

**ITEM 1****Variation of condition 2 (approved plans) of CHE/21/00609/FUL- Variation to account for revised site layout around proposed plots 1-9 to accommodate existing sewer easement outside of private gardens on Land to the west of Swaddale Avenue, Tapton, Chesterfield for MyPad2020**

Local Plan: H14 allocated for 21 units under Policy CLP3

Ward: Brimington South

Plot No: 2/2175

Committee Date: 22<sup>nd</sup> May 2023**CONSULTATIONS**

CBC Tree Officer	No further comment as the proposals do not in general affect the retained trees or proposed landscaping.
CBC Environmental Health	No adverse comments to make
Coal Authority	No objections
Highway Authority	The proposed changes have no detrimental highway impact, no objections
Network Rail	In relation to the above application, we have no objection to the variation of proposed plots 1-9 to accommodate an existing sewer easement outside of private gardens. Network Rail do however have concerns over the proposed overland flood routing corridor (present on the new site layout) due to what seems to be surface water flowing toward the railway. We would appreciate clarification as to this additional future to ensure it does not impact on or cause damage to adjacent railway assets.
Derbyshire Wildlife Trust	Could the sewer easement area be seeded with either; a) wildflower grass mix to be cut 2 or 3 times per year outwith the main flowering period or b) a flowering lawn mix if short sward is desirable.
Lead Local Flood Authority	No objection
Representations	One letter raising concerns regarding the impact on amenity

## 2.0 THE SITE

2.1 The application site is an elongated but narrow parcel of land that sits between Swaddale Avenue to the east and the railway line to the west beyond which is an area of tree screening, the river Rother and beyond this the Trans Pennine Trail. Existing housing surrounds the site on three sides to the south, east and north with the housing to the east being elevated from the site.

2.2 At the time of the submission the application site was overgrown with mainly scrub cover, the site has since been cleared. The land to the south of the site is elevated from around the point of the access route into the site. The remainder of the site is then relatively level.

2.3 The site is allocated in the local plan as a housing site under allocation H14 as set out in policy CLP3, Table 4 for 21 dwellings.

2.4 Site location:



2.5 Point of access:



Looking towards the southern elevated section:



Looking towards the elevated housing on Swaddale Avenue:



Looking to the north:



2.6 The applicants agent has submitted an application for the discharge of conditions but as this relates to the layout proposed in this application the consideration of the conditions has not been concluded.

### **3.0 SITE HISTORY**

3.1 CHE/21/00609/FUL Residential development of 26 dwellings, new access, parking and associated landscaping (revised plans received 13.06.2022) – Conditional permission 11.11.2022

3.2 CHE/16/00092/OUT Outline application for residential development of land to the rear of 6-58 Swaddale Avenue along with upgrading the existing site access (all matters reserved except access and layout) - drainage strategy received 9th March 2016. Conditional permission 28.06.2016

#### 4.0 **THE PROPOSAL**

4.1 This application seeks to vary the originally approved plans in the location of Plots 1 to 9 to allow for an area of easement to a below ground sewer easement located to the south of the site. The housing layout to the remainder of the site will remain unchanged.

4.2 The easement is shown on plan to be to the south eastern area of the site which has necessitated the movement of the plots in this southern part of the site to accommodate the easement. The change in the layout results in the properties to the southern end of the site being relocated towards the west of the site to allow for the easement. No other changes to the house types or other elements of the scheme are proposed. The layout changes are as seen on these plans:

Plans as approved:



Plan as now proposed:



#### 5.0 **CONSIDERATIONS**

##### 5.1 **Planning Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

- 5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **5.2 Chesterfield Borough Local Plan 2018 – 2035**

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

## **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

## **5.4 Key Issues**

- Principle of development
- Design and appearance
- Impact on residential amenity;
- Highway safety
- Biodiversity
- Ground conditions
- Drainage

## **5.5 Principle of Development**

- 5.5.1 The principle of development was established through the extant permission which is now being progressed on site. The matters secured via S106 under the earlier permission will also relate to this site for which

a variation of the S106 will be required to tie it to this application should permission be granted.

## 5.6 Design and Appearance

5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

5.6.2 As there are no changes to the house types there are no substantial visual changes to the development proposed which is acceptable.

5.6.3 The following plan shows the proposed street view looking towards the front access of the easement area with the gated access:



5.6.4 In terms of the layout changes, the movement of the plots will not result in a substantially differing scheme in visual terms. It is acknowledged that the change to the layout for the easement will create an unconnected strip of land which will be somewhat awkward, however, given the constraints of the site and that this area will be landscaped and maintained, this will not result in adverse visual impacts overall. This change will mean that further consideration of the boundary treatments to the rear of the proposed plots P1 to P5 and the gated access to this area will be required. This will be secured via condition to ensure an appropriate fencing detail which allows views through to ensure this does not become a problem area on the site.

5.6.5 Therefore, subject to matters of material finishes, landscaping and boundary treatments the scheme is considered to be acceptable in terms of visual impacts in accordance with policy CLP20.

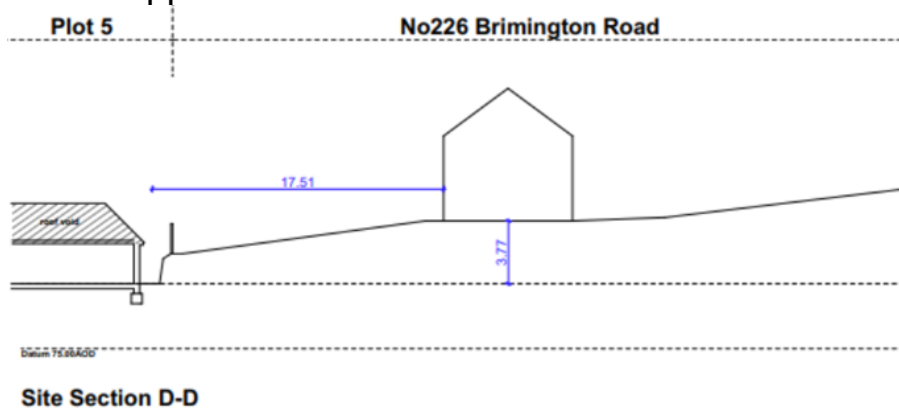
5.6.6 The proposed changes will not result in impacts over and above the existing scheme in terms of heritage matters, which do not need to be reconsidered in further detail as a result of this amended scheme.

## 5.7 Impact on Residential Amenity

5.7.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

5.7.2 Concern has been raised at the proximity of the proposed dwellings at the southern end of the site to the existing dwellings which front Brimington Road. This matter was considered in detail in the previous application and whilst the proposed houses have moved in this location they are not substantially closer to the boundary than those approved.

5.7.3 Whilst the proposed housing is in close proximity to the existing boundary of the neighbouring property, there are a number of issues to note; it is the gable end of the proposed bungalow that will be facing the existing property boundary, the roof of the proposed bungalow has been hipped to minimise the height at the closest point and there is a substantial drop in levels between the properties, as demonstrated in the previous application details:



5.7.4 These mitigating factors will substantially minimise the impact the proposed dwelling has upon the amenity of the adjacent occupiers and result in an acceptable relationship between the two properties.

5.7.5 Concern has also been raised regarding how a boundary fence will be maintained. As is typically found, the adjacent landowner will need to obtain the permission of the landowners on the application site to access and maintain the boundary fence within the area of land available. This is not considered suitable reason to withhold planning

permission. The proposal is therefore considered to accord with policy CLP14.

## **5.8 Highway Safety and Parking Provision**

5.8.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

5.8.2 Despite the relocation of the housing the parking layout and access remain largely unchanged. The Highway Authority have raised no further issues and therefore the proposal is acceptable in terms of highway impacts in accordance with policies CLP20 and 22.

## **5.9 Biodiversity, impact on protected species, enhancement and Trees**

5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.9.2 Matter of biodiversity remain largely unchanged as a result of this amended scheme. However, the easement area is to landscaped and Derbyshire Wildlife Trust have recommended biodiversity enhancing wildflower mix for this area. This can be secured as part of the conditions considering the landscaping of the site. On this basis the ecological and biodiversity net gain matters are acceptable. The financial contribution originally required through the S106 will be included in the variation to that legal agreement to include this application.

## **5.10 Ground conditions**

5.10.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.



5.10.2 The conditions imposed on the original application in terms of contamination and former coal mining activity will follow into this recommendation. The consultees raised no further queries in this regard. On this basis the proposal is acceptable in terms of ground conditions.

## **5.11 Drainage**

5.11.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

5.11.2 The conditions imposed on the original application in terms of drainage matters will follow into this recommendation. Whilst Network Rail have raised a query regarding the direction of surface water this is a matter to consider in detail through the recommended conditions. The amendment to the layout of the development is clearly necessary for the longevity of the existing drainage infrastructure. On this basis the proposal is considered to be acceptable in terms of drainage matters in line with policy CLP13.

## **5.12 Development Contributions and CIL Liability.**

5.12.1 The proposed development is liable for the Community Infrastructure Levy (CIL) in line with the existing permission, subject to any exemptions that may be applied for. The site is located within the medium (£50) CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge is calculated as follows:

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

Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	A Net Area (GIA in Sq.m)	B CIL Rate	C Index (permission)	D Index (charging schedule)	E CIL Charge
Residential (C3)	2231 (Based on form submitted Nov 2021)	0	2231	£50 Medium area	332	288	<b>£128,592</b>

## 6.0 REPRESENTATIONS

6.1 One letter has been received from 224 Brimington Road which raises the following concerns:

This moves the new build within 2m of our boundary line. I understand this is acceptable legally but on the whole build there are only two houses where they come that close, that being ourselves and next door. This is unnecessary, I am attaching a document showing a proposed modification where these buildings and parking are swapped thus moving the new houses further away from our boundary line. At the boundary line we have a seating area and barbeque area, this will intrude on our privacy and we will intrude upon theirs. There is also a summer house where the same will apply. How do we manage our fence at this point, we have invested in a fence, with such a small gap how can we manage this.

The suggestion to improve the layout would be to move the parking for P2 and P3 from the existing position and place it adjacent to the boundary line:



6.2 **Officer response:**  
***Whilst the suggestion looks as though it could be possible the area remaining for the manoeuvring of vehicles would not be sufficient. In addition, having large areas of car parking is contrary the best practice in terms of maximising natural surveillance and avoidance of anti-social behaviour as well as ensuring individual proprietorship of the space. Therefore, this suggested amendment has not been pursued.***

## 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.

## 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 2021 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

## **9.0 CONCLUSION**

- 9.1 The minor changes to the layout as proposed do not result in a substantially different scheme from that already approved. The changes do not further impact the scheme visually or in terms of residential amenity. The conditions originally imposed need are recommended again to ensure that additional minor issues raised can be appropriately considered through the discharge of those conditions. The proposal will also need to be subject to a variation of the original S106 to refer to this updated application. On this basis the amended scheme is considered to be acceptable in line with the above mentioned local plan policies

## **10.0 RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to securing the following via a deed of variation of the legal agreement:
- Affordable housing as submitted at 10% provision across the site providing 3 units (2.6 rounded up to a whole unit) with a 90/10 split on tenure (rent and shared ownership)
  - Biodiversity net gain 2 habitat units at £20,000 per unit to CBC = £40,000

And subject to the following conditions:

### **Conditions**

1. 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 Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment or conditional requirement. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Proposed site layout 21015-70-001\_P20 received 08.02.2023
- Swept Path analysis 600357-HEX-00-00-DR-TP-0104 P02 received 13.06.22
- House types:
  - B2.3 A 21015-020-004\_P2 received 20.04.22
  - B2.3 B 21015-020-013 received 20.04.22
  - H2.4 A 21015-020-002\_P2 received 20.04.22
  - H2.4 B 21015-020-007 received 20.04.22
  - H2.4 C 21015-020-008 received 20.04.22
  - H3.5 A 21015-020-003\_P2 received 20.04.22
  - H3.5 B and H3.5 C 21015-020-010 received 20.04.22
  - H3.5 C and H3.5 D 21015-020-009 received 20.04.22
  - H3.5 E 21015-020-011 received 20.04.22
  - H3.5 F 21015-020-01 received 20.04.22

Reason: In order to clarify the extent of the planning permission.

3. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

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

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

Reason: To ensure appropriate consideration of potential below ground archaeology in accordance with policy CLP21 of the Adopted Local Plan.

4. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:

a) Location and installation of services/ utilities/ drainage.

b) Details of construction within the RPA or that may impact on the retained trees.

c) a full specification for the installation of boundary treatment works within the designated root protection areas.

d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

g) a specification for scaffolding and ground protection within tree protection zones.

h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

j) Methods to improve the rooting environment for retained and proposed trees and landscaping, due to the use of heavy machinery around the retained trees and the compaction to the rooting environment that this may have caused.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to policy CLP16 of the Adopted Local Plan and section 197 of the Town and Country Planning Act 1990

5. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- a) a scaled plan showing vegetation to be retained and trees and plants to be planted, which shall include wildflower planting to the easement area to the south eastern boundary:
  - b) notwithstanding the submitted details, the proposed hardstanding and boundary treatments that shall be suitable for hedgehog routes (with existing residents boundaries retained and enhanced) and shall include fencing to the south eastern easement area which allows for views through.
  - c) a schedule detailing sizes and numbers of all proposed trees/plants
  - d) Sufficient specification to ensure successful establishment and survival of new planting.
- Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or

diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policy CLP16 of the Adopted Local Plan.

6. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats, as identified in the agreed Biodiversity Net Gain Feasibility Assessment report to meet the habitat gains set out in the Biodiversity metric calculation and landscaping of the site agreed under condition 5 above.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives, including appropriate management of the wildflower planting to the south eastern easement area;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
  - g) Details of the body or organization responsible for implementation of the plan;
  - h) Ongoing monitoring and remedial measures,
  - i) Details of the company to be set up to manage the any private highways areas and the landscaped areas of the site in perpetuity,
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity



objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure the long term management of the site including highways and open spaces and the protection of wildlife and habitat objectives, to secure opportunities for enhancing the site's biodiversity value in the long term in accordance policy CLP16 of the Adopted Local Plan.

6. 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. The facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

7. 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 interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

8. No development shall take place until full construction details of the residential estate road and footways including layout (generally in accordance with approved application drawings), levels, gradients, surfacing and means of surface water drainage, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter be constructed in accordance with the approved details unless otherwise agree in writing by the Local Planning Authority.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

9. The carriageway and footways agreed under condition 8 above, shall be constructed up to and including base course surfacing to ensure that each dwelling has a properly consolidated and surfaced

carriageway and footway, between the dwelling and the existing highway prior to occupation. 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 interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

10. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the drives/accesses/shared drives onto the proposed adopted highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

11. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established as appropriate.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

12. No dwelling shall be occupied until access has been formed to the new estate street, unless otherwise agreed in writing by the Local Planning Authority, provided with 2m x 25m visibility sightlines, the areas in advance maintained free from any objects exceeding 1m in height (600mm if vegetation) relative to the adjacent carriageway channel level.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

13. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved application drawings for parking and manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected along the highway frontage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: In the interests of visual amenity and highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

15. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

16. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

17. 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: This is a pre commencement condition in order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

18. Prior to any demolition, construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:
- a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other  
Monday to Friday: 08:00 – 18:00  
Saturday: 08:00 – 13:00  
Sundays and bank Holidays - No working
  - b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;
  - c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;
  - d) Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;
  - e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times.

All works shall be fully implemented in accordance with the approved CEMP. The CEMP shall be reviewed at least at the start of each phase of the development or where there are changes to

relevant legislation or where changes are made to the agreed CEMP.

Reason: This pre commencement condition is required to safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

19. The development shall be constructed in line with the sustainability statement dated 15<sup>th</sup> July 2022.

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

20. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Adopted Local Plan.

21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:  
i) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with policy CLP13 of the Adopted Local Plan.

22. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance

by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, 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, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network in accordance with policy CLP13 of the Adopted Local Plan.

23. Prior to the commencement of development a detailed methodology for site clearance shall be submitted to and agreed in writing by the Local Planning Authority. The agreed methodology shall be followed through all site clearance works.

Reason: To ensure no further harm to potential biodiversity or habitat in accordance with policy CLP16 of the Adopted Local Plan.

24. Prior any external lighting installation a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that wildlife implications are fully taken into account (including the need for reduced or no lighting in the more sensitive locations and directions; specifically, towards the railway line). The agreed lighting scheme shall be fully installed in accordance with the approved scheme prior to last occupation.

Reason: To minimise impacts on biodiversity and allow for enhancements in line with policy CLP16 of the Adopted Local Plan.

25. Prior to works commencing above slab level a scheme for the incorporation of bat and bird boxes within the development shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall provide precise details of the number, range and location of boxes. The boxes shall be fully installed and maintained thereafter in accordance with the agreed scheme.

Reason: To seek to enhance biodiversity in line with policy CLP16 of the Adopted Local Plan.

26. Details including samples where necessary of all materials to be used in the construction of the external surfaces of the proposed

development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development in accordance with policy CLP20 of the Adopted Local Plan.

27. Following completion of 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;
- Which and how many dwellings within the development have satisfied M4 (2)\* accessible and adaptable dwellings standards
  - Which and how many dwellings within the development have satisfied M4 (3)\* wheelchair adaptable dwellings standards
  - Which and how many dwellings within the development have satisfied M4 (3)\* wheelchair accessible dwellings standard. (\*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same.))
- The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

Reason: In the interests of disabled people and access for all to comply with policy CLP4 of the Adopted Local Plan.

28. Prior to works commencing beyond the entrance access works, a scheme detailing all proposed finished floor and land levels shall be submitted to and approved in writing by the Local Planning Authority prior to any importation of earth to site or excavation works commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory landform in the interests of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

29. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Drawings Hexa Consulting (21/12/2021). Drainage Layout Sheet 1, 600357-HEX-XXZZ-DR-C-9201, Revision P02 and Hexa Consulting (21/12/2021). Drainage Layout Sheet 2, 600357-HEX-XX-ZZ-DR-C-9202, Revision P02; and letters Wojnowska, A. 2022. Letter to Jo Crawshaw-Moore, 600357/AW, 27 June and Wojnowska, A. 2022. Letter to Jo Crawshaw-Moore, 600357/AW, 6 July; including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

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

30. 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, which would lead 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.

31. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per



the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

32. Prior to the commencement of development a statement setting out how emissions will be reduced through the construction process shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan

33. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

### **Informative Notes**

1. 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.

2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can

often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

4. In line with conditions 29 to 31, the LLFA have advised:

Measures should be put in place to ensure that the overland surface water flood route through the development from the east is safeguarded and that surface water flood risk is mitigated to existing and proposed properties.

5. In regard to tree condition 4:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

6. In regard to tree condition 4

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work – Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

7. In line with condition 5 above:

In mitigation for the loss of trees and vegetation, addition planting to the west boundary shall be included on any landscaping drawing to increase the biodiversity on the site and improve the existing vegetation along the rail line boundary. Species shall include any of the following species Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Hawthorn (*Cretaegus*), Mountain Ash, Whitebeams (*Sorbus*) as recommended in the Network Rail comments dated 21st October 2021.

8. Highways:

a. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway of Alders Meadow. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available

by email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk), telephone Call Derbyshire on 01629 533190 or via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp)

b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

c. 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.

d. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate road 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 Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 538658).

e. Highway surface water shall be disposed of via a positive, gravity fed system (i.e; not pumped) discharging to an approved point of outfall (e.g; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively.

f. Car parking spaces should measure 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. and adequate space behind each space for manoeuvring.

g. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

h. The applicant is advised that to discharge Condition 6 that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 for the

proposed road to be maintained in future at public expense and the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes for the proposed private shared driveways.

i. The applicant will need to demonstrate all aspects relating to layout, levels, gradients, surfacing, lighting and means of surface water drainage, but the attached plans do not indicate the extent of the land that is currently under the developer's ownership and control or if there are small pockets of land that sit outside the existing unadopted highway boundary to secure a Section 38 agreement, all affected landowners must be prepared to dedicate their land for highway purposes and enter into a Highways Act 1980 Section 72 agreement.

j. Due to the lack of any speed restraint shown, the applicant should refer to Council's document Delivering Streets and Places which states that 'In such cases, horizontal calming measures are preferred to vertical calming measures (eg. Speed cushions, road humps, raised tables etc.)'.

k. Any structure built in, under, or over the highway.

- Any retaining wall built within 3.65m of the highway boundary where the retained height above the adjacent highway is 1.4m or more. Any retaining wall or structure which supports the highway and where the distance between the highway boundary and the rear face of the wall or structure is less than twice the difference in level between the ground at the front of the wall and the highest level of the adjacent highway at any point along the length of the wall or structure. Highway-related structures, as considered within the 6Cs area, normally include:

- Bridges.
- Fences (including safety fences).
- Retaining walls.
- Corrugated-steel buried structures.
- Reinforced soil and anchored earth structures.
- Reinforced clay brickwork retaining walls of pocket-type and grouted-cavity construction.
- Crib wall retaining walls of concrete or timber construction.
- Environmental barriers (including noise fencing ).
- All drains, pipes and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. All highway-related structures, whether to be adopted or not, shall be designed and constructed in accordance with current relevant Highways England standards, codes of practice and technical memoranda unless agreed otherwise. Design is normally subject to the technical approval procedure set out in BD 2/12 within DMRB and in the context of this design guide, the technical approval authority is the relevant LHA. The applicant must employ a qualified civil or structural engineer with experience in highway structures, with approval from the relevant LHA, to carry out design and

oversee construction. Prior to construction, the applicant shall provide the LHA with a programme of supervision for approval. This programme shall give details of the level and amount of supervision provided and contain proposals for materials testing. The works will then be audited by the LHA at regular intervals for compliance with the construction programme.

#### 9. Yorkshire Water:

1.) The submitted Drainage Strategy (ref ADC-157-01-DS-001) prepared by Inspire, dated October 2021 requires amendments, but if planning permission is granted, the matter can be dealt with via condition. In summary, the report states that

a.) Foul water will discharge to public combined water sewer

b.) Sub-soil conditions likely do not support the use of soakaways due to the presence of coal deposits, however infiltration testing have yet to be carried out. c.)

A watercourse exists near to the site however is not accessible due to levels. d.)

Surface water will discharge to public surface water sewer via storage with restricted discharge 5 litres/second - this is based on a generally assumed minimum discharge rate of surface water discharge, however Yorkshire Water consider the minimum rate to be 3.5 litres per second. We would also consider this site to be greenfield rather than brown as satellite imagery shows the site to not have been developed for some considerable time - at least since 2009.

e.) The means of surface water management has not been properly considered within the drainage report. Yorkshire Water requires further information regarding the means of draining surface water from the development.

2.) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration is not reasonably practical before considering disposal to public sewer.

b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

c.) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

d.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water network at a restricted rate not to exceed 3.5 litres per second.

3.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance

with the WRc publication 'Codes for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements

10. Lead Local Flood Authority:

Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

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

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. 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.

G. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

H. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

### **Peak Flow Control**

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

### **Volume Control**

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event. *Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).*
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.



- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.

- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

I. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

J. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

## 11. Network rail:

Works in Proximity to the Operational Railway Environment.

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety.

Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Condition Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority.

The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless

otherwise agreed in writing by the Local Planning Authority. Contact details for Asset Protection are supplied below and we would draw the developers attention to the attached guidance on Network Rail requirements. Boundary Treatments, Landscaping and Lighting Trespass Proof Fencing Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Condition The developer must provide a suitable trespass proof fence adjacent to Network Rails boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rails existing fencing/wall must not be removed or damaged. Vehicle Incursion Measures An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rails existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways. Condition Given the nature of the proposals and location of turning areas/car parking, we would expect that a condition securing the design and installation of suitable vehicle incursion measures by the developer is included in any consent. This is for the safety, operational needs and integrity of the railway.

### Landscaping

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary; Acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees Pines (*Pinus*), Hawthorn (*Crataegus*), Mountain Ash Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicata Zebra Not Acceptable: Acer (*Acer pseudoplatanus*), Aspen Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy

Poplar (*Populus nigra* var. *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

Condition Landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail. Li35 Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Condition Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

#### Additional Requirements Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. Reason for above conditions: The safety, operational needs and integrity of the railway.

Informatives: Please see attached standard railway requirements to be included as informatives.

We trust that the above will be given due consideration in determining the application and if you have any enquiries in relation to the above, please contact us at [townplanninglne@networkrail.co.uk](mailto:townplanninglne@networkrail.co.uk). Useful Network Rail contacts; Asset Protection Eastern For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email [assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk). Land Information For enquiries relating to land ownership enquiries, please email [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk). Property Services For enquiries relating to agreements to use, purchase or rent Network Rail land, please email [propertyserviceslneem@networkrail.co.uk](mailto:propertyserviceslneem@networkrail.co.uk).

#### Network Rail Standard Informatives:

Please note, not all of these requirements may be applicable to this development

**Fail Safe Use of Crane and Plant** All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

**Excavations/Earthworks** All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and

executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land. Security of Mutual Boundary Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager. Demolition Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence. Vibro-impact Machinery Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement. Scaffolding Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Bridge Strikes Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection

## OFFICIAL

Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense. Abnormal Loads From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include

Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability. Two Metre Boundary Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

## ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal. Access to the Railway All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.