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File No: CHE/18/00229/FUL  
Plot No: 2/2849

## ITEM 1

### PROPOSED RESIDENTIAL DEVELOPMENT OF 175 NO. 2, 3 AND 4 BED DWELLINGS AND ANCILLARY WORKS - REVISED PLANS RECEIVED 27/07/2018, 09/08/2018, 22/08/2018 AND 04/09/2018 ON LAND SOUTH OF ERIN ROAD JUNCTION, THE GROVE, POOLSBROOK, DERBYSHIRE FOR GLEESON REGENERATION LTD

Local Plan: Sports Pitches & Playing Fields  
Ward: Middlecroft and Poolsbrook

#### 1.0 CONSULTATIONS

<b>Local Highways Authority</b>	Comments received 08/06/2018 – see report
<b>Design Services</b>	Comments received 09/05/2018 and 14/08/2018 – see report
<b>Environmental Services</b>	Comments received 13/08/2018 – see report
<b>Housing Services</b>	Comments received 12/07/2018 and 03/09/2018 – see report
<b>Leisure Services</b>	Comments received 24/07/2018 – see report
<b>Urban Design Officer</b>	Comments received 27/06/2018 – see report
<b>Tree Officer</b>	Comments received 25/06/2018 – see report
<b>Economic Development</b>	Comments received 16/05/2018 – see report
<b>DCC Strategic Planning</b>	Comments received 14/05/2018 and 16/08/2018 – see report
<b>CBC Strategic Planning</b>	Comments received 20/08/2018 – see report
<b>Highways England</b>	Comments received 09/05/2018 and 02/08/2018 – no objections
<b>Derbyshire Wildlife Trust</b>	Comments received 23/05/2018 and 13/08/2018 – see report
<b>Coal Authority</b>	Comments received 15/05/2018

	and 15/08/2018 – see report
<b>DCC Archaeology</b>	Comments received 08/05/2018 – no archaeological work is required
<b>Lead Local Flood Authority</b>	Comments received 04/06/2018, 15/06/2018, 26/07/2018 and 16/08/2018 – see report
<b>Yorkshire Water Services</b>	Comments received 10/05/2018 and 25/06/2018 – see report
<b>North East Derbyshire CCG</b>	Comments received 26/04/2018 and 10/08/2018 – see report
<b>Derbyshire Fire and Rescue</b>	Comments received 01/05/2018 – see report
<b>Environment Agency</b>	Comments received 24/04/2018 – no objections/ standing advice
<b>Derbyshire Constabulary</b>	Comments received 08/05/2018 and 02/08/2018 – see report
<b>C/Field Cycle Campaign</b>	No comments received
<b>Staveley Town Council</b>	Comments received 17/05/2018 – see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	Two letters of representation received

## 2.0 **THE SITE**

- 2.1 The site is an area of green fields located on the SE side Poolsbrook village which measures approximately 5.90ha in area.
- 2.2 To NE the site is bounded by Erin Road (A6192) which bypasses the village and provides a link between Staveley and Duckmanton. To the north is The Grove which is the main access road into the village from Erin Road. The western boundary is marked by a mature hedgerow and Staveley Road beyond, which forms the current edge of the village at this point. The southern boundary is a dense wooded belt separating the site from the nearby Erin Void Landfill site.
- 2.3 Within the site are pockets of woodland which although relatively immature, form areas of natural habitat and are a notable feature

of the site. A ditch crosses east to west and separates the top third of the site from the remaining land to the south.



### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0303/0219 – Erection of community heating equipment at land off The Grove. Approved 22/5/2003.
- 3.2 CHE/1002/0634 – Community heating building at land off Staveley Road / Cottage Close. Approved 14/1/2003.
- 3.3 CHE/1101/0630 - Erection of a conservatory at Rest-A-While, Staveley Road. Approved 3/1/2002.
- 3.4 CHE/0192/0037 - Car park & associated landscaping at land at Erin Road. Approved 8/4/1992.
- 3.5 CHE/0190/0038 - Construction of recreation ground football at land at Erin Road. Approved 14/3/1990.

### 4.0 **THE PROPOSAL**

- 4.1 This is an application, submitted in full, for the proposed erection of 175 no. dwellings on the land identified in section 2.0 above.
- 4.2 The application proposes 175 no. dwellings comprising:
- 2-beds no. 59 units,
  - 3-beds no. 107 units
  - 4-beds no. 9 units
- 4.3 A new vehicle access is shown to be formed to serve 40 no. of the dwellings from The Grove; with two further access points to be formed on the west boundary serving the southern element of the site from Staveley Road. 12 no. individual driveways are also shown to take direct access from Staveley Road as part of the proposed site layout. The proposals include a broad area of open space running broadly east - west through the centre of the site which is subdivided by the existing drainage channel. The drainage channel is to be re-engineered to allow for the development proposals to take place and will incorporate flood storage capacity both above and below ground along the alignment of the channel.
- 4.4 The application submission is supported by the following plans / documents. Items ~~struck through~~ have been superseded as a result of revisions being received.

**Original Plans – 10/04/2018**

2879-0-000 A	SITE LOCATION PLAN
S8708	TOPOGRAPHICAL SITE SURVEY
<del>2879-0-001-K</del>	<del>SITE LAYOUT PLAN</del>
201/1F - HOUSE TYPE 201	ELEVATIONS / FLOOR PLANS
202/1F - HOUSE TYPE 202	ELEVATIONS / FLOOR PLANS
212/1 - HOUSE TYPE 212	ELEVATIONS / FLOOR PLANS
301/1G - HOUSE TYPE 301	ELEVATIONS / FLOOR PLANS
303/1E - HOUSE TYPE 303	ELEVATIONS / FLOOR PLANS
304/1E - HOUSE TYPE 304	ELEVATIONS / FLOOR PLANS
307/1B - HOUSE TYPE 307	ELEVATIONS / FLOOR PLANS
309/1E - HOUSE TYPE 309	ELEVATIONS / FLOOR PLANS
310/1D - HOUSE TYPE 310	ELEVATIONS / FLOOR PLANS
311/1A - HOUSE TYPE 311	ELEVATIONS / FLOOR PLANS
313/1 - HOUSE TYPE 313	ELEVATIONS / FLOOR PLANS
314/1 - HOUSE TYPE 314	ELEVATIONS / FLOOR PLANS
401/1G - HOUSE TYPE 401	ELEVATIONS / FLOOR PLANS
403/1H - HOUSE TYPE 403	ELEVATIONS / FLOOR PLANS
405/1E - HOUSE TYPE 405	ELEVATIONS / FLOOR PLANS
SD-100 REV D	BOUNDARY TREATMENTS - TIMBER FENCE
SD-103 REV B	BOUNDARY DETAILS POST
SD-118	VERTICALLY BOARDED ACOUSTIC FENCE
SD-700 REV A	DETACHED SINGLE GARAGE DETAILS
SD-701 REV A	DETACHED DOUBLE GARAGE DETAILS

**Revised 09/07/2018**

21-0002-CCL-SK012	EXISTING WATERCOURSE SECTIONS
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**Revised 02/05/2018**

2751-2A-TRD-A0-500	TREES IN RELATION TO DEVELOPMENT
2751-4A-VIA-A1-1000	VISUAL IMPACT ASSESSMENT
2751-5B-MM-A1-1000	MITIGATION MEASURES

**Revised 27/07/2018**

<del>2879-0-001-L</del>	<del>PROPOSED SITE LAYOUT - WITH OS PLAN</del>
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2879-0-005	PROPOSED MATERIALS PLAN
201(X)-8 RURAL 13	ELEVATIONS
202(T)-9 RURAL 13	ELEVATIONS
212(E)-9 RURAL 13	ELEVATIONS
301(Z)-8 RURAL 13	ELEVATIONS
303(W)-9 RURAL 13	ELEVATIONS
304(V)-10 RURAL 13	ELEVATIONS
307(Z)-10 RURAL 13	ELEVATIONS
309(W)-10 RURAL 13	ELEVATIONS
310(R)-10 RURAL 13	ELEVATIONS
311(G)-8 RURAL 13	ELEVATIONS
313(H)-9 RURAL 13	ELEVATIONS
401(T)-9 RURAL 13	ELEVATIONS
403(R)-9 RURAL 13	ELEVATIONS
405(X)-9 RURAL 13	ELEVATIONS

**Revised 09/08/2018**

<del>2879-0-001-N</del>	<del>PROPOSED SITE LAYOUT - WITH OS PLAN</del>
2879-0-002 -A	PROPOSED STREET SCENES - INDICATIVE COLOUR
2879-0-005 -B	PROPOSED MATERIALS PLAN
307Z(B)PLANNING (Plots 4 and 40 Only)	REVISED ELEVATIONS
309N(E)PLANNING (Plot 19)	REVISED ELEVATIONS
309N2(E)PLANNING (Plot 38)	REVISED ELEVATIONS
403U(H)PLANNING (Plot 73 Only)	REVISED ELEVATIONS

**Revised 22/08/2018**

<del>2879-0-001-O</del>	<del>PROPOSED SITE LAYOUT - WITH OS PLAN</del>
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**Revised 04/09/2018**

2879-0-001-P	PROPOSED SITE LAYOUT - WITH OS PLAN
18006_P_001 Rev D	SITE ACCESS VISIBILITY SPLAYS
18006_P_002 Rev D	SWEPT PATH ANALYSIS – REFUSE VEHICLE
18006_P_003 Rev D	VISIBILITY SIGHTLINES SHEET 1 OF 2
18006_P_004 Rev D	VISIBILITY SIGHTLINES SHEET 2

**Documents**

Planning Statement

Design and Access Statement

Drainage Statement

Flood Risk Assessment (revised 09 July 2018)

Deep Water Risk Assessment

Ecological Impact Assessment

Transport Assessment (revised 09 August 2018)

Travel Plan (revised 09 August 2018)

Noise Assessment

Geotechnical and Geo-Environmental Desk Study (by Eastwood & Partners)

Geotechnical and Geo-Environmental Site Investigation (by Eastwood & Partners)

Tree Report & Plan

Arboricultural Impact Assessment

Landscape Statement

Employment and Training Management Plan (revised 27 July 2018)

Affordable Housing Statement

Planning Obligations Statement

~~Materials Schedule~~

Maximising Security Through Design (by MJ Gleeson)

HCA Development Appraisal & Cost Breakdown – ***Private & Confidential***

Proposals for Compensatory Woodland

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the ward of Middlecroft and Poolsbrook and is located on the edge of the built settlement of Poolsbrook village in an area predominantly residential in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS6, CS7, CS8, CS9, CS10, CS11, CS13, CS18 and CS20 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 **Principle of Development**

### **Current designation and 5 year housing land supply**

- 5.2.1 The site is currently designated as a Sports Pitch and Playing Field, subject to local plan policy CS9, and as a greenfield site, in accordance with Policy CS10, planning permission can only normally be granted for housing-led proposals if allocated sites have been exhausted or if the borough cannot demonstrate a 5 year supply of housing land.
- 5.2.2 At time of writing the council is currently able to demonstrate the required 5 year supply of deliverable land for housing (reported to Planning Committee on 6<sup>th</sup> August 2018).
- 5.2.3 However, the supply position has not been tested through a Local Plan examination, and as such a cautious approach should be taken and the proposal should be viewed as being contrary to Policy CS10 until the new Local Plan is adopted. Given the status as Regeneration Priority Area and the policy in the emerging Local Plan (LP1) (which has been through a public consultation), considerable weight should be given to the regeneration benefits offered by the development in respect of CS2 (d) and (ii) and delivering the council's spatial strategy (CS1 and CS2 (a))) in establishing whether an exception should be made to policy CS10.

### **CS1 Spatial Strategy – concentrating new development close to centres and at regeneration priority areas**

- 5.2.4 CS1 sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating.
- 5.2.5 The site is within walking and cycling distance of some local facilities, including Poolsbrook Primary School and a convenience store. It is around 1.2 miles (around 20 minute walk) to the nearest Centre at Staveley. However, the Draft Local Plan did propose Local Centres to be designated at Duckmanton and Lowgates East due to the range of services and facilities available, although both are 1.4 miles/25 minute walk. All three locations, although relatively close, are beyond what might be considered a reasonable walking distance from a centre and no new local facilities are proposed as part of the development. Bus services are reasonable, and new



development may help to sustain the shop and school in the village.

- 5.2.6 CS1 identifies six Regeneration Priority Areas, of which Poolsbrook is one, as a focus for growth. To accord with the regeneration aspect of CS1 (and justify whether an exception can be made to CS10), the development must demonstrate how it will assist in the regeneration of Poolsbrook.

### **CS2 Principles for Location of Development**

- 5.2.7 CS2 sets criteria for assessing proposals for development on unallocated sites. Whilst it is not necessary for a development to meet all of the requirements set out in policy CS2 in order for a proposal to be acceptable, weight should be given to the extent that they are able to.
- 5.2.8 In relation to criteria a, as mentioned above, the site is above what might be considered a reasonable walking distance from a centre and therefore there is a question as to the extent the proposal contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would undoubtedly make a contribution to delivering that.
- 5.2.9 The site is not previously developed land and therefore does not accord with criteria b. The proposal is for greenfield development, where exceptions to policy can only be considered if sufficient regeneration benefits are robustly demonstrated with a viability appraisal.
- 5.2.10 It is considered that the proposal accords with criteria (c) (e) and (g) of this policy, and subject to comments from Derbyshire County Council regarding education provision (see further comments under S106 and CIL below), it would also accord with criteria (e). The proposal has the potential to offer wider regeneration and sustainability benefits to the area (d) which need to be demonstrated through a viability appraisal. As noted by DCC Highways, the proposal does not include new pedestrian and cycle links, and as such does not provide opportunities for walking and cycling and is contrary to criteria (f). It is however understood that there is a commitment from the Council to use a proportion of the capital receipts from the sale of the land to fund foot and cycle path

improvements associated with the off-site open space and play enhancements and there is also an opportunity to use CIL revenue to support improvements.

5.2.11 The majority of the site is in flood zone 2, with a significant area of high and medium risk of flooding from surface water. As such any planning application will need to be accompanied by a site specific Flood Risk Assessment in accordance with national planning guidance. The Council will take advice from the Environment Agency and consider the extent to which Sequential Test considerations have been satisfied. The regeneration benefits and any improvements to the drainage network will be significant considerations.

5.2.12 Criteria i and ii do not apply in this case.

#### Regeneration benefits

5.2.13 It is essential to robustly demonstrate the regeneration benefits of the proposal given that the council does have a 5 year housing land supply, in order to consider whether an exception can be made to CS10. The provision of new housing in the village and providing a more diverse mix of housing types and tenures is a significant regeneration benefit in this location.

5.2.14 The Planning Obligation Statement states that in addition to the CIL payment, the benefits will be as follows:

1. A commitment to commence development within 6 months of an implementable planning consent
2. A commitment to employ local labour where possible
3. A commitment to employ an apprentice on the site if possible

5.2.15 The Statement claims that any additional financial planning gain will render the development unviable, although it is understood from the independent review of the viability assessment that a sum of £174,000.000 is available to fund necessary contributions and that this sum has been agreed with the applicant. Further discussion of this matter is detailed in section 5.8 below.

5.2.16 Other benefits cited in the Planning Statement may be achieved but cannot be secured as part of any permission:

- Increase in resident expenditure

- Indirect job opportunities

### **CS9 Green Infrastructure**

- 5.2.17 As a greenfield site, Policy CS9 Green Infrastructure and Biodiversity requires proposals to enhance biodiversity and ensure a net gain in quantity, quality or function of green infrastructure. In order to comply with CS9 (f & h) it is essential that the proposed new wildlife habitat, tree planting, tree and hedgerow retention are secured to ensure a net gain in quality and function of the site to balance against the loss of green infrastructure (see section 5.7 below).

### **Open space and play**

- 5.2.18 As a current playing field, at pre-application stage Leisure Services advised that the current Parks and Open Space Strategy does not seek to retain all play areas or green space, and it acknowledges the need to identify surplus play spaces and 'green spaces' for 'potential change of use or disposal'. Leisure Services confirmed that the site is surplus to operational requirements, although it is important to note that the Parks and Open Space Strategy is currently being updated and the recommendations have not yet been published. Leisure Services should be asked to provide a formal comment in the event that the evidence has been updated.
- 5.2.19 In terms of requirements for play provision arising out of the development, Leisure Services advised that rather than new on-site play provision, improvements to existing open space and play facilities would offer a more significant regeneration benefit. Leisure Services advised that improvements will be required to the Council junior play on a site at Cottage Close, the football pitch, and improved connectivity (foot/cycle paths) to Poolsbrook Country Park, providing connectivity with other green infrastructure and facilities. These improvements are important in demonstrating sufficient regeneration benefits and justify making an exception to CS1 and CS10 in light of the 5 year supply of housing land, but cannot be secured as an off-site S106 contribution as this would result in double counting with the council's CIL Regulation 123 list. As noted above in relation to foot/cycle paths, it is understood that there is a commitment from the Council to fund the necessary upgrading costs with monies from the sale of the land (not excluding any contributions from CIL funds but without prejudice to

any decisions that the Council may take on priorities for CIL expenditure).

### **CS11 Range of Housing**

- 5.2.20 In terms of the range of housing, policy CS11 requires that up to 30% affordable housing is provided, either on or off site, subject to viability. Due to the presence of social housing in the existing village and the need to diversify the mix of housing, the amount of affordable housing will be balanced against other community/regeneration benefits that can be secured (as evidenced in the Viability Appraisal). It is stated that 25% of the housing proposed will be low cost market housing including schemes such as Help to Buy. The applicant considers this to be a discounted market housing product, although it does not explicitly fall within the definition of affordable housing (NPPF July 2018). Subject to clarification from the Government, 'Help to Buy' may be considered as '*other low cost homes for sale*' within d) Other affordable routes to home ownership.
- 5.2.21 With this in mind, it is also noted that Housing Services have commented that demand for (traditional) affordable housing types in Poolsbrook is low and there is little need for additional supply in the immediate surrounding area. Therefore in terms of the funds available for contributions, the provision of additional affordable housing in Poolsbrook is a relatively low priority. However, when all other requirements have been considered, if there is scope for an off-site contribution towards affordable housing, it would be appropriate to seek a commuted sum to be used locally for more specialised housing solutions such as adaptations, in line with recommendations from Housing Services (see section 5.8 below).

### **Concluding Comments**

- 5.2.22 The site is greenfield and as the council has a five year supply of land for housing, the proposal is contrary to policy CS10 of the adopted Chesterfield Local Plan Core Strategy. However, as the site is part of an identified Regeneration Priority Area, there is scope to consider whether an exception can be made to CS10 if the regeneration benefits (evidenced by a viability appraisal) are sufficient.

- 5.2.23 Considering the benefits in terms of mix of housing and potential for local training and employment, along with improvements to open space and play facilities, the proposal does offer sufficient regeneration benefits to warrant making an exception to CS10 in this case.
- 5.2.24 Subject to agreement of an outline Habitat Compensation Strategy with the Council and DWT, and securing a S106 contribution to fund the replacement tree planting, and provided there is a mechanism that will mitigate the loss of open space (e.g. improvements to play facilities off Cottage Close, football pitch, and new and enhanced foot and cycle paths to connect with existing), the proposal accords with CS9.

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

- 5.3.1 The site is an area of green fields located on the SE side Poolsbrook village. To NE the site is bounded by Erin Road (A6192) which bypasses the village and provides a link between Staveley and Duckmanton. To the north is The Grove which is the main access road into the village from Erin Road. The western boundary is marked by a mature hedgerow and Staveley Road beyond, which forms the current edge of the village at this point. The southern boundary is a dense wooded belt separating the site from the nearby Erin Void Landfill site.
- 5.3.2 Within the site are pockets of woodland which although relatively immature, form areas of natural habitat and are a notable feature of the site. A ditch crosses east to west and separates the top third of the site from the remaining land to the south.
- 5.3.3 Poolsbrook has its origins as a mining settlement. It was originally built by Staveley Coal and Iron Company towards the end of the 19th century, providing workers housing for miners at the nearby Collieries. During the inter-war period the older lines of terraces were subsequently replaced by a new street layout and houses which form the village of today.
- 5.3.4 Poolsbrook displays a strong architectural identity with a largely consistent approach to the scale and appearance of the houses, in terms of materials and forms. This creates a place with a strong visual coherence.

5.3.5 The site area comprises 5.9 hectares of woodland and meadow. 175 dwellings are proposed and therefore this equates to a gross density of 29.5 dwellings per hectare (dph), which is a standard suburban density of development. Included in the proposed layout is an area of POS measures approximately 1.43 hectares, leaving a net developable area of 4.47ha and a resulting net density is 39dph.

5.3.6 The initial application submission was supported by a Planning Statement, Design and Access Statement, Landscape Statement and Maximising Security Through Design Statement; which were all reviewed alongside the application drawings / proposals by the Council's **Urban Design Officer (UDO)**, Derbyshire Constabulary's **Crime Prevention Design Advisor (CPDA)** and the Derbyshire **Fire and Rescue Officer (F&RO)**. The following comments were made by each consultee respectively:

*UDO - Guidance contained within the Council's residential design SPD Successful Places (2013), stipulates that proposals should be based upon a thorough understanding of the site constraints and opportunities following an analysis of the site and its context. This should then inform the developments 'design concept' which underpins the design of the scheme and the approach to the development as a whole.*

*The DAS indicates that a site appraisal has been undertaken and detailed through a series of context, appraisal and concept sketches in accordance with guidelines set out in 'Successful Place. However, these are not contained within the DAS and no such information appears to have been provided in support of the submission.*

*As a result the layout is presented in isolation with no evidence provided to demonstrate that the scheme is founded on an appreciation of the village context, a site appraisal or underpinned by a sound design concept. Consequently the layout appear generic, lacks any clear sense of place and does not indicate how it has taken the opportunities available for improving the character and quality of the area and way it functions. In contrast, the development would, by reason of its amount and arrangement be damaging to many of the existing natural features.*

*A substantial proportion of the DAS (7 of 30 pages) is dedicated to precedent images from locations outside the village in an attempt to justify the use of generic house types, whereas greater consideration of how the proposed development relates to and responds Poolsbrook would be of greater relevance to the application. The actual analysis of the settlement is cursory with little evaluation of the character or how this could be used to link the character of the development to the village. Poolsbrook has its own locally distinctive character (see 4a above) and the positive characteristics of the village should be used to inform the design response rather than impose generic designs from elsewhere.*

*It is recommended that the design approach to the site is revisited based upon guidance contained within the SPD (see link above) to take every opportunity to more closely reflect the locally distinctive qualities of the village and strengthen the character and identity of the proposals, many of which are already outlined above.*

### **Village Entrance**

*The site occupies a key position at a main entrance into Poolsbrook. However, the proposals do not acknowledge important location through the design of the layout. The development represents an opportunity to form a positive gateway into the village by arranging the built form to address the junction. The layout in this area (Plots 34 – 40) could be re-configured to relate to the entrance.*

### **Connectivity**

*The layout contains one point of vehicle access from The Grove serving the northern part of the site. A second vehicle entrance point is located on the south west boundary, off Staveley Road, serving the southern part of the site. Both development parcels are segregated by the existing drainage ditch and a grassland corridor running broadly east-west through the centre of the site.*

*This arrangement creates two cul-de-sacs although no formal footpath connection is shown through the green space to link up to the two sides of the development. As such, a footpath link to facilitate pedestrian access between the two areas is recommended.*

### **Corner Locations**

*The layout includes numerous corners, although many are not occupied by units designed to turn or address corner locations specifically. This results in many blank walls in prominent positions within the townscape. Dual aspect designs should be introduced to corner plots and house type designs adapted as appropriate so as to meaningfully relate side elevations towards the street. Many of the house types have habitable rooms that could accommodate additional side windows and bays.*

*The existing village includes a number of junctions where the dwellings are designed to address or frame the corner, creating identifiable locations and assisting with the legibility of the townscape. It would be appropriate to seek to replicate this characteristic within the proposed development. The design should be revisited to address this issue.*

### **Terminating Vistas**

*Views along a number of the proposed streets are poorly considered, often terminating on parking, garaging, boundary fences or glancing edges of the buildings, rather than focussing on a strong focal point or elevation that has been deliberately positioned to close the view.*

*The existing village includes a number of vistas along roads where the dwellings are positioned deliberately to close the views at the end of the street. It would be appropriate to seek to replicate this characteristic within the proposed development. This should be revisited and the design amended to address this issue.*

### **Relationship to edges**

*The site has a number of exposed 'edges' where it relates to The Grove, Staveley Road, Erin Road and frontages onto both sides of the central green corridor. Generally, the development is outward facing and relates to its edges. However, the arrangement of the layout raises a number of issues set out below:*

#### **Erin Road Frontage**

*The development along Erin Road either backs onto or is side onto the boundary with Erin Road. A 2m high acoustic fence is also proposed along the NE boundary, although its exact extent is unclear from the drawings provided. This would be partially obscured in views from Erin Road due to the presence of a low embankment and the site being at a slightly lower level to the road. Nevertheless, the fencing represents a potentially stark edge to*



*this part of the site. Although some native hedge planting is indicated along this boundary, this is fragmented and intermittent. Overall, the combination of development, fencing and removal of woodland is likely to create an abrupt interface with frontage onto Erin Road, which would form the new edge to the village.*

#### *Staveley Road Frontage*

*A mature hedgerow is located along the western boundary and separates Staveley Road from the site. Where the development faces towards Staveley Road the buildings are located within existing hedge line and accessed directly off the road.*

*Consequently, the majority of the hedgerow would be removed as a result. Although short sections of hedgerow are shown to be retained on plot frontages, the loss of hedgerow will be significant and the practicalities of retaining any meaningful hedgerow are uncertain.*

*This would be detrimental to the appearance of Staveley Road and is likely to be harmful to the ecological value of the site.*

#### *Central Green Corridor*

*The edges of the development facing onto the green corridor are very straight and create a rigid building line. These edges would benefit from a more natural alignment in response to the natural character of the green space that they define.*

*Furthermore a clear definition between public and private spaces along these edges should be clearly defined. A 1.2m high post and rail timber fence or metal railings are recommended between the road/private drives and the green corridor. Pedestrian access points would need to be provided off the adopted roads to facilitate public access.*

#### **Site Features / Hedges and Woodland**

*The existing drainage ditch is proposed to be retained, although engineering works are referenced on some drawings and it is unclear how this would impact on this site feature.*

*The majority of existing woodland together with the much of the established hedge along Staveley Road is proposed to be removed as a result of the development. This is likely to be detrimental to the ecology of the development and the character and appearance of the site which is defined by the presence of trees and hedgerows.*

*Where wooded areas are shown to be retained, the Mitigation Measures drawing identifies these as subject to agreement of consultant engineer (in respect of possible re-grading to areas of ground alongside beck). This suggests that these areas may also be lost due to drainage engineering works.*

*The frontages onto The Grove and Staveley Road are also punctuated by multiple plot entrances serving individual driveways. These break up the continuity of the remaining hedgerows. Although the Mitigation Measures drawing indicates retained hedgerow along Staveley Road, this is shown to be only very narrow and intermittent and is unlikely to be meaningful in terms of appearance or ecological value.*

### **Projecting boundaries**

*In a number of locations side garden boundaries are shown to project out from the building line and into the street. These would appear intrusive and detract from the appearance of the streetscene. It is recommended that these are set back meaningfully from the back edge of the footways and a landscaped margin provided to soften the appearance of these frontages. Furthermore timber fences to side garden boundaries onto public frontages should be substituted with 1.8m high brick boundary walls to ensure a good finish and a robust treatment against the street.*

### **Landscaping**

*No details of landscaping appear to be available at this stage, although a Landscape Statement has been submitted which advocates a strong planted context for the new development but recognises that the proposals would result in a significant visual impact in the short term.*

*However, the conclusion that the proposed perimeter planting would, over time, provide a strong planted context, that would enhance the visual appearance and wildlife value of the site, is considered to overstate the benefits of the landscape mitigation proposals relative to the loss of woodland, hedges that would arise from the development.*

### **Amenity**

*The rear gardens are proposed to be subdivided by low (600mm high) post and wire fences. This raises a question of amenity and*

*security between residential plots due to the absence of tall secure boundaries between gardens.*

### **Appearance & Character**

*As identified above, the village displays a number of strong locally distinctive characteristics that could be readily interpreted and incorporated into the proposed design. Key features are already stated in 4a. Village Character and Identity. At present the proposed house types are generic designs and there has been no clear attempt to respond to the local distinctiveness of the village.*

*Any proposals should seek to assess and understand these qualities and find ways of interpreting and embedding positive aspects of the villages distinctiveness into the proposals to ensure it is grounded sensitively within the context of 'this place', and does not appear as an 'anywhere' form of development that is unresponsive to the character and identity of Poolsbrook. This could be achieved in a number of ways, including:*

- The use of red brick ground floors (lower two-thirds) and rendered upper floor (top third) are a strong component of the areas architectural and character. This could be replicated in the design of the proposed house types through the introduction of render to echo the local style or perhaps interpreted through the use of the lighter coloured brick above red brick in 1/3 to 2/3 proportions.*
- Low red brick boundary walls to plot frontages along main street frontages.*
- Introduction of predominately hipped roof styles.*
- Red brown plain tile roof tiles.*
- Blue brick plinths.*
- Brick band detail between upper and lower floors/Materials.*

*It is recommended that the standard house types are adapted in response to and reflect the locally distinctive characteristics of the village.*

### **Conclusion**

*Where identified above the layout as currently shown raises a number of design issues. It is recommended that the scheme is reviewed and amended having regard to these comments and guidance contained within the Successful Places SPD.*

*CPDA - There are no objections to the principle of residential development on this site or the layout proposed.*

*I note Gleasons 'Designing Out Crime' document supporting the application, but as this is a generic document and doesn't respond to the context of the site, my advice is to require the following amendments to boundaries and some house treatment.*

*The inter-garden boundary is a 600mm high post and wire fence, which is insufficient separation in my view. It should be substituted with a principally solid material fence of no lower than 1200mm with an initial section of 1800mm privacy screen.*

*The majority of the outer site boundary is proposed to be a 1800mm high hit and miss boarded fence, with some areas where there is an existing post and rail fence or back garden fence of existing housing in place. There is a 2000mm acoustic fence drawing accompanying the application, but no indication of this being specified anywhere.*

*As the majority of the outer eastern boundary is adjacent to open fields, an access track visually cut off by land bunds, and I believe a public footpath off Staveley Road which isn't shown on plans, my recommendation is to specify such a 2 metre acoustic fence along all garden boundaries adjacent to the depot access track, enclosing the depot to the north east, and for the remainder of the eastern site boundary up to plot 175 at the junction with Staveley Road. The boundary for plots 1, 7-11, 12 and 14 should be clarified.*

*The majority of key corner plots have been well specified to give an active outlook over the street or open space. The following plots do not and I'd ask are amended as shown.*

*Type 301 to have the additional bay window shown at plots 36 and 137.*

*Type 201 to have optional bays at plots 34, 81 and 82.*

*Type 311 to have an optional bay at plot 76.*

*Type 304 is a weak corner type and should be replaced at plots 121 and 160.*

*Type 307 to have additional lounge windows to the side of plots 4 and 40.*

*Type 309 to have additional lounge windows to the side of plots 19, 38, 111 and 142.*

*Type 403 to have additional windows to the dining area on the side of plot 73.*

*F&RO – The Fire and Rescue Authority strongly recommend the installation of a domestic sprinkler system in the proposed premises, however should you choose not to install a sprinkler system at this stage the Fire and Rescue Authority would like to recommend that you provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.*

***Officer Comment – The comment made above concerning the installation of domestic sprinkler systems is a building regulations matter.***

5.3.7 As a result of receiving the consultee comments set out above the applicant sought to address the concerns which had been raised through a series of revisions and amendments being made to house types and site layout (27 July 2018, 09 August 2018, 22 August 2018 and 04 September 2018). Some of the amendments made were also commensurate with changes required by the Local Highways Authority and these are discussed in more detail in section 5.4 below.

5.3.8 The revisions made to the scheme sought to address issues highlighted in respect of boundary treatments around the application site perimeter, boundary treatments within the site layout itself, private boundary treatments to each plot, house types and materials, and house types to corner plots where additional surveillance was being sought. The applicant provided the following update / response to the comments made (with particular reference to those of the UDO):

***Design Approach***

*As detailed within the DAS, a site appraisal was undertaken and the design progressed through a series of sketches in accordance with 'Successful Places'. Although I recognise that visual drawings have not been provided of this process, it has been completed by our architects and I do not feel that updating the DAS at this stage of the application would be of significant benefit.*

*The layout has taken account of the village of Poolsbrook, the immediate surroundings of the site, and the context of the site itself. The layout design has incorporated elements of the*

*surrounding area, as discussed in the Design and Access Statement, to form cohesion and harmony with the settlement of Poolsbrook, whilst creating its own sense of place.*

### **Village Entrance**

*We believe that the layout acknowledges the importance of the sites location at the village entrance by addressing The Grove with a combination of house types. You referred to reconfiguring plots 34-40 in order to relate to the entrance; however most of these plots (plots 36 – 40) all front the main entrance to the development, creating a sense of place upon arrival. Plots 34 and 35 are reached from a private drive accessed via the main spine road. The layout has been designed in this way to ensure the frontage and main spine road is addressed as much as possible, creating added interest by introducing a private drive, as opposed to one continuous run of plots. Plots 34 and 35 form part of an attractive cluster of four houses at the end of the private drive. We feel that this area positively addresses the village entrance.*

### **Connectivity**

*There is no formal footpath connection identified through the green space. This area has been identified as an area which provides opportunity for ecological enhancement, whilst also being an area which is designed to flood. The existing watercourse will remain insitu, and this area will be subject to engineering works. The Flood Risk Assessment submitted as part of this application provides further information. The primary function of the preserved floodplain is to store surface water runoff during periods when the River Doe Lea is at a high level, but it is also proposed as an area which can benefit from ecological enhancement with the planting of tussocky wildflower grassland. With the above considerations, it is not proposed to actively encourage pedestrian access to this space and consequently a footpath between the two areas is not proposed.*

### **Corner Locations**

*The layout has been designed to minimise the number of blank walls in prominent positions, and use corner turners in specific locations to create added interest, as well as the benefits of surveillance. We have however considered your comments and made several changes to the layout in order to better address corner locations through the use of additional windows and*

*changes to house types in some locations. These are identified on the revised layout.*

### ***Terminating Vistas***

*We feel that wherever possible, in understanding the constraints of the site, we have created added interest and positive terminating vistas, however in order to address your comments we have adjusted Plots 8 – 11.*

### ***Relationship to edges***

#### ***Erin Road Frontage***

*The location of the close boarded fence is detailed in the noise report, but for convenience this is now identified on the site layout.*

#### ***Staveley Road Frontage***

*The hedgerow along Staveley Road has a category grading of C, as identified within the Tree Survey, and therefore the hedgerow is of very little merit and has few arboricultural, ecological or landscape qualities. We have positioned the new properties to front Staveley Road in order to create a positive outlook for new residents, and enhance the sense of place. The positioning of dwellings in this way also has benefits for security. Although this hedgerow is of little value, we aim to retain as much of this as possible, and future maintenance will be the responsibility of new purchasers or a management company. The loss of the segments of hedgerow is not significant given its low arboricultural and ecological status, and there are no concerns about retention of the remaining hedgerow.*

*The developable site area is significantly constrained by the required flood storage area associated with the central corridor. The layout has also been designed in this way to facilitate the underground storage of surface water and associated easements which are defined by the engineering strategy for the site. We believe that the layout creates an attractive and aesthetically pleasing outlook for new residents of the development site, whilst overlooking of the green space creates an added benefit for security.*

*As previously discussed, there is no overwhelming reason to prevent public access to the central ditch corridor, however it is proposed not to actively encourage this. We are not proposing any*

*paths nor a footbridge over the watercourse, and instead this whole area will be planted with a tussocky mix which, once established, will be an enhanced ecological area. We believe that the use of a timber fence or railings would create a harsh and formal edge with the green space, and by leaving this open we believe that it blends more smoothly with the built form, and creates a sense of openness.*

### **Site Features / Hedges and Woodland**

*The status of the trees and hedgerow and the potential impacts are addressed in the Tree Survey and other associated arboricultural reports.*

### **Projecting Boundaries**

*The side garden boundaries are designed in this way to avoid having small strips of 'no man's land' which nobody takes ownership of, and over time these become unsightly. Further to conversations with Sarah Kay, we have introduced these strips to some plots on the main spine road of the development including Plot 4 and 38.*

*In respect of timber fences to side garden boundaries onto public frontages, I draw your attention to Appeal Decision Reference APP/R1038/W/17/3184601: Land off Masefield Avenue, Holmewood, Chesterfield, in which the Inspector considered the benefits of Gleeson's screen fence specification as opposed to a wall in a public frontage location. The Inspector found that the fence specification represented 'good design' and 'would not have a harmful effect on the character and appearance of the surrounding area'. In our opinion, this site is materially similar and in a similar location and therefore the same principle applies.*

### **Landscaping**

*The status of the trees and hedgerow and the potential impacts are addressed in the Tree Survey and other associated arboricultural reports.*

### **Amenity**

*Gleeson address garden security through our submitted document 'Maximising Security Through Design'. Section 5.2 of this report shows how Gleeson create secure zones of rear garden areas around 5 to 7 houses utilising low level fences to allow surveillance to that each house can view a number of neighbouring rear*



*gardens therefore deterring trespassers. As part of the above measures a more robust fence or garage between houses is provided to form a secure barrier between the street and private rear gardens. This makes it very difficult for intruders to enter the secure zone whilst creating the observation zone mention above whereby unusual activity can be identified. By providing low level fences potential intruders have very little area in which to hide. Through this method, natural surveillance is provided in abundance. In order to address your concerns, the revised layout includes additional 1.2m fences provided in longer runs to create additional 'secure zones'.*

### ***Appearance and Character***

*Gleeson strongly believe that the proposals respond to the local distinctiveness of the village. The elevations and materials proposed do interpret the local style through the combination of lighter coloured and red bricks. However, further to our recent discussions we have now submitted revised elevations across the whole site to address your comments. As per your comments, we are also happy to confirm the use of terracotta tiles, as per the revised materials plan.*

- 5.3.9 Having regard to the comments and exchanges set out above, in the context of the revisions as made and the assessment of the scheme as a whole it is considered that in design and appearance terms the development proposals are acceptable. In reaching this conclusion it is accepted that there are some design compromises based upon the assessment made by the UDO and CPDA, however it must be accepted that the applicant is taking on a site where market prices are low and therefore this affects the product, materials and finishes which the developer can viably offer to the market. The developer (Gleeson's) has made it clear that whilst they do target sites in areas where land prices are lower, they seek to pass on some savings to prospective purchases by offering a 'no frills' product. Examples of these savings can be seen where they do not landscape rear gardens, do not erect solid timber boundary fences between houses and do not hard surface all of their driveways (the driveways have a gravel finish with a tarmac apron to the back of the footway).
- 5.3.10 The UDO and CPDA have criticised in particular the boundary treatments shown between properties (the use by the developer of post and wire fences to define boundaries) as they argue these do

not offer privacy and adequate amenity to future occupiers. Notwithstanding this however the case officer has visited several sites being developed by Gleeson's in the region (Sheffield, Creswell and Holmewood) where many of these sites are occupied and it is clear that the majority of purchasers go on to undertake the works themselves to finish off rear gardens and erect rear boundary treatments etc. Overall therefore it is not considered that in accepting these compromises at the planning stage, they lead to deficiencies in the design / appearance of the development following completion.

5.3.11 It is noted that the UDO criticises a missed opportunity to connect the two parcels of development by providing access over the drainage channel traversing the site; however this site is to be re-engineered to account for the additional development with areas created for grass snake mitigation (see ecology section below) and therefore it would not be desirable to encourage public access into this area.

5.3.12 Overall it is considered that the design and appearance of the development proposals address wherever possible the aspirations of the Housing Layout and Design SPD, albeit in some aspects through compromise. Notwithstanding this the site layout achieves appropriate levels of private amenity space and privacy between plots / existing neighbouring properties and in the context of policies CS2 and CS18 of the Core Strategy it is acceptable. The development density is however towards upper tolerances for the sites location, the site layout and proximity to neighbours and therefore given the freedoms offered through permitted development rights it is considered necessary to remove each householder permitted development rights to erect extensions, outbuildings and additional windows etc without seeking further planning permission.

#### 5.4 **Highways Issues**

5.4.1 Having regard to matters concerning highway safety and highway impact (policies CS2, CS18 and CS20 of the Core Strategy) the application submission was supported by a Transport Assessment (TA) and Travel Plan (TP) which were reviewed by the **Local Highways Authority** (LHA) who provided a comprehensive response dated 08 June 2018.

5.4.2 The initial response from the LHA raised a number of queries and points for clarification on the layout and conclusions of the TA and this led to a series of email exchanges between the applicant and the LHA direct to seek to resolve the matters which had been raised. These exchanges lead to the submission of a series of amended plans (27 July 2018, 09 August 2018 and 22 August 2018) and a revised TA and TP also being submitted (09 August 2018).

5.4.3 The last written consultee response from the LHA (received on 31 August 2018) provided the following commentary:

*'I refer to your request for further comments on the issues raised below together with subsequent observations in relation to the appended latest Proposed Site Layout Plan (Rev:O).*

*Appropriate exit visibility sightlines will be required at each road junction, shared driveway and private parking spaces. It's accepted that where there is a 2.0m width fronting footway and the road alignment is straight, 2.4m x 25m sightlines will be achievable. However, where driveways are in close proximity to bends in alignment, junctions, etc., sightlines may pass over land outside of the proposed highway and will need to be identified in order that they may be Conditioned to be maintained in future clear of obstruction. Without benefit of a drawing printed to scale it's difficult to determine where such situations may be, however, the applicant should be requested to ensure, and confirm, that exit visibility sightlines of 2.4m x 25m are available in all of the aforementioned situations and identify any areas outside of the proposed highway that will need to be secured for future maintenance by the occupiers/ land owners. Possible locations with substandard sightlines include Plots 4, 12, 21, 30 – 36, 56 and 133 – 136. Areas in advance of junction visibility sightlines will need to be constructed as footway and dedicated as highway e.g. sightline across Plot 21 from the access way serving Plots 6 – 11 as demonstrated on the previously submitted sightline drawing.*

*The site is located adjacent to a multi-user path that forms a part of the Derbyshire Key Cycle Network. I note that there have been discussions with respect to not creating any direct links from the site and trust that you are satisfied that this issue has been fully explored. If at all feasible, provision of links would encourage travel by more sustainable means and significantly reduce the length of*

*travel on carriageways, with the inherent potential vehicle conflict, for those wishing to use the trail. If links can't be provided, widening of the existing footway across the frontage of the site with The Grove to extend the off-carriageway route would help to provide the aforementioned benefits for those residing/ visiting the northern element of the site.*

*Whilst it's appreciated that the swept path analysis for a Large Refuse Vehicle demonstrates overhang of the vehicle bodies, avoiding over-run would require very precise manoeuvring therefore the Highway Authority seeks to reduce the likelihood of future kerb/ footway damage by means of securing a 400mm – 500mm clearance to the wheel tracks. The turning heads adjacent to Plots 10 and 142 are of particular concern in this respect. The applicant may wish to give some consideration to the sections of road leading to these turning facilities remaining private and seeking the views of the Local Refuse Collection Service if this were to be the case.*

*It's noted that Plots 163 – 170 are to be served by a private driveway via a dropped kerb crossing of the footway.*

*Junction visibility sightlines are referred to above and should be shown as forming a part of the proposed highway rather than being subject of Condition.*

*Private driveway, etc. sightlines are also mentioned above and, where required over land outside of the highway, should be identified to be secured by Condition.*

*I note that the carriageway alignment in the vicinity of Plot 21 has been revised to help clarify the priority route.*

*Sharp steps in alignment should be avoided to reduce the likelihood of impact as well as ease of future maintenance. It's recommended that 'spine' roads remain at a constant width e.g. southwards from Plot 30 and to the north-east from Plot 78 and reduced width on the 'side' roads may be achieved by either taking the junction radii directly to the proposed carriageway width or reducing the carriageway width over a longer tapered length (say over the transition strip).*

*It's noted that a number of modifications have been incorporated within the currently proposed layout along the lines of those demonstrated on the Highway Authority's sketches.*

*It would appear that all small areas of verge have been removed – it's suggested that any further revisions in this respect may be resolved at Constructional Approval stage as a part of any Section 38/278 Agreement with the Highway Authority.*

*I haven't been party to the discussions re garage/ parking space dimensions, however, you will be aware of current design guide recommendations for these i.e. 2.4m x 5.5m minimum for a parking space (2.4m x 6.5m where in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. and minimum internal garage dimensions of 3.0m x 6.0m and 6.0m x 6.0m for single and double garages respectively if they are to be considered as counting towards off-street parking provision.*

*Again, unfortunately, I don't know the details of the discussion regarding mitigation Works at the Duke St/ Market St signals although it's considered that the appropriate form is introduction of MOVA control that should be made subject of Condition to be installed prior to first occupation.*

*I believe that fire building regs relate to suitability of access layout to accommodate use by fire tenders rather than adoption status and the road serving Plots 71 – 77 should take the form of a private shared driveway of suitable dimension.*

*Please find attached a copy of the Decision Notice dated October 2017 in which the highway safety concerns with respect to the proposed driveway construction are clearly made. The Highway Authority concurs with the findings and decision of the Planning Inspector and recommends that driveways are surfaced using solid bound materials for a minimum distance of 6m behind the highway boundary.*

*Garage dimensions are referred to above.*

*The amended footways are noted.*

*It's noted that driveways/ surfaced areas are to be graded such that surface water run-off is directed away from the highway and thereby remove the need for any further drainage apparatus.*

*As stated within my follow up e-mail of 16 August 2018 with respect to Rev N of the Proposed Site Layout, areas of appropriate dimension should be identified for standing of waste bins adjacent to, but clear of, the proposed/ existing highway.'*

- 5.4.4 In respect of the comments made by the LHA above, a further series of revisions were submitted to the LPA (04 September 2018) which included Rev P of the site layout and a package of vehicle tracking and highway visibility plans.
- 5.4.5 The visibility plans identify splays from the new estate access road, the internal access roads and private drive visibility and where these splays cross individual plots these areas will be required to be conditioned to maintain exit visibility over their land. This primarily affects corner plots and will take the form of a condition which requires not obstruction over 1m in height being placed in these areas.
- 5.4.6 The matter raised in respect of securing a potential connection to the multi user route running along Erin Road has been discussed with the applicant. They have experienced issues with other sites previously where the Local Highways Authority has not willing to adopt the provision of such routes and therefore they have not included a connection in their scheme as this potentially ends up not being maintained or amended at a later date to exclude it. In this case the LHA have not suggested in their comments they are willing to adopt any such provision and therefore it is not considered that acceptance of the scheme overall depends upon the provision of this connection. It is considered however that there is sufficient space along The Grove frontage to provide a widened footway as requested as an alternative by the LHA and this can be conditioned / clarified under the S38.
- 5.4.7 Further analysis of swept paths for refuse vehicles is provided on the revised site layout plan and additional swept path drawings submitted (04 September 2018). It is considered that these drawings demonstrate there is adequate dimension for a refuse vehicle to turn. Notwithstanding this the LHA will be able to control the final dimensions and extent of the highway as the applicant will

be required to enter into a S38 agreement with the LHA to have the highway formally adopted.

- 5.4.8 The comment made by the LHA in respect of junction visibility forming part of the highway appears to have been clarified by the latest revised plans and with the exception of one plot (which can be conditioned) the LHA would have control over what elements of the site become adopted highway under any S38 agreement.
- 5.4.9 In respect of parking and garage spaces the applicant has provided further details on the subtle variances between the garages which are to be provided. Some are integral and some are detached and vary in dimension in this respect. Overall however it is considered that the level of car parking provision to be provided is acceptable. Detached garages are shown to be 3m x 6m internal dimension and integral garages are shown to measure 2.6m x 5.5m internal dimension. It is accepted that these dimensions do not meet the standards set out in the adopted Design guide SPD however they are of sufficient dimension to park a vehicle and the majority of driveways provided to each plot are big enough alone to park 2 no. vehicles as well. The level of parking provision is therefore acceptable subject to condition requiring its retention in perpetuity.
- 5.4.10 The comment made by the LHA in respect of the traffic light signals at Market Street / Duke Street in Staveley stem from the findings of the TA, which looks at the potential impacts of the development and the increase in traffic in the local area. Of the area assessed this is the only junction which potentially shows an adverse impact and the LHA have suggested that this can be mitigated by the implementation of a MOVA signal control at this junction. The LHA state that a contribution of £5000 would secure this system and therefore this is considered to be necessary to mitigate an identified impact of the development and should be secured through a S106 contribution (see section 5.8 below).
- 5.4.11 It is noted that the LHA comment about the provision of gravel surfaced driveways and their concerns about this treatment being transferred onto the public highway. The LHA have provided an appeal decision in Barnsley where the LPA have defended their decision to reject this treatment; however the case officer has visited 4 no. other Gleeson sites in the surrounding area where these driveway treatments have been accepted. Notably 2 no. of

these sites are actually in Derbyshire (Holmewood and Cresswell), where the LHA making the comments of this application have accepted this treatment as the adopting highway authority and therefore the LPA do not consider that they can sufficiently justify refusing planning permission on this basis alone. A tarmac apron is provided to the back of the footway to catch any immediate transfer and there wasn't significant evidence of stone transfer being carried onto the public highways in the site visited to suggest a serious highway safety risk exists. Ultimately the LHA will have the final decision over whether they agree to adopt the highways on the estate with these driveway treatments.

5.4.12 Finally the comment in respect of bin storage and collection areas is not currently identified on the site layout plan and therefore an appropriate condition can be imposed to require this further detail to be submitted and agreed.

5.4.13 Overall it is considered that the development proposals are to be served by an appropriate site access and the new development access roads are of appropriate geometry. Parking is provided at an acceptable ratio. In respect of highway safety and the provisions of policies CS2, CS18 and CS20 of the Core Strategy the proposals are considered to be acceptable.

## 5.5 **Flood Risk & Drainage**

5.5.1 Having regard to matters concerning flood risk and drainage (policy CS7 of the Core Strategy) the application site lies within flood risk zone 2, as defined by the Environment Agency flood maps and accordingly the application submission is supported by a Flood Risk Assessment (FRA) undertaken by JOC Consultants Ltd. The submission indicates that the development proposals will be connected to mains for foul drainage and to a SuDS system and nearby watercourse for surface water drainage.

5.5.2 The application submission and FRA have been reviewed by the **Environment Agency (EA)**, **Lead Local Flood Authority (LLFA)**, **Yorkshire Water Services (YWS)** and the Council's own **Design Services (DS)** team and the following initial responses were received:

*EA – No objections – refer to their standing advice.*



*LLFA - The Lead Local Flood Authority (LLFA) would require some clarification on some aspects of the above planning application.*

*The applicant has indicated that the proposed site outfall (which is off site) shall be via a culverted section of watercourse with a flap valve outfall to the river Doe Lea. However, the applicant has indicated that they are unaware of what the current condition of the flap valve is. The LLFA would require further details of this, given that it will be fundamental to how the development will drain during storm conditions. Further to this, it is unclear at present who is responsible for the maintenance of this flap valve?*

*The applicant has indicated that should the flap-valve not function correctly, it would result in failure of the on-site drainage system, due to the River Doe Lea backing up the system, during periods of high flow. The applicant has also indicated that a backup measure shall be put in place should the existing flap valve fails. However, it is not clear how any back up system would function, should the existing flap valve failed. Furthermore, who would be responsible to ensure the backup measures are implemented in the event of a failure of existing flap valve.*

*Is it the intention that the area designated to be a storage feature, shall be public open space? The LLFA would raise concerns that this could be potentially unusable for a significant amount of time. Furthermore, will any measures be put in place to clearly define this as an area that is intended to flood. Who shall be responsible to the future maintenance of the retained floodplain? Further to this, what provisions shall be put in place for a suitable easement strip of preserved floodplain to allow for routine maintenance to be undertaken?*

*The applicant has also indicated grading of the bank in the retained flood plain may be required, however it is unclear how the banks shall be graded. The LLFA expect the gradient of the banks of any attenuation features to be 1 in 3 minimum, to ensure safe access and egress and for maintenance purposes as well.*

*YWS - It appears from the submitted site layout that buildings will be sited over the public sewerage system located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. I*

*strongly advise that, prior to determination of this application, the site layout is amended to allow for adequate protection of the sewers. For further information, the developer should contact our Developer Services Team: telephone 0345 120 84 82 or email [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk).*

*DS - The site is shown to be at high risk of surface water flooding on the Environment Agency flood maps. We have reviewed the submitted flood risk assessment and concur with its proposals to prevent flooding to properties. We have previously had contact with the developer and discussed the flood risk to the site.*

*Full details of the proposed surface water and foul drainage systems should be provided prior to full approval. It is noted some outline proposals are discussed in the FRA and Drainage Statement, however full details should be provided.*

*Derbyshire County Council Flood Team should be consulted on this application as a major development. It may also require consent from them to carry out works within the watercourse.*

5.5.3 As a result of receiving the initial responses set out above the applicant was invited to address the issues about the submission which were highlighted by the LLFA and YWS.

5.5.4 Firstly in respect of the issue highlighted by YWS due to the presence of sewer infrastructure crossing the site the applicant confirmed that it is their intention to apply to divert the sewer infrastructure in question as part of the proposed redevelopment of the site (12 June 2018). Obviously a development of this scale and nature will inevitably require new sewer infrastructure anyway and therefore it is not unusual for a developer to need to address an issue of existing infrastructure at the same time. The applicant liaised direct with YWS on this matter as ultimately it would need to be the subject of an application under S185 to the Water Authority and subsequently YWS provided the following reviewed consultee comment (dated 25 June 2016) to the LPA:

*Waste Water*

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

*1) No building or other obstruction including landscape features shall be located over or within:*

*a) 6 (six) metres either side of the 600 mm sewer centre-line i.e. a protected strip width of 12 metres, that crosses the site;*

*b) 3.5 (three point five) metres either side of the 525 mm sewer centre-line i.e. a protected strip width of 7 metres, that crosses the site; and*

*c) 3 (three) metres either side of the 375 mm sewer centre-line i.e. a protected strip width of 6 metres, that crosses the site.*

*No trees shall be planted within 5 metres either side of any sewerage located within the site boundary.*

*If the required stand-off distances are to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area(s), the approved works have been undertaken.*

*(In order to protect public health and allow sufficient access for maintenance and repair work at all times)*

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

*(In the interest of satisfactory and sustainable drainage)*

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

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

*1) On the Statutory Sewer Map, there are 600 mm and 375 mm diameter public combined, 525 mm diameter surface water and 225 mm diameter foul sewers recorded to cross the site. It is*

*essential that the presence of this infrastructure is taken into account in the design of the scheme. Building over/near the 225mm diameter public foul sewer located within the site may take place under the control of Part H4 Building Regulations 2000.*

*I understand that the developer has enquired with our sewerage team regarding diverting the sewers and the process should be commenced as soon as possible to ensure that the proposed diversion routes are acceptable to all parties. It should be noted that it is not desirable to locate domestic gardens within the required sewer stand-off distances. I suggest that, prior to determination of this application, the developer submits evidence to the LPA of their intention to divert the relevant sewers, ideally a site layout showing the site surveyed location of the pipes and their diversion routes. For further information, the developer should contact our Developer Services Team: telephone 0345 120 84 82 or email [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)*

*There is a outfall to watercourse, under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time.*

*2) The Drainage Statement (prepared by Gleeson Homes - Report dated March 2018) is acceptable and it is noted that surface water is proposed to be drained to watercourse. As surface water from the site is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change further consultation with Yorkshire Water will be required.*

- 5.5.5 On the basis of the further comments received from YWS above it is considered that appropriate planning conditions can be imposed on any permission issued, to secure the requirements set out by YWS in accordance with the provisions of policy CS7 of the Core Strategy and wider NPPF.
- 5.5.6 Secondly in respect of the issues highlighted by the LLFA set out above, the site the subject of the application is subject to flood risk and includes across it existing drainage infrastructure which serves as a surface water drainage solution to the remainder of Poolsbrook at present. The FRA submitted with the application indicates that the drainage infrastructure crossing the site and

connecting to the river Doe Lea to the north east beyond the site will continue to be used as part of the development proposals; however the system will be upgraded with additional storage capacity incorporated to serve both its existing function and the new development proposed. The LLFAs concerns raised initially related to the functionality of a piece of infrastructure which is connected to the drainage channel where it meets the river, which essentially seals when the river is in flood to allow the site to act as flood storage. The LLFA needed to be assured the infrastructure being proposed would not jeopardise this function and that the development would incorporate appropriate levels of storage capacity commensurate with the development (existing and proposed) to protect them from flooding; if the river was in a state of flood itself.

5.5.7 Amendments and clarification to the FRA and drainage strategy being proposed were provided to the LLFA by the applicant through a series of email exchanges (12 June 2018, 02 July 2018, 09 July 2018 and 03 August 2018) which led to the comments of the LLFA below being received:

*The applicant is proposing to discharge surface water to an ordinary watercourse within the proposed site with attenuation storage provided within the preserved floodplain. The ordinary watercourse is culverted upstream and downstream of the proposed site. The downstream culvert outfalls to the river Doe Lea with a non - return flap valve.*

*During times the watercourse is flood locked by the Doe Lea, the preserved Flood plain will accommodate surface water for the upstream Poolsbrook Estate and the proposed Development Site. The applicant has indicated the total volume of that will be accommodate in the preserved flood plain during 1% AEP event with a 40% Climate change allowance during a flood Locked event during a 16.5 hour period.*

*Should the flap valve fail to fully close the applicant has indicated that this would result in water backing up into the preserved floodplain, however the applicant has indicated that the preserved would be able to accommodate these flows whilst maintaining a freeboard of 300mm.*

*Whilst the applicant has indicate the preserved flood plain would able be to accommodate a flap valve failure during a 16.5 hour*

*period the LLFA welcomes the applicants consideration for a secondary back method, in the event of a flap valve failure. The LLFA do recognise the failure of the flap valve to be a residual risk, as indicated in the submitted FRA.*

*Should the application progress a detailed management and maintenance plan should be submitted for the lifetime of the development indicating who is responsible for the preserved flood plain.*

*The LLFA notes the applicant has undertaken a deep water risk assessment has been undertaken and would fully expect the recommendations to be fully implemented.*

*Finally, the applicant hasn't undertaken an appropriate ground investigation to support and inform the application. However, it is noted in the Drainage Strategy that a full ground investigation will be undertaken prior to detailed design.*

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

*1. "No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:*

*a. Development of land off, The Grove, Poolsbrook, Chesterfield Flood Risk Assessment (Report No: 17/007.01 Revision: 5th July 2018 by joc consultants ltd*

*b. And DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015),*

*have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing."*

*(Reason: To ensure that the proposed development does not increase flood risk and that principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage*

*systems is provided to the Local Planning Authority in advance of full planning consent being granted).*

*2. “No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance, and to obtain a full understanding of the springs within the site and any associated mitigation requirements.”*

*(Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:*

*I. into the ground (infiltration);*

*II. to a surface water body;*

*III. to a surface water sewer, highway drain, or another drainage system;*

*IV. to a combined sewer.*

*And to ensure that development will be safe from flood risk including from groundwater and natural springs).*

*3. Prior to commencement of the development, the applicant shall submit for approval to the LPA, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works leading to increased surface water run-off from site, during the construction phase.*

*(Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.)*

*Advisory/Informative Notes:*

*The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.*

*Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).*

*The Local Planning Authority should be mindful to obtain all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant, which is fundamental to allow the drainage of the proposed development site.*

*The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual C753. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status.*

*The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.*

*The applicant should provide a flood evacuation plan which outlines;*

- The flood warning procedure.*
- A safe point of extraction.*
- How users can safely evacuate the site upon receipt of a flood warning.*
- The areas of responsibility for those participating in the plan.*
- The procedures for implementing the plan.*
- How users will be made aware of flood risk.*
- How users will be made aware of flood resilience.*
- Who will be responsible for the update of the flood evacuation plan?*



5.5.8 On the basis of the further comments received from LLFA above it is considered that appropriate planning conditions can be imposed on any permission issued, to secure the requirements set out by LLFA in accordance with the provisions of policy CS7 of the Core Strategy and wider NPPF.

## 5.6 **Land Condition / Contamination / Air Quality and Noise**

5.6.1 Albeit that the site is an undeveloped greenfield it is essential to ensure that the ground conditions are appropriate, or can be appropriately remediated to an appropriate level, to ensure that the ground is suitable for the development being proposed.

5.6.2 In accordance with policy CS8 of the Core Strategy and wider advice contained in the NPPF the application submission is accompanied by a Geotechnical and Geo-Environmental Desk Study and Geotechnical and Geo-Environmental Site Investigation which have been reviewed alongside the application submission by both the Councils Senior Environmental Health Officer (EHO) and the Coal Authority (CA) in respect of land condition.

5.6.3 The CA response advised:  
*'The Coal Authority considers that the content and conclusions of the Phase 2 Site Investigation Report (19 December 2016, prepared by Eastwood & Partners) are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed consideration of ground conditions and/or foundation design may be required as part of any subsequent building regulations application'.*

5.6.4 The EHO response advised:  
*'I have inspected the above application, and have no adverse comments to make.*

*Should the proposed development be approved, I ask that the following conditions be added*

### Air Quality

*As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as*

*contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase.*

### Noise

*To minimise noise impacts on the existing residential dwellings, I recommend that 'construction work' shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials. NB - The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.*

*If this proposal is likely to have audible intruder alarm(s) installed upon each of the residential units I would recommend that the occupier(s) notify the Council of 'nominated key holder details' (application forms are available on request from Environmental Services, Environmental Protection Team, Town Hall, Rose Hill, Chesterfield, Derbyshire, S40 1LP). NB – The above information shall be added as an advisory note to the decision notice.'*

- 5.6.5 Having regard to the comments detailed above from the CA and EHO appropriate planning conditions can be imposed on any permission issued to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition, contamination and noise.

## 5.7 **Ecology & Trees**

- 5.7.1 The site the subject of the application is entirely greenfield / open land which was formerly maintained by the Council as a sports pitch / playing field but has not been actively maintained for at least the last year. The site comprises of open grassland, semi-mature pockets of woodland, mature hedgerows and a drainage feature which traverses the site.
- 5.7.2 Given the nature and characteristics of the site described above the application submission is supported by an Ecological Impact Assessment (EIA), Arboricultural Impact Assessment (AIA) and

Tree Report (TR) which have all initially been reviewed by **Derbyshire Wildlife Trust (DWT)** and the Council's **Tree Officer (TO)**. The following initial comments were made:

***DWT** - An Ecological Impact Assessment has been produced by SLR, which includes detailed habitat and protected species surveys, all undertaken in accordance with best practice guidelines.*

*The entire site comprises 'green space', with a large expanse of semi-improved grassland, multiple young woodland blocks and ditch running east-west.*

*The key species receptor for the site is grass snake, with a peak count of seven individuals recorded during surveys. The woodland blocks also support a variety of breeding birds and a low level of bat activity was recorded on site, with the ditch being the area of highest activity.*

#### *Impacts*

*We acknowledge that the assessment of impacts follows the CIEEM 2016 guidelines, however the report does not really address the impacts to green infrastructure and general net loss of biodiversity within the site. The proposed layout will adversely affect existing green infrastructure, contrary to the CS9: Green Infrastructure and Biodiversity Policy of the Local Plan (2011-2031). Impacts include:*

- the net loss of woodland planting on site, which is contrary to the aims of the Rother and Doe Lea Valleys Action Area LBAP.*
- the net loss of grassland, which whilst not species-rich, provides an expanse of open grassland habitat likely benefit a variety of species, including those listed on the LBAP/S41 NERC Act 2006.*
- the net loss of existing hedgerows and scrub along the eastern and western boundaries (hedgerows are Habitats of Principal Importance, S41 NERC Act 2006).*

#### *Mitigation*

*The ditch is retained in the current proposal, with a corridor of tussocky grassland either side. Partial retention of the woodland blocks is shown within the ditch corridor, however as this land will require regrading, the feasibility of tree retention is considered low.*

*The intention of the ditch corridor is to maintain habitat for grass snake, however this will be surrounded on both sides by housing, with disturbance likely from the public and domestic pets. Connectivity to the wider area will be wholly limited to the culvert beneath Erin Road. We advise that this is not sufficient to maintain the presence of grass snake on site and suggest that a corridor should be maintained around the north-eastern boundary to the south of the ditch to provide connectivity to land to the east, including Ponds 1-3. We also advise that the central ditch corridor should be protected by railings to prevent encroachment (a gate will be required for maintenance), with public footpaths on the outer edges if required. Interpretation boards could be utilised to explain that this is a wildlife corridor important for local species.*

*We also advise that the net loss of woodland is not acceptable in terms of the loss of habitat for breeding birds, foraging bats and grass snake. Grass snake may hibernate in these areas and no mention of this is made in the EclA. Garden planting is considered unlikely to replicate the existing habitat resource on site for breeding birds. The Mitigation Measures drawing (2751/5 Rev. B) produced by Rosetta Landscape Design only shows the ditch corridor and then existing woodland outside the site boundary to the south-east. There is no meaningful mitigation for woodland loss.*

*As detailed in previous correspondence from DWT (dated 12th January 2018), we would expect to see adequate compensation for the loss of the woodland blocks in accordance with Policy CS9: "In relation to compensating for the loss of the woodlands this would need to demonstrate that woodlands of similar or greater value could be established and managed within the local vicinity. These would need to complement existing habitats (and not threaten any existing habitats). There could also be justification for financial contributions that would assist in the management of nearby sites including Poolsbrook Country Park and several Local Wildlife Sites".*

**TO** - *The proposed layout of the site as shown on drawing 2879-0-001K by Niemen Architects dated 9<sup>th</sup> March 2017 would result in the loss of nearly all the wooded areas on the site with the exception of 3 small pockets of woodland in G3, G4 & G10. It is proposed that these small pockets of trees are retained adjacent to the existing drain ditch that runs through the site but subject to the*

*consulting engineer and re-grading of the site. This therefore gives no guarantee that any of the existing vegetation will be retained. This, along with the other proposed tree removal would obviously result in a net loss of woodland, hedgerow and associated features on the site.*

*The proposed layout will also affect the woodland on the adjacent land on the south east boundary where it is proposed that the rear gardens of these plots will back on to the woodland area. This woodland reference G8 is now becoming a prominent feature in the landscape. There is a standoff distance of only 11 metres on some of the plots which will create an ongoing maintenance problem for the woodland owner and occupier with requests to have the trees pruned back or removed as the trees mature on the woodland edge. A greater standoff distance is therefore recommended to remove any future problems both for the new owners of the plots and woodland owner.*

*An arboricultural impact assessment by Rosetta Landscape Design dated 29<sup>th</sup> March 2018 and tree report dated 9<sup>th</sup> March 2017 has been submitted with the application and provides details of which trees and groups of trees should ideally be retained and removed in the scheme using the tree quality assessment within BS5837 Trees in relation to design, demolition and construction- Recommendations 2012.*

*It is worth noting in section 3.2.2 of the assessment that 'with respect to the illustrative layout parts of all the tree groups apart from G7 could potentially be retained'. This totally contradicts the site layout plan drawing 2879-0-001K and drawing 2751/2 'Trees in relation to development' where it is shown that virtually all of the trees and hedgerows are removed.*

*The tree survey and 'existing trees on site' drawing 2751-1 has categorised 6 groups of trees G3, G4, G5 G8, G9 & G10 on the site as category B which are trees that should ideally aim to be incorporated into the scheme. 5 groups of trees G1, G2, G7, G11 & G12 and 2 hedgerows H6 & H13 have been assessed as category C trees which are trees not usually retained where they may adversely affect the layout.*

*The proposed mitigation measures of 7 new trees along The Grove access boundary and 3 trees on the north east corner boundary of the site as shown on drawing 2751/5A – Mitigation measures falls*

*way short for the amount of trees and hedgerow coverage lost to the proposed development. The hedgerow along Staveley Road referred to as H6 & G5 and the woodland G4 are by far the most important vegetation landscape features on the site which provide a natural screen and wildlife corridor. This coupled up with G3 provides a valuable wildlife link to The Grove.*

*It is therefore suggested that H6 & G5 and woodland G4 are retained on the site and G3 is retained in part and length to provide continuity in the wildlife corridor from Staveley Road to The Grove. A footpath or cycle route could also be incorporated with a footbridge over the drain ditch. To the opposite side is G10 which should also be retained where possible.*

*It is also recommended that the access off Staveley Road is reduced to one main access to retain the existing hedgerow boundary feature, woodland and wildlife corridor and the properties are accessed from within the site.*

*No specific details of the tree protection measures other than the general measures within the tree survey have been provided with the application so if consent is granted the development a condition should be attached for the applicant to provide a tree protection plan before works commence on the site to safeguard any retained trees.*

*I therefore object to the application on the following grounds:*

- The loss of too many existing trees and habitats on the site*
- Unacceptable mitigation measures*
- Unknown impact or retention of proposed retained trees near the drainage ditch which could result in the loss of all the trees and hedgerows on the site.*
- Loss of hedgerow and wooded area with no net gain in tree cover and biodiversity*
- Loss of the natural hedgerow and woodland screening to the site along Staveley Road and the wildlife corridor from Staveley Road to the The Grove.*
- Impact on the woodland on the adjacent land to the south east boundary.*

### 5.7.3

Having regard to the comments made by both DWT and the TO above, the applicant sought through a series of revisions and

clarifications to address the issues that had been raised; accepting that the concerns of the TO over the loss of trees and hedgerows from the site were inevitable if the principle of development (scale and nature) was to be accepted.

- 5.7.4 DWT were provided with further details of the applicants intended works to the drainage channel (necessary to meet the requirements of the FRA and Drainage Strategy) via emails dated 07 June 2018, 23 July 2018 and 24 July 2018; which provided some clarity over the treatment of the channel post engineering / construction. DWT were keen to see that the drainage channel area allowed this part of the site to provide grass snake mitigation measures (which were present on site) however until the final engineered design of the drainage strategy was formed the applicant advised that they would not be unable to confirm the exact easement requirements for the infrastructure and any planting they could offer. The applicant did suggest that the drainage channel could be fenced off to prevent public access (and also any domestic pets gaining access) which DWT advised would create a better environment for grass snakes.
- 5.7.5 In addition to the discussions over grass snake mitigation negotiations were held between the Council, the Local Planning Authority and the applicant (following acceptance over the principle of development) to look to agree a strategy of mitigating the loss of the habitat present on the development site. As the site is being sold by the Council the LPA suggested that compensatory habitat could be formed on land in the vicinity of the site which was within the Council's ownership as a way of facilitating the development and overcoming the initial concerns raised by DWT and the TO over the loss of habitat (trees and woodland).
- 5.7.6 On the 30 August 2018 the applicant submitted Proposals for Compensatory Woodland which set out options for the provision of new woodland / landscape planting; which also included a quote for the implementation of the works.
- 5.7.7 Given that it is both the opinion of DWT and the Strategic Planning team (see section 5.2 above) that the compensatory woodland was necessary to meet the provisions of the NPPF and policies CS1, CS2 and CS9 of the Core Strategy discussions were held with the applicant over the viability of the scheme and the ability for them to fund the provision of these works. These discussions were based

upon a prior conclusion that the compensatory woodland planting was not double counting and should be covered by S106 and not CIL; as the requirements were a site specific measure arising as a result of a specific development proposal and therefore these measures were subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010.

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –*

- a) necessary to make the development acceptable in planning terms*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

- 5.7.8 The LPA commissioned an independent viability appraisal (undertaken by CP Viability dated June 2018) and the findings of the VA revealed that whilst the site was finely balanced in terms of viability it was calculated that the site could secure a contribution of £174,348 (through present value surplus) towards planning obligations / S106 contributions, in addition to any CIL contribution. It was therefore mutually agreed that this was the maximum figure that the developer could offer as a commuted sum towards any necessary planning obligation / S106 contribution.
- 5.7.9 Having considered the Compensatory Woodland / Habitat proposals (in consultation with the Council's Leisure Service team and DWT) it is considered that the principle of the proposals are acceptable and would meet the requirements specified under the provisions of policy CS9. The plan submitted by the applicant does suggest some areas of planting which are not necessarily agreeable to the Council as the land identified is used for other purposes but there is no doubt there is sufficient land within the identified area (Poolsbrook Country Park) that other sites will be available to secure an appropriate scheme. Subject therefore to some fine tuning and appropriate legal obligation wording to plant and maintain the woodland in the future (likely to be a commuted sum and works completed by CBC) it is therefore concluded that under the provisions of policies CS1, CS2 and CS9 of the Core Strategy and the wider NPPF the proposals and their impacts upon ecology and trees are acceptable. It will be necessary to secure the works discussed above through the imposition of a series of



planning conditions which have been discussed and agreed with DWT.

## 5.8 **Other Considerations (inc. Planning Obligations / S106)**

- 5.8.1 Having regard to the nature of the application proposals several policy seeking contribution requirements are triggered given the scale and nature of the development. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is either no adverse impact upon infrastructure capacity in the Borough or any impacts can appropriately mitigated.
- 5.8.2 Internal consultation has therefore taken place with the Councils own **Economic Development** and **Housing Services** teams, as well as externally with **Derbyshire County Councils Strategic Planning** team and the **North Derbyshire Care Commissioning Group**(CCG) on the development proposals to ascertain initially what specific contributions should be sought.
- 5.8.3 The Council's Economic Development (ED) team confirmed their support for the development proposals in principle and recommended that, *'a local labour / supply chain clause is negotiated and secured via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction phase to promote the opportunities to local businesses and local people'*. The ED noted the submission by the applicant of an employment, training and management plan and commented, *'The plan makes provision for employment and training opportunities for local people but would benefit from more detail as to how the applicant will engage with the local supply chain. To ensure that the commitments within the plan are recognised, it is also recommended that the applicant works with the economic development to agree an action plan and monitoring arrangements'*.
- 5.8.4 Having regard to the comments made by the ED team above it will be necessary to look to secure by planning condition the requirement for local labour (best endeavours), which is standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes.

5.8.5 Under the provisions of policy CS11 of the Core Strategy which requires on sites totalling 15 dwelling or more, up to 30% affordable / special needs housing subject to evidence of need and viability assessment; the Council's Housing Services (HS) team responded to the development consultation as follows:

*'Demand for (traditional) affordable housing types in Poolsbrook is low and there is little need for additional supply in the immediate surrounding area. There is not a need for additional affordable housing in the area of the types (2,3 and 4 bedroom houses) that are proposed on the development.'*

*The affordable housing statement from Gleeson's comments is taken from a draft document and proposal from Government. As it is a draft it is not guaranteed that this changes to definition will occur therefore consideration of whether affordable housing according to its current definition should be provided in accordance with Planning Policy. Whilst no direct on site provision would be sought due to the low demand for social rented properties in the area if the site viability permits the delivery of affordable housing this should be in the form of a commuted sum. This money could then be used to provide bespoke housing solutions locally for more specialised housing solutions such as adaptations'.*

5.8.6 Since the submission of the application and Gleeson's Affordable Housing Statement, the NPPF was updated (July 2018) to incorporate in the definition of affordable housing the following:

*d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.*

5.8.7 In view of the above and other matters attributable to the need to secure planning obligations through S106 contribution the Council

sought an independent Viability Appraisal (VA) of the site and development proposed. This work was undertaken by David Newham of CP Viability Ltd (June 2018).

- 5.8.8 The findings of the VA revealed that whilst the site was finely balanced in terms of viability it was calculated that the site could secure a contribution of £174,348 (through present value surplus) towards planning obligations / S106 contributions, in addition to any CIL contribution. It was therefore mutually agreed that this was the maximum figure that the developer could offer as a commuted sum towards any necessary planning obligation / S106 contribution.
- 5.8.9 Having regard to the above it is already accepted (see section 5.7 above) that the creation of Habitat Compensatory Planting is necessary to mitigate the impacts of the development on the local environment and therefore the figures for this scheme and its future maintenance are to be taken as a priority from that S106 'pot'. In addition £5000 will be allocated towards Highway Mitigation (see section 5.4 above).
- 5.8.10 It was agreed that the Habitat Compensatory Planting would be provided by the Council (as it affects their land) and therefore a commuted sum for this and its future maintenance would form part of the S106. At the time of writing this report a quote for £45,000 had been provided for the creation of the habitat; however the Leisure Services team had not yet confirmed their final figure for a 5 year maintenance plan.
- 5.8.11 Looking in turn therefore at each of the other S106 requirements the scheme would trigger an affordable housing contribution (Policy CS11) and a requirement in respect of the Percent for Art scheme (Policy CS18). A request for a contribution has also been received from the North Derbyshire Care Commissioning Group (CCG) for a contribution of £66,646 towards providing GP services.
- 5.8.12 As Health services are not currently covered by the council's CIL Regulation 123 list and it is therefore necessary to consider if this should be addressed through a financial contribution, secured by a S106 agreement. Policy CS4 states that 'developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development'. The preamble (para

5.6) to the policy describes infrastructure, but does not provide an exclusive or exhaustive list. It does refer to health facilities specifically as an example of social infrastructure. Para 5.8 refers to working 'co-operatively and jointly with partners to ensure delivery of the infrastructure required to enable development and improve existing facilities'.

- 5.8.13 Under the policy, strategic infrastructure set out in the council's Infrastructure Delivery Plan should be secured through CIL. The expansion of GP services in this area is not in the IDP or on the Regulation 123 list and therefore securing a contribution through S106 would not be considered 'double counting'.
- 5.8.14 The CIL regulations and NPPF set out the tests for planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
  - directly related to the development
  - fairly and reasonably related in scale and kind to the development
- 5.8.15 The CCG has clearly set out the evidence relating to the second two tests. On the basis of Policy CS4, as expanded in the preamble to the text, it is clear that health facilities are covered by Policy CS4 where a need can be identified. The request also therefore meets the first test and it is considered that this contribution should be sought as a priority.
- 5.8.16 Looking therefore at the remaining contributions of affordable housing and percent for art it is considered, given the need to balance delivery of the site and regeneration to Poolsbrook, that in this instance the Percent for Art contribution can be forfeited on the balance of viability. There is also only one option for the siting of public art on the site and this is along the drainage channel which will be affected by easements (Water Authority) and not publically accessible. It is therefore considered not to be the most ideal location for such a scheme and other contribution priorities outweigh public art in this case.
- 5.8.17 In terms of the affordable housing the submission by Gleeson's suggests that due to their low market values the product on offer from Gleeson's meets the definition of affordable housing in its

own right, under the provisions of the amended NPPF and affordable housing definition. Whilst this position has not yet been tested it is clear that there is no requirement for affordable units in Poolsbrook due to a high level of existing housing stock in the area owned by the Council. Therefore it is considered that of the remaining sum of S106 contribution available (£57,702) will be divided between the commuted sum for ongoing maintenance of the compensatory planting (which Leisure Services will calculate) and the remainder will be taken as a commuted sum for Housing (which is likely to be used to fund specialised housing solutions such as adaptations).

## 5.9 Community Infrastructure Levy (CIL)

- 5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 175 no. new dwellings and the development is therefore CIL Liable.
- 5.9.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>Total = 13,464sqm</b>	0	13,464	£20 (Low Zone)	317	288	<b>£296,395</b>

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

## 6.0 REPRESENTATIONS

- 6.1 The application has been publicised by site notice posted on 25/04/2018; by advertisement placed in the local press on 03/05/2018; and by neighbour notification letters sent on

24/04/2018. Neighbours were also re-consulted on the revised plans on 01/08/2018.

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

**The Old Chapel, Cottage Close**

Thank you for your notification of the above planning application. In comparison to the present size of our village, this is a major development and obviously there are concerns, even though the need for extra national housing has been well circulated.

There being proposed several hundred adults and young people of all age groups, who will live their lives in this estate, there are bound to be questions regarding the blend with Poolsbrook Village, the School Academy, the present new housing development (ex. Poolsbrook Hotel) and questions as to how best to serve the needs of the volume of families.

The two entrance/exits proposed for the new estate (New Poolsbrook?) are going against the natural traffic flow of the existing village. Already there is already, by necessity, double-parking on all roads. Add to this a new entrance/exit in The Grove (blind bend), busy turn-in, not unfeasible to have cars, lorries, buses etc backing out into Erin Road, and new entrance/exit in Staveley Road, school-runs etc, business commuting etc and the old saying 'accidents waiting to happen' is totally reasonable to assume. Distinct possibility of road traffic accidents and very probably children at risk who, at present, enjoy the present reasonable safety of present village surroundings.

A properly planned main entrance/exit and new roundabout, for all new estate vehicles (could be around three hundred cars and some motorbikes, bicycles, mobility scooters etc.) along Erin Rd seems a safer possibility.

Moving forwards, as part of the usual social responsibility between construction company and existing surrounding homes, it would be in the interests of our village if improvements would be made, as a tangible advantage for all concerned, as part of the detailed planning agreement:-

1. The existing sports pitch is well-used by local teams, youth groups, the village school, recreation for all, and regarded as an above-average pitch in the local area. As such, the present changing rooms etc are in need of upgrading, particularly in view of the sizeable number of expected youth living in the proposed estate. Likewise, an upgrade of the poor enclosure fencing, rubbish bins etc would be welcomed. For vehicle and public safety, should the present application be approved, some provision should be made for the cars of the local teams and supporters, who at present, park along Staveley Road - bearing in mind the proposed exit/entrance to the new estate along the same road, only a few yards away. Staveley Road and Cottage Close are extremely busy during school runs, maybe alternative entrance/exit for new estate?

2. The teachers of the our village school are obliged to use Cottage Close for overspill parking during school hours, and parent's cars temporarily are obliged to double-park for the school run. This is a concern, regarding traffic volumes heading in and out of the new estate, especially during rush-hours. The school itself is in desperate need of improvements, grade movements etc. Will the school be extended, or kept at present capacity?

3. Poolsbrook Bowls Club is a well-respected club and venue of crown green, also their members have to park along Staveley Road when events are on. It would be welcome if some agreed works would be made with respect for this well-attended society.

The village would benefit greatly from improvement works, especially to provide a reasonable meshing with the new houses, pricing, built environment, social aspects etc:-

1. The existing accesses to the village, from a road safety point-of-view, are a concern. Both accesses/exits have blind spots and lines of view are disrupted. The present 50 mph limit on this part of Erin Road is too fast for this section for traffic exiting and entering the village. Addressing hard landscaping, warning signs, rumble rumble-strips etc would alleviate some risk, particularly with the new estate in mind.

2. Village roads and paths are in great need of resurfacing, temporary filling potholes and bitumen sealer to footpaths as has

been done previously, are wasting resources in our view. Already, on Staveley Road alone there are over a dozen potholes...

3. Grassed areas, verges etc. would benefit from a maintenance agreement. Grass overgrowing path edging strips, weed abundance and general housekeeping- keeping requirements.

4. There is at present, a muddy footpath between the village and the Country Park. A permanent solution would be preferable, especially as the Council funded a hardcore footpath years ago.

The development proposal, as it stands, may benefit, with regard to alternative access/egress arrangements into the village, due to the volume of plots proposed. Also, there is a need for more consideration towards wildlife and the present woodland copses. If these areas are required for construction of plots, then substitution of further new areas should be made. The boundary of existing hedgerow between new development and Staveley Rd should be maintained and allowed to grow higher, along with tree screening. There is a relevant need for village improvements and to make an aesthetic balance between new and existing developments.

I am aware that I may be addressing matters already in hand with Gleasons, however, I believe that unless constructive implementation is given, then a practical, socially acceptable and fully integrated solution may not be achievable.

#### **46 Staveley Road**

I would like you to take into account my concerns for the trees on Staveley Road behind the two shops and in line with my property. I feel it is imperative that these trees are retained and would oppose any plans to remove them.

6.3 **Staveley Town Council** - The Council would draw attention to local flooding issues, the need to consult with Poolsbrook and Duckmanton Schools ( not mentioned in the attached brief), the associated capacity of local schools to deal with the potential influx, the capacity of the sewerage system and the use of green space for development. If these issues are satisfactorily dealt with then the Council support the proposal.

6.4 ***Officer Response: Please see sections 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8 above.***



## 7.0 **HUMAN RIGHTS ACT 1998**

7.1 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

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

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 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 proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS4, CS6, CS7, CS8, CS9, CS10, CS11, CS13, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (July 2018).

9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

## 10.0 **ADDITIONAL RECOMMENDATION**

10.1 That a S106 agreement be negotiated (as per section 5.8 above) to cover:

- £47,000 towards Compensatory Habitat / Woodland Planting at Poolsbrook; and a further commuted sum for 5 years maintenance (to be reported verbally at committee)
- £5000 towards a MOVA installation for highway mitigation measures
- £66,646 towards GP facilities / upgrade
- A commuted sum for affordable housing (to be reported verbally at committee)
- Appointment of a management company to maintain any communal / green open spaces; inc. any drainage infrastructure not formally adopted by the Water Authority

10.2 That a CIL Liability Notice be served requiring the CIL to be paid as set out in section 5.9 above.

## 11.0 **RECOMMENDATION**

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

Time Limit etc

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.*

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below – with any superseded plans ~~struck through~~) with the exception of any approved non material amendment.

**Original Plans – 10/04/2018**

2879-0-000 A	SITE LOCATION PLAN
S8708	TOPOGRAPHICAL SITE SURVEY
<del>2879-0-001-K</del>	<del>SITE LAYOUT PLAN</del>
201/1F - HOUSE TYPE 201	<del>ELEVATIONS</del> / FLOOR PLANS
202/1F - HOUSE TYPE 202	<del>ELEVATIONS</del> / FLOOR PLANS
212/1 - HOUSE TYPE 212	<del>ELEVATIONS</del> / FLOOR PLANS
301/1G - HOUSE TYPE 301	<del>ELEVATIONS</del> / FLOOR PLANS
303/1E - HOUSE TYPE 303	<del>ELEVATIONS</del> / FLOOR PLANS
304/1E - HOUSE TYPE 304	<del>ELEVATIONS</del> / FLOOR PLANS
307/1B - HOUSE TYPE 307	<del>ELEVATIONS</del> / FLOOR PLANS
309/1E - HOUSE TYPE 309	<del>ELEVATIONS</del> / FLOOR PLANS
310/1D - HOUSE TYPE 310	<del>ELEVATIONS</del> / FLOOR PLANS
311/1A - HOUSE TYPE 311	<del>ELEVATIONS</del> / FLOOR PLANS
313/1 - HOUSE TYPE 313	<del>ELEVATIONS</del> / FLOOR PLANS
314/1 - HOUSE TYPE 314	<del>ELEVATIONS</del> / FLOOR PLANS
401/1G - HOUSE TYPE 401	<del>ELEVATIONS</del> / FLOOR PLANS
403/1H - HOUSE TYPE 403	<del>ELEVATIONS</del> / FLOOR PLANS
405/1E - HOUSE TYPE 405	<del>ELEVATIONS</del> / FLOOR PLANS
SD-100 REV D	BOUNDARY TREATMENTS - TIMBER FENCE
SD-103 REV B	BOUNDARY DETAILS POST
SD-118	VERTICALLY BOARDED ACOUSTIC FENCE
SD-700 REV A	DETACHED SINGLE GARAGE DETAILS

SD-701 REV A	DETACHED DOUBLE GARAGE DETAILS
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**Revised 09/07/2018**

21-0002-CCL-SK012	EXISTING WATERCOURSE SECTIONS
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**Revised 02/05/2018**

2751-2A-TRD-A0-500	TREES IN RELATION TO DEVELOPMENT
2751-4A-VIA-A1-1000	VISUAL IMPACT ASSESSMENT
2751-5B-MM-A1-1000	MITIGATION MEASURES

**Revised 27/07/2018**

<del>2879-0-001 -L</del>	<del>PROPOSED SITE LAYOUT - WITH OS PLAN</del>
2879-0-005	PROPOSED MATERIALS PLAN
201(X)-8 RURAL 13	ELEVATIONS
202(T)-9 RURAL 13	ELEVATIONS
212(E)-9 RURAL 13	ELEVATIONS
301(Z)-8 RURAL 13	ELEVATIONS
303(W)-9 RURAL 13	ELEVATIONS
304(V)-10 RURAL 13	ELEVATIONS
307(Z)-10 RURAL 13	ELEVATIONS
309(W)-10 RURAL 13	ELEVATIONS
310(R)-10 RURAL 13	ELEVATIONS
311(G)-8 RURAL 13	ELEVATIONS
313(H)-9 RURAL 13	ELEVATIONS
401(T)-9 RURAL 13	ELEVATIONS
403(R)-9 RURAL 13	ELEVATIONS
405(X)-9 RURAL 13	ELEVATIONS

**Revised 09/08/2018**

<del>2879-0-001 -N</del>	<del>PROPOSED SITE LAYOUT - WITH OS PLAN</del>
2879-0-002 -A	PROPOSED STREET SCENES - INDICATIVE COLOUR
2879-0-005 -B	PROPOSED MATERIALS PLAN
307Z(B)PLANNING (Plots 4 and 40 Only)	REVISED ELEVATIONS
309N(E)PLANNING (Plot 19)	REVISED ELEVATIONS
309N2(E)PLANNING (Plot 38)	REVISED ELEVATIONS

403U(H)PLANNING (Plot 73 Only)	REVISED ELEVATIONS
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**Revised 22/08/2018**

<del>2879-0-001-O</del>	<del>PROPOSED SITE LAYOUT - WITH OS PLAN</del>
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**Revised 04/09/2018**

2879-0-001-P	PROPOSED SITE LAYOUT - WITH OS PLAN
18006_P_001 Rev D	SITE ACCESS VISIBILITY SPLAYS
18006_P_002 Rev D	SWEPT PATH ANALYSIS – REFUSE VEHICLE
18006_P_003 Rev D	VISIBILITY SIGHTLINES SHEET 1 OF 2
18006_P_004 Rev D	VISIBILITY SIGHTLINES SHEET 2 OF 2

**Documents**

Planning Statement  
 Design and Access Statement  
 Drainage Statement  
 Flood Risk Assessment (revised 09 July 2018)  
 Deep Water Risk Assessment  
 Ecological Impact Assessment  
 Transport Assessment (revised 09 August 2018)  
 Travel Plan (revised 09 August 2018)  
 Noise Assessment  
 Geotechnical and Geo-Environmental Desk Study (by Eastwood & Partners)  
 Geotechnical and Geo-Environmental Site Investigation (by Eastwood & Partners)  
 Tree Report & Plan  
 Arboricultural Impact Assessment  
 Landscape Statement  
 Employment and Training Management Plan (revised 27 July 2018)  
 Affordable Housing Statement  
 Planning Obligations Statement  
~~Materials Schedule~~  
 Maximising Security Through Design (by MJ Gleeson)  
 Proposals for Compensatory Woodland

*Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.*

### Drainage

03. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:

a. Development of land off, The Grove, Poolsbrook, Chesterfield Flood Risk Assessment (Report No: 17/007.01 Revision: 5th July 2018 by joc consultants ltd

b. And DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

*Reason - To ensure that the proposed development does not increase flood risk and that principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.*

04. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance, and to obtain a full understanding of the springs within the site and any associated mitigation requirements.

*Reason - To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence*

*that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:*

- I. into the ground (infiltration);*
- II. to a surface water body;*
- III. to a surface water sewer, highway drain, or another drainage system;*
- IV. to a combined sewer.*

*And to ensure that development will be safe from flood risk including from groundwater and natural springs.*

05. Prior to commencement of the development, the applicant shall submit for approval to the LPA, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works leading to increased surface water run-off from site, during the construction phase.

*Reason - To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.*

06. No building or other obstruction including landscape features shall be located over or within:
- a) 6 (six) metres either side of the 600 mm sewer centre-line i.e. a protected strip width of 12 metres, that crosses the site;
  - b) 3.5 (three point five) metres either side of the 525 mm sewer centre-line i.e. a protected strip width of 7 metres, that crosses the site; and
  - c) 3 (three) metres either side of the 375 mm sewer centre-line i.e. a protected strip width of 6 metres, that crosses the site.

No trees shall be planted within 5 metres either side of any sewerage located within the site boundary.

If the required stand-off distances are to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or

closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area(s), the approved works have been undertaken.

*Reason - In order to protect public health and allow sufficient access for maintenance and repair work at all times.*

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

*Reason - In the interest of satisfactory and sustainable drainage.*

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

*Reason - To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.*

#### Environmental Health

09. Construction work (inc. demolition works) 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 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials. NB - The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.

*Reason – In the interests of residential amenity.*

10. Electric Vehicle Charging Points shall be installed as part of the build phase at each dwelling, which shall be retained available for use for the life of the development.

*Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.*



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

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

### Ecology / Trees

12. Development shall not commence (including site clearance / preparation) until a grass snake mitigation strategy has been prepared that includes measures to avoid harm to grass snake population to be employed during the site preparation and construction process and thereafter measures to provide sufficient suitable habitat is incorporated within the final layout to protect and promote the recovery of this priority species has been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out on site in strict accordance with the approved strategy.

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

13. No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

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

### PD Rights / Landscaping Details

14. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

*Reason - In the interests of the amenities of occupants of adjoining dwellings.*

15. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

16. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

*Reason - The condition is imposed in order to enhance the*

*appearance of the development and in the interests of the area as a whole.*

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

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

#### Others

18. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.

*Reason – In the interests of sustainable development and to ensure that the development is capable of meeting the needs of future residents and / or businesses in accordance with policy CS4 of the Core Strategy and para. 42 of the NPPF.*

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

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

## Highways

20. 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.

*Reason – In the interests of highway safety.*

21. 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.

*Reason – In the interests of highway safety.*

22. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
  - Routes for construction traffic
  - Hours of operation
  - Method of prevention of debris being carried onto highway
  - Pedestrian and cyclist protection
  - Proposed temporary traffic restrictions
  - Arrangements for turning vehicles

*Reason – In the interests of highway safety.*

23. 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 6C's design guide and constructed to

base level to adoptable standards all as agreed in writing with the Local Planning Authority.

*Reason – In the interests of highway safety.*

24. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

25. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 23 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

26. The premises, the subject of the application, shall not be occupied until a new estate street junction has been formed to The Grove and Staveley Road (as per the application drawings) and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the estate street, for a distance of 43 metres in each direction measured along the nearside carriageway edge, the land in advance of the visibility sightlines being levelled, constructed as footway and

not being included in any plot or other sub-division of the site.

*Reason – In the interests of highway safety.*

27. No dwelling shall be occupied until space has been laid out within the site for the parking of residents and visitors vehicles.

*Reason – In the interests of highway safety.*

28. The garage/car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

*Reason – In the interests of highway safety.*

29. Individual and shared private accesses shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the accesses at the back of the footway/margin, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

*Reason – In the interests of highway safety.*

30. The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable highway boundary and 1 in 10 thereafter.

*Reason – In the interests of highway safety.*

31. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in

writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- i. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

*Reason – In the interests of highway safety.*

### **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

### **Drainage**

03. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to

commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

The Local Planning Authority should be mindful to obtain all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant, which is fundamental to allow the drainage of the proposed development site.

The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual C753. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status.

The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

The applicant should provide a flood evacuation plan which outlines;

- The flood warning procedure.
- A safe point of extraction.
- How users can safely evacuate the site upon receipt of a flood warning.
- The areas of responsibility for those participating in the plan.
- The procedures for implementing the plan.
- How users will be made aware of flood risk.
- How users will be made aware of flood resilience.



- Who will be responsible for the update of the flood evacuation plan?

### Highways

04. 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 Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer Mr I Turkington Ext 38578).
05. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.  
Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
06. 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.

07. 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.
08. Pursuant to Section 163 of the Highways Act 1980, where private site curtilages slope down towards the new estate street, measures shall be taken to ensure that surface water run-off from within the private areas is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

#### CIL

09. 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.