road and Woodthorpe Road is situated to the North of the site, numbers 2 and 4 Woodthorpe Road are situated to the East of the site, open fields are situated to the South of the site, and 1 Bridle Road is situated to the West of the site. The boundary to the North of the site comprises a mixture of attractive stone walls and a traditional stone building, along with a hedgerow and timber fences. The boundary to the East of the site comprises a series of concrete walls, and the boundary to the South of the site is open. The boundary to the West of the site comprises a mix of traditional stone buildings, open sections, and brick walls and fences that surround the garden to 1 Bridle Road.





3.0 **RELEVANT SITE HISTORY**

- 3.1 An application was originally made under the same reference number in 2017 for a scheme of the same description. This application was altered by reducing the proposed site area.
- 3.2 An application was made for residential development in 2000 under CHE/0600/0349. This application remains undetermined due to a Section 106 Agreement not being signed.
- 3.3 An application was approved for residential development in 1985 under application CHE/0185/00003.

4.0 **THE PROPOSAL**

- 4.1 An outline planning application with all matters reserved has been made for residential development (application site boundary amended 21.11.17 from previously advertised / consulted), updated coal mining risk assessment received 21.01.18. As previously stated, the original application was altered by reducing the proposed site area to exclude undeveloped land, all of which was situated in the Open Countryside annotation. The application site was reduced to land regarded as previously developed land only. The description of the application was amended accordingly and the application was started afresh.
- 4.2 Clearance of the site and the demolition of the existing large sheet metal building would be required to cater for the proposed development. It is unclear as to whether the existing traditional stone building that partially overlaps onto the site would be retained or demolished. No further details have been submitted at this stage, and as such it is not possible to comment on the number, type or layout of the proposed dwellings. No details have been provided in relation to external spaces or access either, although it is expected that the gated entrance from Woodthorpe Road, to the North East of the site would be utilised. These details and others would be dealt with at the Reserved Matters stage, as this application purely concerns the principle of residential development on the site only with all matters reserved matters for approval at a later date. The application

is assessed on the basis of the application form, site location plan and supporting documentation alone.

5.0 **CONSIDERATIONS**

Local Plan Issues

5.1 The site is situated within the settlement of Woodthorpe. This area is partly residential and partly comprises areas of open countryside. 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.

5.2 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.

5.3 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.'

- 5.4 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.
- 5.5 As recently concluded by the Planning Inspectorate on a nearby site Bridle Road and therefore the proposed development site is situated within walking and cycling distance from Staveley Centre (via bridle path), is on a bus route, and is located on land that has been previously developed. The site is located within a partially built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature. Furthermore the scheme removes a none conforming use form what is essentially a residential area.

Strategy Planning Team

- 5.6 The Strategy Planning Team objected to the original plans however no objections were raised in relation to the amended application and the following comments were made:

The revised site boundary is now limited to the previously developed part of the site, removing this objection. The main tests are therefore how well the proposal accords with the council's adopted Spatial Strategy as expressed in policies CS1 and CS2 of the Local Plan core strategy 2013. This seeks to locate new development within walking and cycling distance of centres. The application site is not within easy

walking distance of the nearest identified Local Centre at Lowgates (over 1.5km). However this needs to be balanced against the small scale of the proposal (a site of 0.17ha developed at 30-40 dwellings per ha would result in between 5 and 7 dwellings), and the re-use of previously developed land, including the removal of the historic haulage use. It should be noted that the nearest primary school is within easy walking distance, there are bus routes within walking distance and there is a proposal to improve cycle routes adjacent to the site. On this basis the principle of residential development on the site is acceptable based on the revised site boundary.

Although not formally listed, some of the buildings on site form a significant historic feature of Woodthorpe Village and should be retained and/or incorporated into new development wherever possible, in line with the objectives of policy CS19. The scale of development is unlikely to trigger a requirement for affordable housing, percent for art of a Local Labour Clause. The development would be CIL liable; and is located within the Low CIL zone (£20 per sqm GIA, index linked). The NPPF and policy CS9 seek a 'net gain' in biodiversity. The applicant's Protected Species survey sets out a range of recommendations including bat roosts, swallow nests, wildflower and hedgerow planting. These should be secured through conditions on any planning permission. Policy CS20 expects development proposals to demonstrate provision of opportunities for charging electric vehicles where appropriate. Where new dwellings have garages or other off-street parking spaces, provision should be made for a domestic recharging point. The principle of development is considered acceptable. Conditions should be sought relating to habitat and biodiversity improvements, and the provision of electric vehicle charging. The development would be liable for CIL upon commencement subject to the exemptions set out in the regulations and the council's charging schedule.

- 5.7 DCC Strategic Planning have also been consulted and they raised no objections however a financial contribution for education was requested. This matter is now dealt with via CIL.

5.8 In response to these comments from the Strategy Planning Team, it is considered that the proposed development site is situated in a sufficiently sustainable location and that the suggested conditions are necessary in the interests of biodiversity and reducing emissions. Whilst the Strategic Planning team comment that the site is not within easy walking distance of a local centre, the Planning Inspectorate recently concluded on an appeal at 23 Bridle Road that such facilities were easily accessible via the local footpath network.

Design and Appearance (Including Neighbour Effect)

5.9 Although detailed design is not considered at this stage, the proposed plans would potentially improve the appearance of the site by replacing a large unsightly sheet metal building with housing. An attractive stone wall and traditional stone building are situated to the North of the site, and it is hoped that these are intended to be retained as part of the detailed plans. These features contribute to the character of the site and the surrounding area, and the applicant is therefore encouraged to retain these as part of any reserved matters submission.

5.10 The site location plan indicates that the development area would abut the boundaries with numbers 2 and 4 Woodthorpe Road to the East of the site, and 1 Bridle Road to the West of the site. Having regard to the site location plan, the development would impose the greatest degree of change to these neighbouring properties. It is worth highlighting that the dwellings at numbers 2 and 4 Woodthorpe Road are situated at least 10M away from the proposed development site, and that 1 Bridle Road is in the ownership of the applicant. Overall, it is considered that a scheme can be devised that would result in no significant issues for neighbours in terms of overlooking, overshadowing or an overbearing impact. These matters would be clarified through the submission of detailed designs at the Reserved Matters stage. The site location plan indicates that there would be sufficient space to provide new dwellings that would have gardens that meet the requirements of the 'Successful Places' SPD in terms of size. This would also be clarified through the submission of detailed designs at the Reserved Matters stage.

5.11 Overall it is accepted that development of this nature would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact will be minimal due to the level of separation, and the relationship between properties. On balance, it is considered that the impact of the development on neighbouring properties is capable of being sufficiently mitigated such that a refusal of planning permission could not be warranted. 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 that a scheme can be devised that would not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

Environmental Services

5.12 The Environmental Services Officer was consulted on this application and they raised no objections. They recommended that the applicant gives consideration to the industrial heritage of the area and ensures that the site is suitable for use. Should planning consent be granted, as a minimum, the applicant will need to submit a desk study/phase 1 report. 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), they ask that infrastructure for electric charging points be installed as part of the build phase. With regards to noise control, the hours of construction shall be limited as per the standard construction hours condition to between 8:00am to 6:00pm Monday to Friday and 9:00am to 5:00pm Saturday, with no working on a Sunday or Public Holiday. The proposed site is near to the commercial site of Markham Vale and not far from the M1. The applicant will need to have regard to this and ensure that internal noise levels of bedrooms and living rooms meet the current British Standard of BS8233 for internal noise and vibration.

5.13 In response to these comments from Environmental Services, it is considered that the suggested conditions are necessary in the interests of contamination, reducing emissions and the amenity of neighbours.

Design Services

5.14 Design Services were consulted on the application and they raise no objections. It was stated that the site is shown to be in Flood Zone 1 and not at risk of surface water flooding on the Environment Agency flood maps. The site may therefore be compatible with housing development. It is noted that the application form states that surface water from the development will be discharged via soakaways. Soil infiltration tests should be completed in accordance with BRE Digest 365 to demonstrate the infiltration capacity of the subsoils. Soakaways should be designed in accordance with DEFRA Minimum Standards for SuDS and CBC's Minimum Drainage Standards to ensure that no flooding occurs for a 1 in 30 year storm and no flooding must occur to properties or leave site for a 1 in 100 year event plus an allowance for climate change. They comment that they would therefore require a drainage strategy for the development including the above surface water proposals and the proposed discharge of foul sewage from site. It is also noted that a public foul sewer may be present within the site or in close proximity to the site at the northern boundary and a pumped rising main at the eastern boundary which may require suitable easements.

5.15 In response to these comments from Design Services, it is considered necessary to impose a condition requiring the submission of drainage details in the interests of sustainable drainage and the prevention of flooding.

Economic Development

5.16 The Economic Development Officer was consulted on this application and raised no objections. A local labour clause is recommended, however on the basis that the site extent is unlikely to generate 10 or more dwellings (Major) it is not considered that this is appropriate in light of the significant reduction in the site area of the proposed development.

Housing Services

- 5.17 Housing Services was consulted on this application and stated that they have no comments in relation to this outline application and would comment again on any reserved matters submission. It is not expected that the scale of the site would result in a requirement for any affordable housing provision.

Leisure Services

- 5.18 Leisure Services was consulted on this application and made no comments.

Drainage

- 5.19 The Environment Agency was consulted on this application and they raised no objections. Yorkshire Water was also consulted and they also raised no objections. It was stated that if planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure: No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public rising main i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand - off distance is to be achieved via diversion, the developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
- 5.20 In response to these comments from Yorkshire Water, it is considered necessary to impose the suggested condition in order to allow sufficient access for maintenance and repair work at all times.
- 5.21 The Lead Local Flood Authority was consulted on this application and raised no objections.

DCC Highways

5.22

DCC Highways has raised no objections. It was stated that it is recommended that the following conditions are included in any consent.

- 1. Notwithstanding the information on the application form the area, the subject of the application, is of insufficient size to accommodate 18 No. dwellings and this does not, therefore, form part of the application.*
- 2. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*
- 3. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.*
- 4. Before any other operations are commenced, a new estate street junction shall be formed to Woodthorpe Road located, designed, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.*
- 5. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the 6 C's Design Guide which can be accessed at*

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

6. *The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.*
7. *The proposed access to Woodthorpe Road shall be no steeper than 1:30 for the first 10m and should not exceed 1:12.*

5.23 In response to these comments from DCC Highways, it is considered necessary to impose all of the suggested conditions apart from condition 1 in the interests of highway safety. In relation to condition 1, it is not considered appropriate to limit the number of dwelling units by imposing a condition. The number of units has been omitted from the application description, and the quantum of development would be considered in detail at the reserved matters stage.

5.24 The Chesterfield Cycle Campaign have been consulted on this application and they raised no objections.

The Coal Authority

5.25 The Coal Authority was consulted on this application and they initially objected due to an inadequate coal mining risk assessment. An updated coal mining risk assessment was provided on 21.01.18, the Coal Authority was re-consulted and no objections were raised.

5.26 The Coal Authority stated that although it is appreciated that the application is still not supported by a detailed Coal Mining Risk Assessment it is now accompanied by a letter from AP Building Design (Commercial) Limited which identifies that boreholes should be drilled on site in order to establish the exact situation in respect of coal mining legacy issues. In the event that shallow mine workings are encountered, the Coal

Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. It is noted that the letters author gives depths to which he considers the boreholes should be drilled, however, the intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exaction situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

5.27 The Coal Authority stated that it considers 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 the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

5.28 The Coal Authority recommended that a condition should therefore require prior to the commencement of development:

- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity;

- * The submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and
- * Implementation of those remedial works.

5.29 In response to these comments from The Coal Authority, it is considered that the suggested condition is required in the interests of coal mining legacy and safety.

Tree Officer

5.30 The Tree Officer has been consulted on this application and he raised no objections. It was stated that if consent is granted to the application careful consideration must be given to any proposed landscaping and layout especially to the frontage of the site and where it borders the rural landscape. The use of native tree and shrub species should be used to encourage wildlife and to enhance the visual amenity of the site. These issues would be considered at the reserved matters stage.

Urban Design

5.31 The Urban Design Officer concluded that the application contains only limited information on which the judge the design considerations relevant to its future redevelopment. The submitted Design and Access Statement would benefit from inclusion of a thorough a site appraisal process to demonstrate an understanding of the site constraints and opportunities and formulate design principles by which reserved matters proposals would then be informed. As such, it is recommended that the applicant to provides an amended the DAS and undertake a site appraisal in accordance with guidance contained within the Borough's SPD, Successful Places (2013).

5.32 The Urban Design Officer stated that in the event that planning permission is recommended for approval the following matters should be conditioned:

- A requirement for the provision of an updated design and access statement prior to the submission of any reserved matters applications, including a site appraisal.

- Details of hard and soft landscaping.
- Details of external materials.
- Details of all boundary treatments.
- Retention of the stone front boundary wall except where amendments are necessary to facilitate an access into the site. Details of any proposed alterations should be first submitted to an agreed in writing by the LPA.

5.33 In response to these comments from the Urban Design Officer, it is considered that the recommended conditions would be covered by the standard requirements for any forthcoming detailed reserved matters application.

Derbyshire Wildlife Trust

5.34 Derbyshire Wildlife Trust has raised no objections. It was stated that it is noted that the application area has been reduced in size and no longer includes the southern grass paddock or land to the rear of the workshop. As such, the suitability of site habitats for reptiles is greatly reduced.

5.35 Derbyshire Wildlife Trust stated that should the council be minded to approve the application, we advise that the following conditions are attached:
 Given the presence of existing reptile records in the local area, there is a low residual risk of reptiles being present, around the farm buildings and in/under piles of rubble and other material. A precautionary Method Statement detailing reasonable avoidance measures should be produced and submitted to the LPA for approval.
 Prior to the commencement of development a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. This should include measures as outlined in Section 5 of the ecology report, along with the following:

- details of bird and bat (positions/specification/numbers), including sufficient mitigation for swallows.
- sensitive lighting plan.
- measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm).

- ecologically beneficial landscaping.

Such approved measures should be implemented in full and maintained thereafter.

- 5.36 In response to these comments from Derbyshire Wildlife Trust, it is considered appropriate to impose the suggested conditions in the interests of biodiversity.

DCC Archaeology

- 5.37 DCC Archaeologist has raised no objections. It was stated that the site is within what is likely to have been the medieval core of Woodthorpe. The site frontage area has however been subject to light industrial use with a steel-framed building and hard-standings in place, and is therefore unlikely to retain any archaeological significance. A small area to the rear is located within an arable field which historic mapping suggests was outside the village core in part of the former open field. This is recorded (Derbyshire Historic Landscape Assessment) as being fossilised medieval strip fields, but there has been substantial boundary loss which renders the historic landscape importance of this area low. I therefore recommend that the site is unlikely to retain archaeological or historic landscape significance.

NHS

- 5.38 The CCG were originally consulted on this application and they raised no objections, subject to a financial contribution for services. It is not however considered appropriate, since the revisions to the application site boundary, to require this contribution as the application is no longer a major application.

6.0 **REPRESENTATIONS**

- 6.1 As a result of neighbour notification, letters of representation were received from Staveley Town Council and residents at 3 Bridle Road, 2, 2A, 4 and 12 Seymour Lane, 16, 41, 63 and 85 Norbriggs Road, and 2 un-named addresses. Only one of these letters of representation was received after the application had been amended by reducing the site boundary.

6.2 The letters of representation raise concerns that the application is contrary to policy, would result in the loss of greenfield land, that the site has been identified as a strategic gap, that excessive residential development has already been allowed in the area, and it has been suggested that the development is restricted to brownfield land.

In response to these comments, the application is no longer contrary to policy as the proposals are for development on the brownfield land only and there have been no objections from the Strategy Planning Team. Although other schemes for residential development have been approved and are being considered in the area, it is not considered that the relatively small scale of the proposed development would result in any significant impact in terms of additional residents in the locality.

6.3 The letters of representation raise concerns with regards to residential amenity, raising issues with regards to overlooking, a loss of privacy, overshadowing, an overbearing impact, a loss of views, and concerns with regards to noise and disturbance.

In response to these comments, it is considered that a scheme can be devised that would result in no significant issues for neighbours in terms of overlooking, overshadowing, a loss of privacy or an overbearing impact. These matters would be clarified through the submission of detailed designs at the Reserved Matters stage. A loss of views for neighbouring properties is not considered to be a Planning matter. In terms of noise and disturbance, the hours of construction can be limited in order to minimise any impact.

6.4 The letters of representation raise concerns that the development would result in reduced living standards, that the scheme would exacerbate issues with regards to a lack of school capacity, and that the development would introduce excessive additional residents to the locality.

In response to these comments, it is not considered that the relatively small scale of the proposed development would result in any significant impact in terms of additional residents in the locality in terms of result in any significant impact upon living standards or school capacity.

- 6.5 The letters of representation raise concerns with regards to issues with low pressure from the existing water supply being exacerbated, and concerns about subsidence being caused for neighbouring properties as a result of the disturbance of the site.

In response to these comments, it is not considered that water pressure would constitute a Planning consideration and there have been no objections from Yorkshire Water to these plans. In terms of subsidence as a result of this development, the Coal Authority has been consulted with regards to these matters and raised no objections subject to the imposition of conditions.

- 6.6 The letters of representation raise concerns with regards to traffic and highways, indicating that the application would result in increased traffic and highway safety concerns, indicating that the road around Seymour Lane is already very dangerous, that there is inadequate parking in the village, highlighting that some parents having to park in a pub car park at school drop off and collection times, and that there is a lack of appropriate transport routes in the locality.

In response to these comments, it is not considered that the relatively small scale of the proposed development would result in any significant impact in terms of highway safety or parking. DCC Highways have been consulted on this application and raised no objections, subject to the imposition of conditions.

- 6.7 The letters of representation raise concerns with regards to visual impact, stating that new housing estates are not in keeping with the rural location, that the development would have an adverse impact on setting of Grade II Listed church, and that the development would be out of scale and out of character with the area.

In response to these comments, it is not possible to comment on the detailed design of the scheme as these plans have not been provided at this stage. These matters would be clarified through the submission of detailed designs at the Reserved Matters stage.

- 6.8 The letters of representation raise concerns with regards to the impact on wildlife, with reference to the site providing roosting grounds for grey partridge.

In response to these comments, Derbyshire Wildlife Trust have been consulted on this application and raised no objections subject to the imposition of conditions.

- 6.9 There has also been an unspecified objection, and a request from Staveley Town Council that the decision on this application be deferred until a larger application for the Mastin Moor/Woodthorpe area is determined.

In response to these comments, it is not possible to comment on any unspecified objections. The application is judged on its own merits, so it is not appropriate to defer the decision on this application until other applications are determined.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom.

- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

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

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

- 9.1 The proposals are considered to be appropriate in principle, would be in keeping with the character of the surrounding area and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway

safety. The location of the proposed development site is sufficiently sustainable and is adequately served by public transport and amenities. 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, biodiversity, and coal mining legacy. This application would be liable for payment of the Community Infrastructure Levy.

10.0 **RECOMMENDATION**

- 10.1 That the application be **GRANTED** subject to the following conditions:

Conditions

1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. 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.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to

the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

5. 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 unless otherwise agreed by the Local Planning Authority in writing.
6. Demolition, remediation or construction work to implement the permission hereby granted 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.
7. 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 contamination. Ground gas, ground water and chemical analysis, identified as being appropriate

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.
8. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public rising main i.e. a protected strip width of 6 metres, that crosses the site. If the required stand -off distance is to be achieved via diversion, the developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

9. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
10. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
11. Before any other operations are commenced, a new estate street junction shall be formed to Woodthorpe Road located, designed, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.
12. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the 6 C's Design Guide which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

13. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
14. The proposed access to Woodthorpe Road shall be no steeper than 1:30 for the first 10m and should not exceed 1:12.
15. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority.
16. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
 - 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;
 - The submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works.
17. Prior to the commencement of development a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. This should include measures as outlined in Section 5 of the ecology report, along with the following:

- details of bird and bat (positions /specification/numbers), including sufficient mitigation for swallows.
- sensitive lighting plan.
- measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm).
- ecologically beneficial landscaping.

Such approved measures should be implemented in full and maintained thereafter.

18. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

Reasons for Conditions

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
5. 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.
6. In the interests of residential amenities.

7. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard
8. In order to allow sufficient access for maintenance and repair work at all times
9. In the interests of highway safety.
10. In the interests of highway safety
11. In the interests of highway safety.
12. In the interests of highway safety.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. To ensure that the development can be properly drained.
16. In the interests of coal mining legacy and safety
17. In the interests of biodiversity.
18. In the interests of reducing emissions in line with Core Strategy policy CS20 and CS8

Notes

1. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. Consultations with Yorkshire Water will be required should the applicant wish to discharge to a public sewer.
2. 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.

3. 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 & Environment 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, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
4. The Highway Authority recommends that the first 5m of proposed driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
5. 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.

6. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway (if required) without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
7. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure 2.4m x 4.8m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.
8. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock, contact Mr I Turkington on 01629 538578.
9. Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g.; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

10. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.