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File No: CHE/17/00722/OUT  
Plot No: 2/2165

## **ITEM 7**

### **Outline application to construct 10 dwellings and associated parking and access arrangements at Land to the rear of 79 Sheffield Road, Stonegravels, Chesterfield**

Local Plan: Open countryside and other open land  
Ward: St Helens

#### 1.0 **CONSULTATIONS**

Ward Members	No comments
Strategy Planning Team	Contrary to policy CS10
Environmental Services	Air quality assessment required in reserved matters application and electric charge points required. Land contamination report required.
Design Services	Additional information sought during reserved matters application.
Economic Development	Supportive of scheme, but labour/supply chain clause to be conditioned.
Housing Services	As this is part 2 of the overall scheme affordable housing is required.
Leisure Services	No comments
Environmental Agency	No comments

Yorkshire Water	Additional information sought in terms of drainage during reserved matters stage.
Derbyshire County Council Strategic Planning	Request payments for education.
Lead Local Flood Authority	Holding objection – requiring more information.
DCC Highways	Alterations required to access road. Below required numbers for parking, but no objection subject to condition.
Chesterfield Civic Society	No comments
Chesterfield Cycle Campaign	No comments
Coal Authority	No objection subject to condition.
Tree Officer	No objection subject to condition
Urban Design Officer	No objections, subject to a detailed reserved matters application.
Derbyshire Wildlife Trust	The biodiversity loss on site can be mitigated, but if it is not mitigated then it will not be compliant with CS9. Requested conditions in relation badger setts, appropriate felling.
Derbyshire County Archaeologist	No objections
NHS	Require payments for local health services.

Derbyshire Fire Officer

Building Regulations  
Compliance required.

Neighbours/Site Notice

3 representations received –  
see report.

## 2.0 **THE SITE**

- 2.1 The site comprises an 'L' shaped area of woodland to the east of Sheffield Road at Stonegravels. The western boundary comprises a brick wall (approx 1.4m in height). The land beyond appears heavily wooded from the street and when viewed in the wider area. The site includes a number of mature trees as well as a dense understorey of self-set saplings and undergrowth. From Sheffield Road it has the appearance of a densely wooded area.
- 2.2 The western part of the site is relatively level, although narrow and which is before a steep embankment down to the rear parking courts and back gardens of houses located on Haslam Court to the east. This is currently separated by a mesh fence. An existing large substation is positioned adjacent to the northwest corner of the land. In addition, five TPO protected trees are located along the eastern boundary with Thornfield House.
- 2.3 The site is located within the built up area of Chesterfield and is alongside a main bus route between Chesterfield and Sheffield, with various facilities and amenities within walking distance (within 700m of Chesterfield town centre and 700m of Tesco at Lockoford Lane). As such the area is considered to be sustainably located in respect of accessibility. The current Local Plan (2013) identifies the site as protected open space (Policy CS9), whereas the emerging Local Plan (Feb. 2017) identifies the land as a potential housing allocation (Policy CS10, site ref. H50).
- 2.4 The site is adjacent to a residential housing estate to the north-east which includes a development of 19 units by the same developer as the current proposal.

2.5 Historic maps of the area show that there were previously buildings on this site (likely to be terraced housing) in the late 19<sup>th</sup> century, but the land appears to have been cleared prior to the turn of the 20<sup>th</sup> Century, and has not been built on since this point.

### 3.0 **RELEVANT SITE HISTORY**

3.1 The application site has not been the subject of any proposals for development however the adjacent plots of land have either been developed or been the subject of planning applications for residential development. Westbury Homes developed the land to the south (CHE/1102/0694). Beauchief Homes Ltd are implementing a scheme on land immediately to the north (15/00464/FUL) and a resolution was recently granted to approve residential development on land at Thornfield House (CHE/16/00653/OUT) subject to the completion of S106 Legal Agreement. These submissions are summarised below:

- CHE/18/00041/NMA – Non-material Amendment to Planning Application No. CHE/15/00464/FUL
- CHE/17/00510/NMA - Non-Material Amendment to Planning Application No. CHE/15/00464/FUL
- CHE/17/00685/OUT – Outline Application for erection of up to 42 residential units - Pending
- CHE/16/00763/FUL - Non material amendment to CHE/15/00464/FUL - setting out of plots 4 to 8 and plot 9 adjusted to suit existing on site electrical and telecomm services easements
- CHE/16/00653/OUT - Retention and conversion of Thornfield House and the demolition of other associated buildings and redevelopment for residential use - resubmission of CHE/16/00653/OUT. Resolution to approve subject to s.106.
- CHE/16/00381/REM1 – Variation of Condition 8, 8 and 17 of Planning Application No, CHE/15/00464/FUL
- CHE/15/00464/FUL - Residential development of 9 x 3 bedroom houses and 10 x 2 bedroom flats. Approved. 02/08/17.
- 15/00464/FUL - Proposed residential development of 9 x 3 bedroom houses and 10 x 2 bedroom flats. Approved. 29/03/16.

- CHE/1102/0694 - Erection of 72 dwellings with associated roads and sewers. Approved 24/09/2002.

#### 4.0 **THE PROPOSAL**

- 4.1 Outline Planning Permission is sought for 10 residential units on the northern end of the site. The application reserves access, layout and scale for consideration as reserved matters.
- 4.2 The indicative scheme shows four semi-detached dwellings positioned to the north east of the site as an extension of the terraced housing under construction further to the north together with a block of 6 No 2 bed flats in a three storey building fronting Sheffield Road to the south of the El Sub Station. The plan shows that the area between the proposed dwellings would be landscaped parking and manoeuvring area.
- 4.3 The flats would be provided with 10 associated parking spaces on site, and a communal bin store and cycle parking building. The houses are shown to have 2 parking spaces per dwelling 8.
- 4.4 The proposal also includes a soft landscaping that includes a woodland management scheme and a pedestrian footpath.
- 4.5 The proposal has been amended on numerous occasions. The original scheme included 18 units including 3 separate buildings for 14 flats and 4 separate detached houses. This was then amended to 13 units, then 14, and now 10. As well as this, the positioning of the flats and houses has been revised.

#### 5.0 **CONSIDERATIONS**

##### 5.1 **Local Plan Issues**

- 5.2 The site is situated within the built settlement of Stonegravels in Chesterfield. The area surrounding the site is mixed in uses, with a bus depot and its surrounding land to the west, several businesses and residential property. The site is

considered to be a sustainable location close to services and facilities and public transport routes.

- 5.3 Having regard to the nature of the application, policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS11, CS13, CS18 and CS20 of the Core Strategy and the wider revised National Planning Policy Framework (NPPF 2018) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.4 Policy CS1 (Spatial Strategy) states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.
- 5.5 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
- 5.6 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.
- 5.7 Policy CS3 (Presumption in favour of sustainable development) states that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be*

*approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

- 5.8 Policy CS4 (Infrastructure Delivery) states that *“where the provision of infrastructure is considered to be a strategic need and is included in the Council’s Infrastructure Delivery Plan (or CIL Regulation 123 list) then development, if liable, will be expected to contribute via the Community Infrastructure Levy (CIL). Liability and levy rates will be shown in the council’s CIL Charging Schedule when it becomes effective.”*
- 5.9 Policy CS7 (Managing the Water Cycle) states that *“the council will require flood risk to be considered for all development commensurate with the scale and impact of the proposed development.”*
- 5.10 Policy CS8 (Environmental Quality) states that *“the quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality.”*
- 5.11 Policy CS9 (Green Infrastructure and Biodiversity) states that: *“Chesterfield borough’s green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting and enhancing the network. Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance. Development proposals are required to meet the following criteria where appropriate, and should:*
- a) not harm the character or function of the Green Belt, Green Wedges and Strategic Gaps, and Local Green Spaces*
  - b) enhance connectivity between, and public access to, green infrastructure*
  - c) increase the opportunities for cycling, walking and horse riding*
  - d) enhance the multi-functionality of the borough’s formal and informal parks and open spaces*

- e) *conserve or enhance the local distinctiveness and character of the landscape*
- f) *enhance the borough's biodiversity and where possible link habitats*
- g) *Protect existing ancient and non-ancient woodland and increase tree cover in suitable locations in the borough*
- h) *in cases where loss of a green infrastructure asset is unavoidable, include provision of alternative green infrastructure, on site where possible, to ensure a net gain in quantity, quality or function”.*

- 5.12 Policy CS10 (Flexibility in Delivery of Housing) states that planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if they accord with the strategy of 'Concentration and Regeneration' as set out in policy CS1 and the criteria set out in policy CS2 (as stated above).
- 5.13 Policy CS11 (Range of Housing) states that “*on sites totalling 15 or more dwellings (including phases of those sites) and where there is evidence of need and subject to viability assessment, up to 30% of affordable and, where appropriate, special needs housing, will be sought by negotiation. The tenure of the affordable accommodation will be split between social rented accommodation and intermediate accommodation in accordance with the assessment of need. Where appropriate a financial contribution will be sought for provision off-site.*”
- 5.14 Policy CS13 (Economic Growth) states that “*development should deliver sustainable economic growth by supporting existing jobs and businesses and delivering inward investment.*”
- 5.15 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.

5.16 In addition to the above, the revised NPPF places emphasis on the importance of good design, in chapter 12 it states:

*‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..... (and) 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, taking into account any local design standards or style guides in plans or supplementary planning documents’*

5.17 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.

5.18 The proposed development site is situated within walking and cycling distance from Chesterfield Town Centre and is adjoining a residential area. The site is close to bus stops on Sheffield Road which is a popular public transport route and is located within a 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 and adheres to the policies CS1, CS2 in this sense. In relation to loss of biodiversity, design, flooding/drainage and range of housing these issues will be considered in more detail within this report.

## 6.0 **Strategy Planning Team**

6.1 The Strategy Planning Team were consulted on this application and they provided comments at several points of the process.

6.2 Their initial comments regarding the application, concluded that an ecological survey was required to assess whether the site is of high environmental value. Following the submission

of an Ecological Impact Assessment, a separate Badger Survey report and a Tree Protection Plan and the subsequent analysis of these reports by DWT, they confirmed that in DWT's consultation response (reference DWTCHE292b), they state that "the proposal will result in adverse impacts to woodland at a local scale", and reiterate that the development of a small woodland is questionable. Overall their opinion is that the proposal will result in "a net loss of woodland, the destruction of two holes likely to be used by badger and the loss of 6 x trees with features of low bat roost potential".

6.3 Given the concerns raised by DWT, it is clear that the site is of some environmental value. In terms of assessing whether the proposal meets the criteria (b) of Policy CS2, an assessment needs to be made as to whether or not the site is of high environmental value. Notwithstanding the proposal's compliance with CS2, the proposal is considered to be contrary to Policy CS9 given DWT's concerns. Specifically the adverse impact to the woodland and criteria (g) which relates to the protection of woodland.

6.4 After revisions to the scheme and additional information have been provided the Strategy Planning Team confirm that: *It seems to be clear from DWT's response that they consider "that the loss of the badger sett and the net loss of woodland remain residual impacts" and "if these are not addressed then the proposals will result in a net loss of biodiversity and adverse impacts to green infrastructure".*

*Therefore the policy team consider that proposal, as submitted, is considered to be **contrary** to Policy CS9 given DWT's concerns however this is discussed in more detail in paragraph 12 below.*

## 7.0 **Design and Appearance (Including Neighbour Effect)**

7.1 The Council's Urban Design Officer provided the following comments on the latest proposals:

7.1.1 *The layout comprises an extension of the road stub approved as part of the development immediately to the north. The development proposes 2-storey houses and 3-*

*storey flats and the scale of development is acceptable in principle although the elevated nature of the site and the relationship with nearby neighbouring properties raises the potential for impacts on neighbour amenity. Landscaping and appearance are reserved matters and this would be considered at a later date. The revised layout has responded to the previous suggestion to reposition the flats 3m west of its previously shown location, in order to reduce its scale and presence in relation to the dwellings on Haslam Court, which sit below the site. This adjustment is now considered to achieve a more satisfactory relationship with the neighbouring properties.*

7.1.2 *Based upon the revised details (received 28/06/18) no objection arises to the principle of the scheme on urban design grounds however should the application be recommended for approval, conditions should be imposed in respect of:*

- *External materials.*
- *Hard and soft landscaping.*
- *Boundary treatments.*
- *The pedestrian link to Sheffield Road (including sections and gradients),*
- *The design and appearance of bin and cycle storage.*
- *An advice note advising that elevations facing towards Sheffield Road should be designed as primary elevations and address the street frontage.*

7.2 In so far as the nearest neighbours on Haslam Court the revised scheme provides an opportunity to design buildings which safeguard the amenity of the neighbours without adverse overlooking, overshadowing or massing impacts.

7.3 In terms of access, layout and scale, it is considered that the proposal in conjunction is acceptable in principle. The scheme for 10 units would not be inappropriate, however a further assessment of the design, appearance and landscaping will need to be made at the reserved matters stage. Overall the proposed development is considered to be appropriately designed in terms of scale, layout and

access to respond to the provisions of policies CS2 and CS18 of the Core Strategy, the wider SPD and the revised NPPF.

## 8.0 **Environmental Services**

8.1 Environmental Services were consulted on the application and they confirmed they had no objection subject to conditions to be imposed to restrict the hours of building work, required electric charging points and that a land contamination desk top study is provided. These are considered to be necessary and acceptable and can be required via condition on any permission.

## 9.0 **Drainage**

9.1 Design Services, Yorkshire Water and the Lead Local Flood Authority (LLFA) were consulted on the application. Design Services stated that the site is not known to be an area at risk of flooding. Yorkshire Water requested a condition to be attached regarding foul and surface water drainage details for the site. The LLFA have requested that a drainage strategy is included as part of this proposal, and they cannot supply further comments until this has been done. After reviewing the case it was considered that this could be dealt with by condition at a reserved matters stage.

## 10.0 **Highways Issues**

10.1 The Highway Authority was consulted on the application and they stated:

10.1.1 *This is an extension of a site previously granted planning permission, all accessed from Sheffield Road. For the previous development a vehicular dropped crossing to Sheffield Road was accepted. Given the level of development proposed on this part of the site, however, it is considered that the junction with Sheffield Road should now be provided with kerbed radii. It is noted that this is within land in the ownership/control of the applicant and presumably, therefore, can be conditioned.*

*The layout is not acceptable for adoption as highway maintainable at public expense and the Highway Authority*

*will look for a management company to be established and responsible for the future maintenance of the site.*

*Whilst the entry/exit of a refuse vehicle to/from Sheffield Road has previously been demonstrated it is noted that there is encroachment into the opposing traffic lane on a busy major route into and out of Chesterfield. The alteration and widening of the access, if necessary, to kerbed radii would assist with this issue.*

*The level of off-street parking is still below that generally looked for. Whilst this is not an ideal situation, in view of the proximity of public transport in particular, it is considered it would be difficult to sustain an objection on this issue alone.*

10.2 It is considered that the proposal accessed from the existing scheme to the north would not lead to significant negative impact upon highway safety in the area and having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any adverse risk to highway safety. It is also considered that the level of parking indicated is sufficient having regard to the development proposed and the sustainable location of the site.

#### 11.0 **Coal Mining Risk**

11.1 In respect of potential Coal Mining Risk the proposal is within a high risk area and the Coal Authority stated:

11.1.1 *The planning application is now supported by a Coal Mining Risk Assessment, dated 29 November 2017 and prepared by Eastwood & Partners Consulting Engineers. This report has been informed by an appropriate range of sources of information.*

*Having reviewed the available coal mining and geological information the author of the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues.*

*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. In the event that shallow mine workings are encountered, due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. 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.*

*The Coal Authority would also expect the applicant to afford due consideration to the prior extraction of any remnant shallow coal as part of any mitigation strategy, in line with National Planning Policy. Prior extraction of remnant shallow coal can prove to be a more economically viable method of site remediation than grout filling of voids.*

11.2 It is considered that, subject to condition, that the proposal is acceptable in reference to coal mining risk.

12.0 **Biodiversity and Trees**

12.1 The Local Authority Tree Officer has made the following comments on the proposal:

12.1.1 *There are 3 protected trees to the east of the development site reference T16 & T18 Lime and T17 Sycamore that may be affected by the application along with a wooded area to the frontage of the site located between 67 and 73 Sheffield Road.*

*The application has been amended reducing the development from 18 to 10 units and retaining some of the wooded area to the frontage.*

*A tree protection plan drawing reference SRC2 03 Rev A has been submitted which shows the trees proposed for removal, the retained trees and their root protection areas and the location of the protective fencing to be installed during land clearance and construction.*

*Four new dwellings are proposed to the west of T16-T18. The footprint on the new builds will be outside the root protection areas of the trees. I therefore have no objection to these dwellings as long as the tree protection measures in the Weddle Tree Protection Plan are attached as a condition.*

12.1.2 *The block of flats comprising of 6 units is proposed to the frontage of the site off Sheffield Road which would result in some of the wooded area being removed to facilitate the development but unlike the previous proposals the impact to the wooded area is reduced substantially. There would also be some further loss of woodland to the edge of the unit to enable the tall storey of trees to be removed and create new woodland edge using native trees such as Hazel and Holly which would also add diversity and addition wildlife benefits to the site.*

*The overall layout of the development is in general, now acceptable and I withdraw my previous objections to the application as long as the following conditions are attached for the reserved matters.*

- The provision of a more detailed woodland management scheme for the retained woodlands as shown on drawing PA2 03 Rev H and drawing SRC2 06 by Weddle Landscapes dated May 2018.*

*The woodland management plan should demonstrate the following;*

- a) A detailed long term woodland management plan for the wooded area providing management priorities along with short and long term management proposals*
- b) to show the works required immediately to facilitate the development along with a plan of the areas affected*

- c) and the proposed restocking of the area which should all be of a native species to enhance the biodiversity of the wooded area.*

- The retained trees within the woodland area shown within the blue hatched line on drawing SRC2 06 by Weddle Landscapes dated May 2018 shall be retained, undeveloped and protected throughout the land clearance and development phases unless otherwise agreed in writing by the local planning authority. • A revised tree protection plan should be submitted for*

*approval before and land stripping and development commences.*

- Further details of the proposed accesses through the boundary wall to the block of flats off Sheffield Road shall be submitted. Where the access effects the retained trees further details should be provided showing any change in levels, trees to be removed and cross sectional drawing to demonstrate how this can be achieved. Only those details agreed in writing shall be implemented.*
- Along with a woodland management plan a condition should be attached for soft landscaping works for the site and along the Sheffield Road frontage where the new flat unit is proposed. A landscape drawing has been provided however within the Design and access statement it is indicated that this is a reserved matter. The following condition should therefore be attached:*

#### *Landscape*

*Condition: Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:*

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:*
- b) proposed hardstanding and boundary treatment:*
- c) a schedule detailing sizes and numbers of all proposed trees/plants*
- d) Sufficient specification to ensure successful establishment and survival of new planting.*

*Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).*

*Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.*

*• Along with the details already provided in drawing SRC2 05 Landscape masterplan further details of the proposed footpath (woodland walk) through the wooded area shall be submitted and include the width of the path including any additional working/construction area, the construction materials and final surface finish and any proposed changes in levels (cross sectional drawings will be required). The construction of the path and final surface material should be sympathetic to the setting.*

12.2 The Council also requested for the Derbyshire Wildlife Trust to provide comments, on the 3<sup>rd</sup> November 2017 they provided these comments:

12.2.1 *The application area appears fully wooded and it is vital that no tree removal takes place before a planning decision is made. Prior to determination, a Preliminary Ecological Appraisal should be produced by a suitably qualified ecologist to make a judgement on the ecological value of the site.*

*As well as potentially valuable habitat, the site may be suitable to support protected species such as badgers or roosting bats. Paragraph 99 of Circular 06/2005 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances”.*

*The woodland strip contributes to a green link either side of the B6057. Linear tree cover extends alongside and to the rear of the Stagecoach Bus depot to the west of the B6057 and eastwards to the A61. The impacts of developing this site to Local Green Infrastructure should be considered as part of the Ecological Appraisal.*

- 12.3 An appropriate Ecological Appraisal was subsequently submitted and DWT provided the additional comments:
- 12.3.1 *Regarding the development of the Sheffield Road part of the site, we advise that the redesign of the site and the mitigation measures will partially mitigate the impacts and will allow some development of the site, whilst also retaining some habitat for wildlife and maintaining a contribution to green infrastructure. However, the Trust consider that the loss of the badger sett and the net loss of woodland remain residual impacts. If these are not addressed then the proposals will result in a net loss of biodiversity and adverse impacts to green infrastructure and therefore are not compliant with local planning policy CS9 and the aims of the national planning policy framework and the application could be refused on these grounds. A way forward would be to secure offsite compensation, in addition to the measures already proposed. One way to do this is to use biodiversity metrics, which provide a quantifiable way of assessing the biodiversity impact and what would be required to fully compensate for this.*
- 12.4 This comment reflects that within the Strategic Planning comments that the proposal is against policy CS9. The main policy issues considered applicable are from CS9 (Green Infrastructure and Biodiversity), which include:
- (f) enhance the borough's biodiversity and where possible link habitats,
  - (g) Protect existing ancient and non-ancient woodland and increase tree cover in suitable locations in the borough.
- 12.5 The Council's Tree Officer has stated that he has no objection to the proposal so long as they produce a woodland management plan in the future, as it is considered that this could lead to a better longer term solution to this woodland being sustainable. It is currently unmanaged and has lots of self-set trees. The proposal would lead to the thinning out of the woodland including the removal of dangerous trees and the potential planting of native trees.

- 12.6 The Biodiversity Officer comments (from Derbyshire Wildlife Trust) have stated that the proposal currently leads to the loss of badger sett and reduction of woodland on site will lead to the net loss of biodiversity on site, and this against policy CS9. There is the possibility of securing off-site compensation such as tree planting in other parts of the district.
- 12.7 After further assessments of the badger sett by the ecologist it was concluded that it was no longer in use. The woodland is not considered to be an ancient woodland or of high biodiversity value. It appears to be a collection or planted non-native trees and self-set trees. The proposal would lead to the thinning out of the woodland and long term management in the future and this is considered to be an improvement to the existing situation creating a better long term solution for sustainable management of the woodland. It is accepted that some loss of woodland coverage is regrettable and this will lead to some loss of wildlife and biodiversity on site, especially during the construction phase. The proposal will ensure that a significant proportion of the woodland is retained and managed, and that what is left will be considered to be an attractive place to visit, including a walkway through for local residents. After the construction phase is completed and the initial woodland management works are completed it is likely that the bats and birds that currently visit the site will return. It is considered that the opportunity to explore and secure offsite compensation using biodiversity metrics, which provide a quantifiable way of assessing the biodiversity impact and what would be required to fully compensate for this, in addition to the measures already proposed. This would be explored by under the s106 agreement which is required
- 12.8 On this basis the proposal is considered to be in line with policy CS9.

### 13.0 **Community Infrastructure Levy (CIL) and Infrastructure**

- 13.1 Having regard to the nature of the application proposals the development comprises the creation of 10 no. new dwellings and the development is therefore CIL Liable. The site the subject of the application lies within the low CIL zone and

therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £20 per sqm (index linked) of gross internal floor area created.

- 13.2 North Derbyshire Clinical Care Group provided comment on the application and requested a contribution towards health, due to the extra demands put on their services at Whittington Moor Surgery and Newbold Surgery from the development. These practices are looking to expand to be able to cope with additional demand on their services. On the basis of the CCG calculation the sum required on the back of a 10 unit residential scheme is £3,804 and this can be secured via a s106 agreement in connection to the application.
- 13.3 Derbyshire County Council has requested that £32,375.28 is provided as part of the development for provision of 2 primary school places at Abercrombie Community Primary School. Education is included on the Regulation 123 list for CIL and this would therefore be covered under the CIL contribution and cannot be required.
- 13.4 Percent for Art – The Council requires that developers of major developments costing in excess of £1 million are required to either include works of art into their proposals or pay a fee towards off-site. This scheme is not considered to be over £1 million scheme.
- 13.5 Affordable housing – This is triggered by a scheme for 15 or more residential units. This scheme is for 10 units so affordable housing is not a requirement. The Council's Housing Team has provided comments in relation to the original 18 unit scheme, suggesting that affordable units should be included however no comments have been provided in relation to the 10 unit scheme. The site is owned by the same developer who owns the site to the north, which is currently being built-out however this scheme was not required to supply any affordable housing based on a viability assessment which was provided.

## 14.0 REPRESENTATIONS

14.1 As a result of neighbour notification and site notices, letters of representation were received from the residents of 3 houses:

14.1.1 Resident of 27 Haslam Court (whose comments were received after the first collection of drawings) – They have found the previous works on the adjacent site to be disruptive to their sleep patterns. They are also of the opinion that the area behind their house is full of wildlife including bats, birds and owls. They would like there to be a barrier between themselves and the development and the existing bushes and older trees to be kept.

14.1.2 Local resident (no address given) – They have no objection to the proposed creation of new houses, but they believe building works began on site prior to this application and that some TPO trees may have been felled without going through the correct process.

14.1.3 Resident of 5 Hazelhurst Avenue – they have provided comments in relation to the neighbouring site, which has already received planning permission.

14.2 ***The issues regarding biodiversity/wildlife are dealt with in the report. The issues regarding works on site and TPO trees are related to the adjoining site, which has already received planning permission and TPO applications were received and agreed by the LPA. A condition can be imposed limiting hours of construction in the interests of the amenity of the nearest neighbours.***

## 15.0 HUMAN RIGHTS ACT 1998

15.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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

15.2 It is considered that the recommendation is objective and in accordance with clearly established law.

15.3 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.

15.4 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

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

16.1 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 paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).

16.2 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.

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

## 17.0 **CONCLUSION**

17.1 The proposals are considered to be appropriate in principle, as it is considered that there is adequate space on site for 10 units and which retains sufficient of the woodland area. The location of the proposed development site is sufficiently sustainable, in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS11, CS13, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

17.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9, CS10, CS18 and CS20 of the Core Strategy and the wider revised NPPF in respect of Highways, drainage, materials, biodiversity, impact on neighbours, land contamination, coal mining risk and air pollution. This application would be liable for payment of the Community Infrastructure Levy at a reserved matters stage.

## 18.0 **ADDITIONAL RECOMMENDATION**

18.1 That a s106 legal agreement be negotiated to secure:

- CCG contribution of £3,804 towards health care facilities;
- An opportunity to explore and secure offsite compensation using biodiversity metrics, providing a quantifiable way of assessing the biodiversity impact.

18.2 That the application be **GRANTED** subject to the following conditions:

### **Conditions**

1. Approval of the details of the 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. Concurrent with the submission of a reserved matters application, 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. Unless otherwise approved in writing by the Local Planning Authority 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 1:00pm 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. 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. If discharge to public sewer is proposed, the information shall include:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) ii) the means by which the discharge rate shall be restricted to a maximum rate of 3 (three) litres per second.

Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works .

- 8. 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.
- 9. The reserved matters submission shall include a woodland management scheme (LEMP) for the retained woodlands as shown on drawing PA2 03 Rev H and drawing SRC2 06 by Weddle Landscapes dated May 2018. The scheme shall demonstrate the following;
  - a) A long term woodland management plan for the wooded area providing management priorities along with short and long term management proposals
  - b) to show the works required immediately to facilitate the development along with a plan of the areas affected
  - c) the proposed restocking of the area with native species to enhance the biodiversity of the wooded area.
  - d) Description and evaluation of features to be managed.
  - e) Ecological trends and constraints on site that might influence management.
  - f) Aims and objectives of management.
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - h) Details of the body or organization responsible for implementation of the plan.
  - i) Ongoing monitoring and remedial measures, including monitoring visits and targets.
  - j) Locations of bat boxes, bird boxes and habitat piles (include specifications/installation guidance/numbers)The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the

plan will be secured by the developer with the management body(ies) responsible for its delivery.

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

10. The retained trees within the woodland area shown within the blue hatched line on drawing SRC2 06 by Weddle Landscapes dated May 2018 shall be retained and protected in line with a tree protection plan which has previously been agreed in writing by the local planning authority. The tree protection measures shall be retained in place throughout the land clearance and development phases unless otherwise agreed in writing by the local planning authority.
11. Further details of the proposed accesses through the boundary wall to the block of flats off Sheffield Road shall be submitted. Where the access affects the retained trees further details should be provided showing any change in levels, trees to be removed and cross sectional drawing to demonstrate how this can be achieved. Only those details agreed in writing shall be implemented.
12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units; signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communication cables, pipelines etc, indicating lines, manholes, supports etc); retain historic

landscape features and proposals for restoration where relevant.

13. Along with the details already provided in drawing SRC2 05 Landscape masterplan further details of the proposed footpath (woodland walk) through the wooded area shall be submitted and which shall include the width of the path including any addition working/construction area, the construction materials and final surface finish and any proposed changes in levels (cross sectional drawings will be required).
14. Before any other operations are commenced, the existing access to Sheffield Road shall be modified in accordance with details to be submitted and approved, in writing, by the Local Planning Authority in consultation with the Highway Authority demonstrating a kerbed radii junction, laid out, constructed and provided with visibility splays of 2.4m x 47m in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
15. 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.
16. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

17. There shall be no gates or other barriers on the access.
18. The proposed access to Sheffield Road shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
19. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
20. 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.
21. No site clearance or ground works should take place until a period of monitoring has been undertaken to determine if the 2 x hole badger sett located on site is active. This should be undertaken by an experienced ecologist. If the sett is considered active, a licence must be obtained from Natural England to close the holes. If the sett is considered disused, the holes should be dug out under the supervision of an ecologist
22. Trees with low bat roost potential should be felled by an Arboriculturalist experienced in working on trees with bat roost potential. The Arboriculturalist should be alerted to the possibility of bats being present and the need for vigilance during pruning/felling activities, possibly with precautionary measures such as careful cutting and lowering of limbs.
23. No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA to safeguard bats. This should clearly show lux levels of lightspill around the proposed buildings and provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. Guidelines can be found in Bats and Lighting in the UK (BCT, 2009). Such approved measures will be implemented in full.

## **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 ensure that the development can be properly drained.
8. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.
9. In the interests of biodiversity on site
10. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
11. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
12. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

13. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. In the interests of highway safety.
19. To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.
20. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.
21. In the interests of biodiversity.
22. In the interests of biodiversity.
23. In the interests of biodiversity.

### **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. 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 and 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](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) E-mail  
[highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or  
Telephone Call Derbyshire on 01629 533190

3. The Highway Authority recommends that the first 5m of the proposed driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel PUBLIC 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.
4. Car parking provision shall be made in accordance with the Phase 2 Site Plan drawing (PA2)03 Revision G.
5. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting a new estate street 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 to adoptable standards at some future date.
6. 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.