

ITEM 3

Re-submission of CHE/17/00390/OUT - Outline application for residential development of up to 17 new build dwellings along with the retention of existing farmhouse, the conversion of existing stone barn to residential use and conversion of existing cart shed to garaging (Amended description 28.04.22) at Pondhouse Farm, 2 Troughbrook Road, Hollingwood for Chatsworth Settlement Trustees

Local Plan: Housing Site H5 (Part of)

Ward: Staveley South

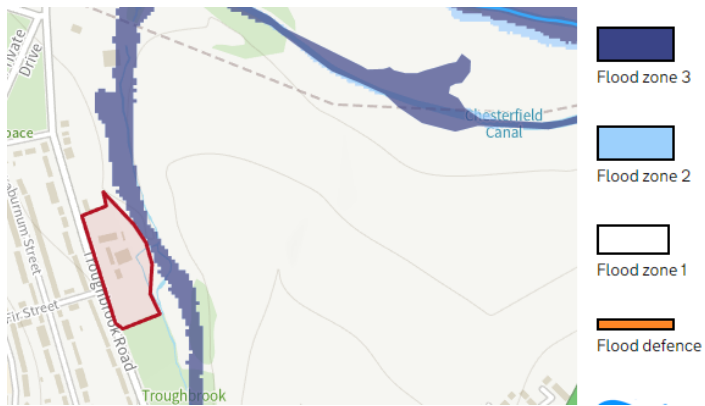
Committee Date: 8th January 2024**CONSULTATIONS**

CBC Design Services	Comments made under initial application- re-referred to. See report.
LLFA	Comments made see report.
Environment Agency	No comments to make as no environmental constraints associated with the site which fall within our remit.
CBC Forward Strategic Planning	A sustainability statement is outstanding.
Coal Authority	Outside of the high risk area therefore standing advice applies.
Highway Authority	No objection, comment made and conditions recommended see report
CBC Conservation Officer	Comments made see report
CBC Environmental Health	No objection, recommend construction hours, lighting, EV charging and land contamination condition.
Yorkshire Water	Conditions recommended
Derbyshire Wildlife Trust	Comments made see report
CBC Tree Officer	Requested additional information - The proposed illustrative layout and woodland buffer zone are acceptable, however no Arboricultural Impact Assessment has been provided to assess the impacts of the proposed access/visibility splay. Following the

	submission of additional information, the Tree Officer noted no objection subject to conditions.
Archaeology (commented on the adjacent site but not the application site)	The comments on original application still apply and therefore the same condition is recommended.
DCC Policy	There would be capacity at the primary school for an additional 4 no. pupils. There would not be sufficient capacity at secondary (Springwell) which will need to be mitigated via CIL. Welcome M4(2) properties. NGA Broadband should be provided (footnote) There may need to be expansion of waste recycling in Derbyshire considered via CIL.
Former Cllr Bagshaw	Object, see detailed comments below.
Representations	Consultation and notification on the case including neighbour letters, site and press notices, has been undertaken twice, the last being in January 2022 due to the elongated time the application has been ongoing. This resulted in 19 comments being received, these are summarised in the report below.

2.0 **THE SITE**

- 2.1 The application site is a largely green field area of land adjacent to Troughbrook Road currently used in part as the functional yard to the farming operation which is long standing at the site. The site contains both historic and modern farm buildings associated with this use. The existing farm house is to the north with woodland to the south. The area to the west is largely residential and to the east is rural with the Brook running through the land. There is access to local services and facilities and bus routes nearby.
- 2.2 The application site slopes from the roadside down towards the Trough Brook to the east of the site. The application site lies entirely within flood zone 1 which has a low probability of flooding. The brook is prone to flooding at the bottom of the valley as can be seen from the flood map:



3.0 **SITE HISTORY**

3.1 CHE/17/00390/OUT Outline planning application for residential development with all matters reserved except access for up to 17 dwellings (in addition to retention of existing farmhouse and conversion of existing cart shed to garaging) including associated infrastructure works – Refused contrary to officer recommendation 09.10.2017, for the following reason:

The application site is considered to be (in part) greenfield land which is protected from development by the allocation of policy EVR2 of 2006 Local Plan which was saved in the adoption of the 2013 Chesterfield Local Plan: Core Strategy 2011 - 2031.

In accordance with provisions of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 - 2031, the wider provisions of the National Planning Policy Framework and the fact the Local Planning Authority can currently demonstrate a 5 year supply of deliverable housing sites; the principle of residential development on this part greenfield site is contrary to policy CS10 and is therefore considered to be unacceptable.

It was noted in the report to committee that the draft allocation (now adopted allocation H5) was in the early consultation stages at that time and therefore carried little weight in the decision making process at that time.

4.0 **THE PROPOSAL**

4.1 This is an outline application for the erection of up to 17 dwellings, retention of the farmhouse and conversion of the existing barn to residential, with all matters except access reserved for subsequent approval. It is assumed that the barn would be converted to no more than 2 dwellings given its footprint, this would make 20 units on the site altogether, including the existing farmhouse. An indicative plan has been submitted to support the application demonstrating that 17 new units will fit on the site:

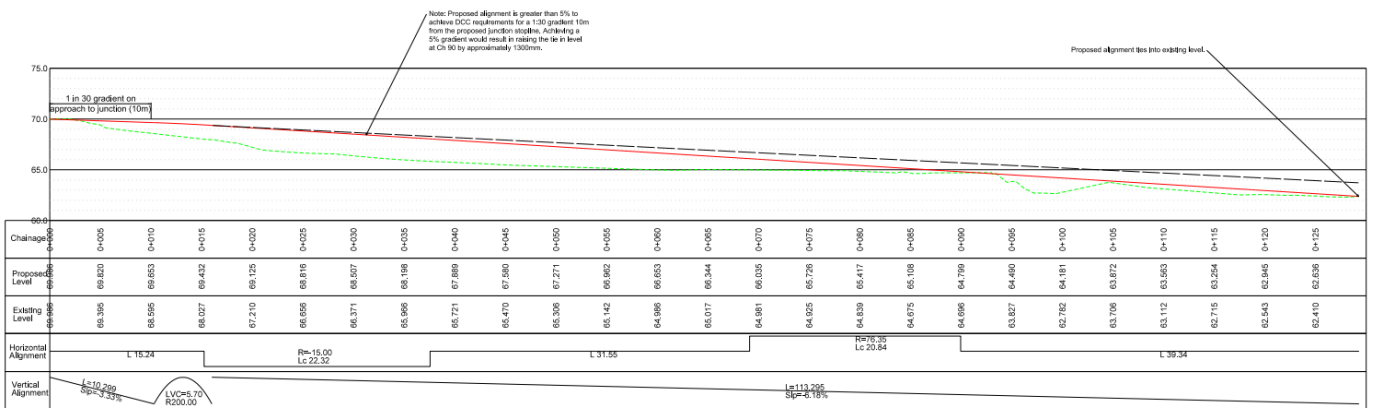
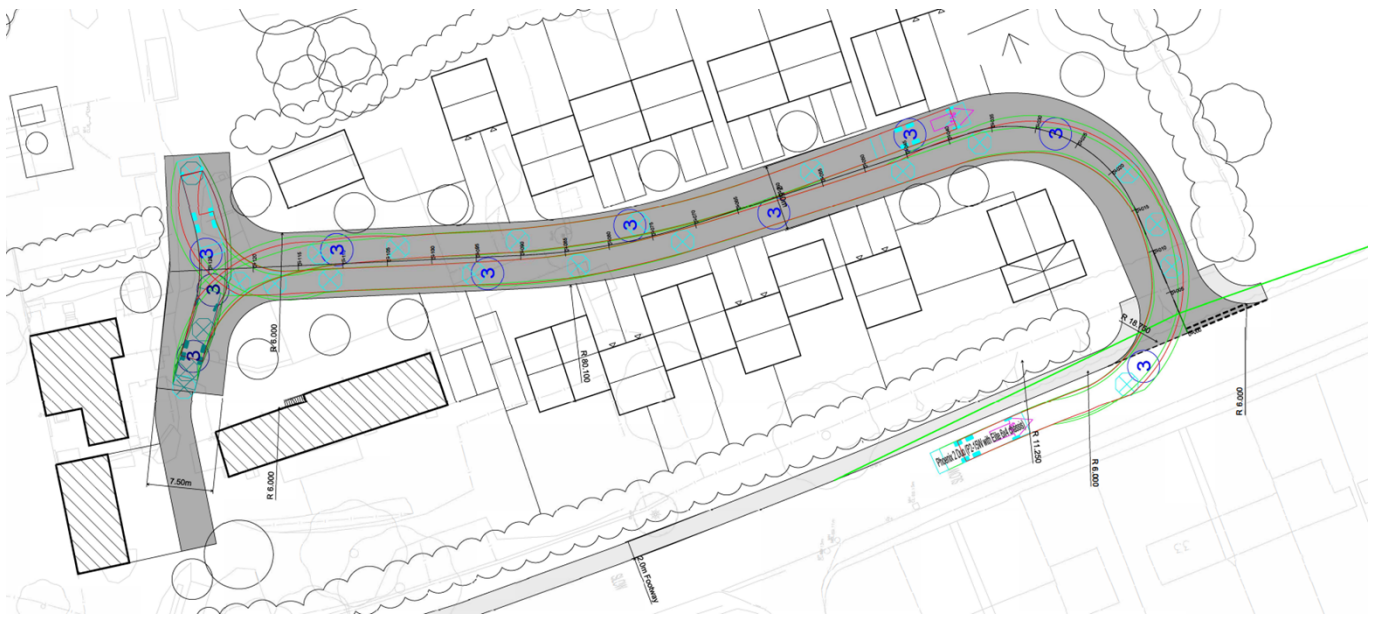
Proposed indicative layout:



4.2

The access, which will form a cul-de-sac into the site, is being considered at this point in the application process. Most of the dwellings would be served via a new road into the site to be formed with the access point adjacent to the woodland. The existing access currently used to serve the farm yard would be closed off.

Proposed access:



Access Road Profile

4.3

The intention is then for 2 of the new units to be served directly from Troughbrook Road:



4.2 From the original submission in 2018 the application was updated in 2022 providing a new survey information, biodiversity net gain assessment, and planning statement.

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.

5.2 **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 of the proposal;
- Heritage
- Impact on neighbouring residential amenity;
- Highway safety and parking provision;
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage
- CIL liability

5.5 Principle of Development

5.5.1 The application site is part of a wider site allocation H5 as defined by table 4 to Policy CLP3 of the Adopted Local Plan. The allocation in total is for 23 dwellings with 6 dwellings proposed on the adjacent site under ref CHE/18/00491/OUT. Therefore, the remaining 17 of the 23 are to come forward on this application site in line with the description of development. The site itself extends to 1.2 hectares.

5.5.2 Policy CLP 3 states in part that; Planning permission will be granted for residential development on the sites allocated on the Policies map as set out in Table 4 provided they accord with other relevant policies of the Local Plan. Therefore, in principle the development of this site for housing is acceptable, more detailed matters pertaining to the development are considered below.

5.5.3 Concern has been raised that planning permission for housing on the site was previously refused, this is correct as can be seen by the planning history above. However, since that time the site has been allocated in the Adopted Local Plan for housing, allocation H5 under policy CLP3. As 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 change in the allocation of the

site under the Adopted Local Plan is a significant change in circumstances since the previous refusal.

5.5.4 It has been noted by the Strategic Planning Policy team that as the site is part of a larger allocation the requirement for affordable housing should be combined with the larger site. The comments state: “As the same planning policies apply it is considered appropriate to consider the two applications as the same site and consider the cumulative effect of their development when applying planning policy. In coming to this judgement the principles of the tripartite test established in R (Westminster City Council) v First Secretary of State and Brandlord Ltd [2013] have been applied:

1. whether the sites are in the same ownership;
2. whether they constitute a single site for planning purposes; and
3. whether the proposals could be deemed to constitute a single development.

With regard to the first two tests, the application form confirms that they are in the same ownership, and they are allocated in the Local Plan as a single site. With regard to the third criteria, there is no reason to think that this could not be developed as a single site – both sites are being considered at the same time and both are available for development in the same timeframe, - the applications having been submitted in outline concurrently and for the same use. I would also note that during the consultation on and examination of the Local Plan the applicant submitted representations but raised no objection or concern to the site being allocated as Last Updated September 2021 a single site, and that a number of the reports supporting the application (such as the Net Gain assessment) have been prepared on the basis of assessing both sites jointly.”

5.5.5 In terms of the above tests, there is no doubt that the sites are currently within the same ownership and it is feasible that once outline planning permissions are granted the sites could be brought forward as one entity. There is no confirmation of the applicant’s intentions in this regard and in this context it is not unreasonable to conclude that both sites could come together as a single scheme and therefore it is considered reasonable given the joint allocation to include affordable housing provision for the developments together. ie tied into the associated larger development being considered under CHE/18/00491/OUT.

5.5.6 Infrastructure:

Concern has been raised by local residents that the development will impact on existing services and facilities such as schools and GP practices.

5.5.7 Through the provisions of the Community Infrastructure Levy monies are collected from developments such as this and are coordinated into spending on matters such as school expansion. There is also the ability to secure other matters via legal agreement and direct contributions. In this case the NHS CCG have not requested funding from the development which is at a level below the threshold at which they request contributions. An employment and skills condition shall also be included to secure, where possible, local gains from the development.

5.5.8 Affordable housing:
In line with Policy CLP4 the normal requirements for affordable housing apply which in this location is:
The site is within a medium charging zone for Community Infrastructure Levy. The Local Plan policy CLP4 therefore requires 10% affordable housing to be split between affordable rent (90%) and affordable home ownership (10%).

5.5.9 In order to secure this policy level affordable provision a legal agreement will be needed to ensure the proposal secures as a minimum the 10% affordable housing requirement across the site. On this basis the proposal meets the requirements of Policy CLP4 of the Adopted Local Plan.

5.5.10 Adaptable and accessible housing:
Policy CLP4 requires that 25% of the units proposed are to the higher level building regulations for adaptable and accessible homes known as M4(2) standard. The proposal is in outline only and therefore no details are set out regarding the housing. However, this policy requirement can be secured via a planning condition.

5.5.11 Climate:
The main way in which the Local Plan seeks to tackle climate change is to ensure sustainable development in locations where access to services can be via walking, cycling or via public transport.
Strategic objective 1 of the Local Plan is to 'Minimise greenhouse gas emissions in line with Government targets, increase the use of renewable energy and help the borough adapt to the effects of climate change.'

This is a sustainable site with services and facilities within walking distance along with access to a bus route and is therefore considered to be sustainable development.

- 5.5.12 *Local Plan policy CLP20 requires major development to minimise CO2 emissions during construction and occupation as far as is feasible and financially viable.*

As the application is in outline only, limited information has been submitted to address how the development construction will mitigate for climate change. It is therefore reasonable for this to be submitted as part of the reserved matters application where the detail of the housing will be considered, this is secured via a planning condition.

- 5.5.13 Open space:

In terms of open space the strategic planning team have confirmed that; The proposed development would not generate a need for on-site public open space when applying the standards set out in the Local Plan, or a surplus in wider provision resulting directly from the development. Any adverse impact on provision cumulatively with other developments that may occur would need to be addressed via the CIL mechanisms.

- 5.5.14 To conclude, in considering matters of planning policy including; the sustainability of the site, affordable housing, accessible and adaptable homes, impacts of climate change and infrastructure capacity, the proposal meets the policy requirements. These matters which can be considered at the outline stage have been found to be acceptable subject to conditions, CIL provision and the signing of a S106 agreement. On this basis the principle of the development is acceptable in line with local and national planning policy and there are no material considerations which indicate any deviation from this.

5.6 Design and Appearance of the Proposal

- 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 Concern has been raised that this proposal will have a harmful impact on the character and appearance of the area. In principle the development of the site is accepted through the Local Plan allocation

and as such there will be a change in the character of the area arising from the development. However, this change is not in itself considered sufficient to warrant refusal of the application given the allocation in the Local Plan.

- 5.6.3 Through the application process the retention of the farm house, cart shed and stone barn have been secured and in this regard the appearance of the site will retain some of its historic character. A planning condition to set out what works are necessary to be undertaken to the barn for the conversion works will be necessary. Additional planting to the site frontage as set out in the ecological enhancement will provide a visual screen to the development which will be on lower land. A planning condition should also include details as to how the slope of the land will be accommodated as part of the reserved matters. On this basis and subject to more detailed scrutiny at the reserved matters stage the proposal is considered to be acceptable in terms of visual impact in line with policy CLP20.

5.7 Heritage

- 5.7.1 Policy CLP21 states in part in regard to designated and non-designated heritage assets: In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:
- d) identify and, where appropriate, protect important archaeological sites and historic environment features;

- 5.7.2 The Council's Conservation Officer has noted that:
"Conservation comments were made on the application 22/12/20 which highlighted that Pondhouse Farm is included on the Council's Local List of Heritage Assets. I would refer to those comments regarding the status of the farm and why it is included on the list, but to reiterate: the farmstead is a good local example of a traditional agricultural farmstead on the rural/urban fringe which has retained much of its layout and is relatively unspoilt. As such the farmstead makes a positive contribution to both the wider countryside setting and local street scene. A revised plan has been submitted (ref: 15/.60/07e) which shows the farmhouse and associated historic farm buildings being retained as part of the proposed development. I very much support the retention of, and appropriate conversion of these historic farm buildings. Clearly the aim should be a sympathetic conversion which respects the character, appearance and layout of the buildings. I would be happy to make

further comments on any revised matters application should one be submitted.”

5.7.3 The Archaeologist has commented on the adjacent application site, which are also considered relevant to this case:
“My colleague provided comments on the original application in 2017. A conditioned scheme of archaeological work was recommended based on the observation that the historic mapping showed a farmstead on the site possibly representing squatter encroachment onto the edge of Hollingwood Common in the early post-medieval period. This was to comprise evaluation trenches to test archaeological preservation and significance, followed as appropriate by a scheme of mitigation excavation under NPPF para 199 (now para 204).
I advise that the same considerations apply to the current application, and that the same conditions should be applied.”

5.7.3 In line with these comments and subject to recommended conditions in terms of archaeology and the barn conversion, the proposal is considered to be acceptable in terms of the retention of existing historic buildings on the local list and impacts on possible below ground archaeology in line with CLP21. There are no other heritage impacts arising from this proposal.

5.8 Impact on Neighbouring Residential Amenity

5.8.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.

5.8.2 The proposed development will impact on neighbouring residents through the loss of the open field and introduction of housing, the allocation of the land for housing accepts the principle of this change. However, the design of the finished development will be considered under the reserved matters albeit informed by the indicative layout. Under the consideration of that reserved matters application details in terms of proximity of housing to existing boundaries, dwellings, and impacts such as overlooking and light will be considered. From consideration of the indicative plans it is considered feasible to consider a detailed scheme for the development which results in acceptable impacts to accord with CLP14.

5.9 Highways Safety and Parking Provision

5.9.1 Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.8.2 Concern has been raised through the application process that the proposal along with other planned development in the area will result in harm to highway safety. It should be noted that the Staveley Works development is reliant on significant new road infrastructure and therefore whilst it may result in additional traffic on Troughbrook Road, the new road infrastructure is intended to improved traffic impacts in the wider area. Such matters will be considered under the remit of the application for that site and therefore will not be considered in detail under this application.

5.8.3 The Highway Authority have commented on the scheme as follows:
“This is an application that apparently remains undetermined pending progress with the Local Plan, a situation that has now been reached.

There are no objections in principle to residential development given that the site has been the subject of a previous application to which the Highway Authority raised no objections. It is noted that an illustrative layout has been submitted. As this is a reserved matter it should be noted that only brief comments in respect of this have been provided.

It would appear that some direct frontage access is proposed as well as a new estate street.

It is suggested that the applicant is in control of sufficient frontage to create an access/junction to meet current layout guidance. Visibility should be provided commensurate with recorded 85th percentile wet weather speeds. As a guide, where vehicle speeds are 30 mph visibility splays should be 2.4m x 50m in both directions. The latest layout, however, would relocate the proposed access to the site towards the southern boundary. Visibility from this access is not demonstrated, it is suggested, however, that in view of the wide verge fronting the site appropriate visibility will be achievable.

It is noted that vehicular swept paths, presumably for the largest vehicle likely to regularly enter the site, are only provided for one direction and

further swept paths should be submitted for right turn in and left turn out. It is also noted that the swept paths are tight.

The layout for the proposed new road should comply with Delivering Streets and Places to be considered for future adoption as part of the publicly maintainable highway which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control

The Highway Authority would also expect the provision of adequate off-street parking based on two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling, ideally turning should be provided in all instances to enable vehicles to enter and exit Troughbrook Road in a forward gear.

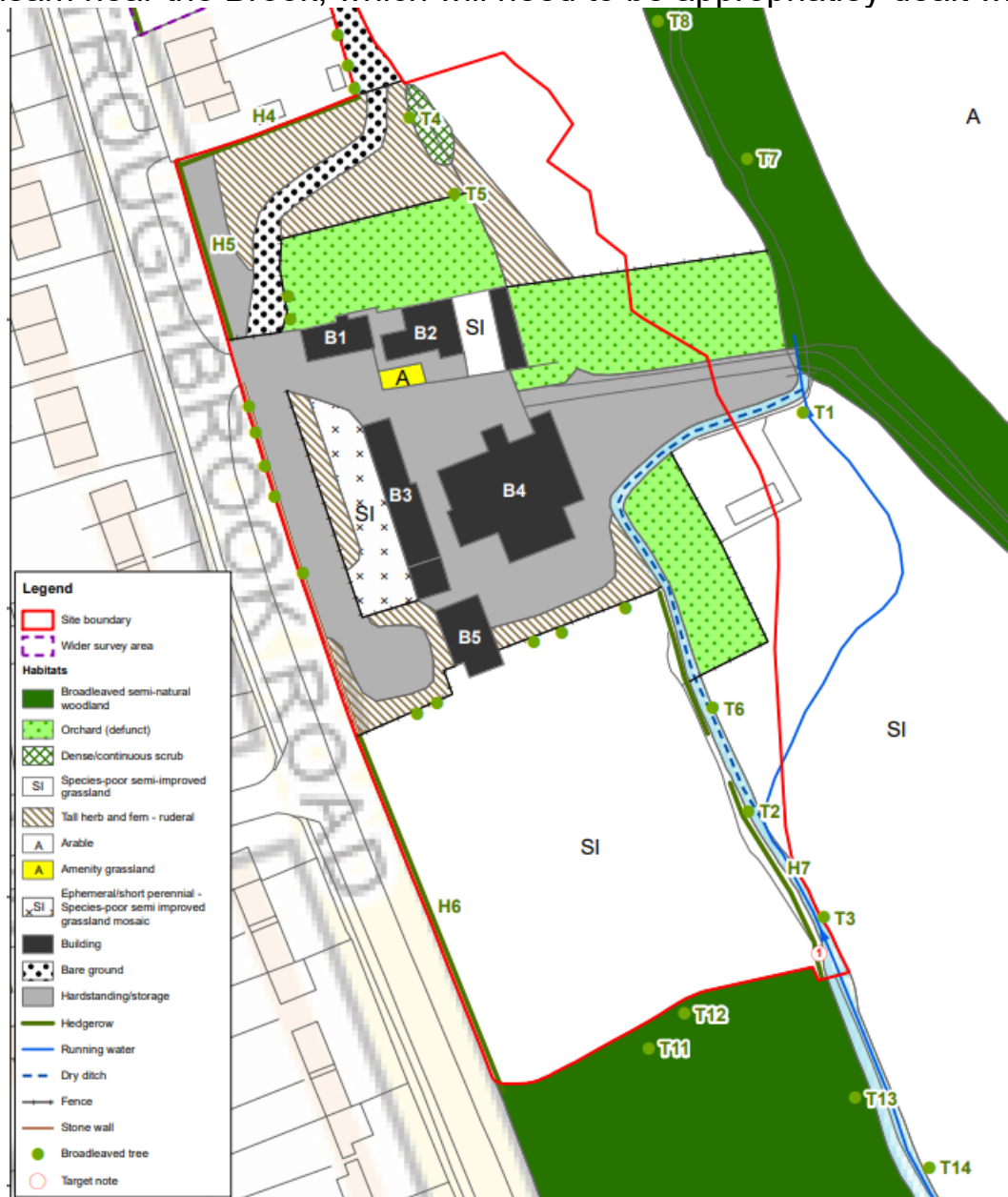
Subject to the above and additional swept paths being acceptable, it is recommended that the following conditions are included in any consent.”

- 5.8.4 Through the allocation of the site for housing consideration of the highway impacts of development in the area were considered. The comments of the highway authority confirm that the proposed development, subject to conditions to secure visibility splays and appropriate parking, will be sufficient to ensure that the development does not result in severe harm to highway safety. Subject to conditions as recommended, the proposal is considered to be acceptable in accordance with Policy CLP22.

5.9 Biodiversity and Impact on Protected Species

- 5.9.1 Policy CLP16 requires that; The council will expect development proposals to:
- protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
 - avoid or minimise adverse impacts on biodiversity and geodiversity; and
 - provide a net measurable gain in biodiversity.
- 5.9.2 The application includes ecological information to support the proposal. The Habitat Survey concludes - There is no evidence of water vole and

otter in the survey area, but notes the site is part of a wider corridor. The survey notes that with the exception of the loss of a short length of species poor hedgerow (H5) along the road frontage, no features of ecological interest would be lost as a result of the proposed development. All mature trees with bat roosts or potential for this are to be retained. A buffer area will be retained between the development and the woodland. There is some Japanese Knotweed on site and Himalayan Balsam near the Brook, which will need to be appropriately dealt with.



5.9.3

The Bat survey concludes that the site has optimal potential for bats. Building B1 (Cart Shed) was found to have a bat roost with continued use from 2015.

Buildings B2 (house) and B3 (Stone barn) have high potential for roosting bats. The other buildings have negligible potential.

Some trees were identified to have potential to support roosting bats T1, T2 to T5, with T1 being optimal. There are retained trees in the wider area which also have potential for bats. It is likely the bats using the site are Whiskered Bats and Common Pipistrelle.

5.9.4 The Badger survey concludes that; There are badgers in the area and the Brook is a key corridor for their movements. The site is considered to provide foraging areas and habitat connectivity for a single badger clan. The proposed development forms only a small part of this context and is judged to be of low importance for badgers with mitigation required to maintain habitat connectivity.

5.9.5 The submitted Biodiversity Net Gain Assessment notes a 70.89% (2.98 units on site and 1.59 off site) gain in habitat units. 230.81% (2.16 units on site only) gains in hedgerow unit and 205.11% gains in river units (0.32 on site and 0.50 off site). This will be from on-site planting, and off-site habitat creation of 0.56 ha of native broadleaved woodland planting and a change in the management of the river corridor.



5.9.6

Derbyshire Wildlife Trust have commented on the application as follows: We have reviewed the Extended Phase I Survey report, the bat and badger reports (November 2020) and the Biodiversity Net Gain Assessment (May 2021) prepared by Penny Anderson Ass. The surveys and Biodiversity Metric assessment have been undertaken in accordance with best practice and represent updates from surveys carried out in 2015. We do note, however, that some bat roost data is based only on 2015 data rather than 2020 surveys. This is considered further below:

There are no statutory or non-statutory nature conservation designations directly associated with this plot of land. There are habitats of value within and close to the development site including trees, orchard, hedgerow and stream and further to the south an ancient semi-natural woodland.

The site has been assessed using Biodiversity Metric 2.0. This has provided a baseline for the habitats at the site. The baseline indicates that there will be an impact and loss of the following habitats; modified grassland, orchard, mixed scrub, amenity grassland, ditch and ruderal / ephemeral vegetation. The impact on modified grassland is the most significant in terms of area (0.65 ha) followed by the loss of orchard (0.14 ha). Orchards can be of high nature conservation value, but the condition of the orchards is poor with few trees and some of the trees suffering damage from livestock. The overall description of the orchard makes it unlikely that they would qualify for designation under the Local Wildlife Site selection guidelines.

A small area (0.006 ha) of mixed scrub will also be lost. This habitat is of greater value, but clearly, this is a very small area. There will also be a small loss of hedgerow (H5) amounting to 0.03 km (30m). The hedgerow is species poor and comprised of ash and hawthorn.

Habitat creation and enhancement

Habitat creation on site includes 0.25 ha of 'other neutral grassland' and an attenuation pond and gardens of the new dwellings. Hedgerow creation comprises seven hedges totalling 0.25km (250m). There is a proposal to enhance the stream through the removal of the horse grazing and the subsequent recovery of riparian vegetation by the stream. There is also a proposal within the biodiversity metric to create 0.56 ha of new woodland off-site (but very close to the development). The proposals if implemented in full and successful should result in a net gain for habitats, hedgerows and rivers/streams. However, please see further comments below under conclusions / recommendations.

Species impacts and proposed mitigation

Bats - We advise that the survey work undertaken in relation to bats has confirmed that there are Myotis, soprano and common pipistrelle bat roosts present in buildings and associated with several of the trees in and around the site. Roosts are confirmed in building B1 and B2. Whilst neither of these buildings will be demolished proposed changes to the buildings could result in temporary disturbance to roosts or modifications to roosts. With regard to trees, whilst none of the trees with confirmed roosts is likely to be directly affected, there could be indirect disturbance to some trees on the edge of the development.

From the information submitted, we advise that the proposed development is likely to affect bats through disturbance of a European Protected Species and / or the damage or destruction of a roost and, as such, we concur that a licence from Natural England will be required in order for the development to proceed without committing an offence.

Although some of the survey data was not updated in 2020 we consider that provided further surveys are undertaken to inform the licence submission to Natural England and the recommended mitigation set out in section 6.24 of the Bat Survey Report is followed in full impacts on bats can be mitigated or avoided.

As the works will need to be undertaken under a Natural England licence to derogate from the offence of destruction of a bat roost, we advise the Council that in reaching a decision the Council should demonstrate how the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2017 have been considered, and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

In reaching a decision, it is important that the local planning authority demonstrates how they have fully considered the three tests set out at Regulation 53 of the Conservation of Habitats and Species Regulations 2010 and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 53 are as follows:

(i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 53(2)(e)

(ii) That there is no satisfactory alternative (Regulation 53(9)(a); and

(iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 53(9))(b)

While we are unable to advise on the first two “non-ecology” tests, we would advise that on the basis of the proposed mitigation and compensation measures recommended in section 6.24 of the Bat Survey Report prepared by Penny Anderson Associates November 2020 it is likely that the favourable conservation status of the local bat population will be maintained and, as such, test (iii) will be met.

Breeding birds - Breeding birds are likely to be present, especially in hedgerows and trees. A suitable condition will be required.

Reptiles - There will need to be a precautionary working method for reptiles, which can be secured as part of a condition for a Construction Environmental Management Plan (Biodiversity).

Badger – There is a potential impact on badgers including the possible need to close a subsidiary sett. However, it should be possible to protect this sett through the creation of a buffer to the sett and to the ancient woodland. The mitigation measures recommended in section 7.6 – 7.12 of the badger report are considered acceptable and provided the development proceeds in accordance with this mitigation it should be possible to minimise impacts and disturbance to badgers. We support the recommendation for a survey 2 months before the development starts to re-assess the situation. The full mitigation details can be secured as part of the Construction Environmental Management Plan (Biodiversity) through production of a precautionary working method statement for badgers.

Conclusions - Overall the biodiversity metric calculations and proposals are considered to be acceptable and the habitat creation and enhancement should result in a net gain for habitats, hedgerows and rivers/streams. There are indirect or temporary impacts on bats and badger and potentially breeding birds and reptile. The proposed mitigation measures to avoid and/or minimise these impacts are considered acceptable.

5.9.7

As set out by the Trust the three tests to be met have to be assessed for the development. The third already being met as confirmed in the comments through enhancement. *The first two tests set out within Regulation 53 are as follows:*

(i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 53(2)(e)

(ii) That there is no satisfactory alternative (Regulation 53(9)(a));

It is considered that the tests are met as housing to meet the needs of the borough and that given the site is allocated there is no reasonable alternative. The scheme now includes the retention of the barn which is considered to assist with mitigation and Biodiversity net gain will be provided.

It is therefore considered that the tests set out by the Trust are met.

The trust also go on to note that:

“• There is no specific mitigation for the loss of the orchard. We would recommend that fruit trees are planted close to the attenuation pond and/or as part of the woodland planting to help restore and enhance this habitat.

• The location for the creation of ‘other neutral grassland’ is not included on the habitat map. There is a comment in the metric that it is assumes the creation of neutral grassland around the attenuation pond. The extent of the area to be used for the creation of neutral grassland should be shown on the plan.”

These matters will be clarified via condition and through the landscaping of the site.

The Trust also note:

“• Natural England’s Standing Advice (January, 2022) for ancient woodland recommends that as a minimum there is a 15m buffer between the edge of the development and the ancient woodland that borders the site in the south. This buffer should consist of soft landscaping or created habitats or be retained in its current form. The proposed layout does not clearly identify a buffer for the ancient woodland, but the Extended Phase I survey refers to a buffer (section 8.5) between the development and Trough Wood. The width of this buffer needs to be clearly understood and agreed between the LPA and the applicant prior to determination.”

5.9.8

The buffer area required was amended to improve the needed gap between the development and the woodland which is now acceptable.

With appropriate conditions in place, it is considered that the proposed development would not result in significant harm to ecology and a gain in biodiversity is achievable within the site and on adjacent owned land sufficient to more than meet the requirements of Policy CLP16.

5.9.9

The application is accompanied by a Stage 1 Tree Survey and indicative Arboricultural Impact Assessment. In summary; to accommodate the proposed development it will be necessary to remove tree number 10 and group 9 as indicated on the AIA plan. Tree number 10 is a small insignificant scrub Hawthorn of no amenity or landscape value to the site or wider locale. Group 9 are four small Ash trees all of which have reduced vigour due to the spread of Chalara Ash Dieback and will likely be dead within the next 5 years.



5.9.10 In terms of the trees nearest to the access; Tree numbers 1-5 are on the northern edge of the ancient woodland that extends south. The trees within this wooded area are predominantly semi-mature naturally colonised Ash & Sycamore with a stem diameter no greater than 250mm. They are all narrow-drawn specimens due to lack of any formal management. Whilst Natural England Guidelines suggest a buffer of 15m to any development we do not envisage that the proposed vehicular access road that encroaches within this buffer would have any adverse impact to the health and vitality of these trees as it is located well outside their designated RPA and clear of all canopies such that pruning is and will not be required in the future.

5.9.11 The Council's Tree Officer has commented that;
"Further my previous comments, a review of the potential impacts of the alterations to the proposed access route at the Pondhouse development scheme, Troughbrook Road adjacent to Troughbrook Wood Local Wildlife site has now been submitted which includes an updated Arboricultural Impact Assessment (AIA) undertaken by Tree Solutions Ltd dated January 2023.

A new access to the southern edge of the development site is proposed adjacent to Troughbrook Wood Local Wildlife Site hence the repeated requests for a new AIA to assess any potential impacts to the woodland edge from the new location of proposed access and visibility splay.

The new access road lies within approximately 8m of the section of Troughbrook Wood. The review and AIA confirm that the new access road is outside the designated root protection areas (RPA) and canopies of the adjacent trees in the woodland. No significant adverse impacts have been identified for the construction of the new access road and visibility splay.

There are therefore no objections to the application, recommend conditions. "

5.9.12 Subject to conditions relating to the protection of the retained trees and appropriate Biodiversity planting on and off site, it is considered that the scheme is acceptable in terms of ecological and tree impacts in line with policy CLP16.

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 submitted Coal Mining Risk Assessment proposes the following mitigation strategy:
The information available to date indicates that there is a negligible risk to the site from unrecorded or recorded shallow coal workings at the site. Therefore, it is considered that no specific mitigation strategy is required for potential shallow coal workings. Notwithstanding the above due to the conjectured presence of the 2nd Ell seam in close proximity to the site, it is considered that there is a low risk to the site from shallow crop workings within this seam. There is also a residual risk to the proposed development from unrecorded mine entries at the site. Therefore, it is considered that to mitigate the risks of unrecorded crop workings or unrecorded mine entries, that all foundation excavations during development works are inspected for evidence of mine entries and or deeper areas of made ground. If a mine entry/crop working is suspected, then works within the area should cease immediately and the area should be made safe. Further advice should be sought from a suitably experienced engineer.
- 5.10.3 The assessment concludes that; A coal mining risk assessment has been undertaken on behalf of Chatsworth Settlement Trustees for the site. This assessment has been carried out in accordance with The Coal Authority guidance notes and model report template. The risk assessment has identified that the risk to the site from the underlying Chavery and Sitwell coal seams is negligible. However, there is a low risk to the proposed development from crop workings in the 2nd Ell seam that is conjectured to be present 40m to the east of the site boundary. This low risk can be suitably mitigated via inspection of foundation excavations in the east of the site, for evidences of crop workings.
- 5.10.4 Despite this information the site is noted to be outside of the high risk area for former coal mining activity and therefore the Coal Authority have referred to standing advice for an informative to be added to any decision notice.
- 5.10.5 The Council's Environmental Health Officer has requested a series of conditions relating to working hours, lighting, EV charging and ground contamination. Other than the EV charging which would be provided

under the Building Regulations, these conditions are included within the recommendation and will appropriately secure mitigation of any ground condition matters.

5.11 Flood risk and 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. Development shall meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

5.11.2 The application site is within flood zone 1 with an annual probability of fluvial flooding of less than 1 in 1000 (0.1%). The EA surface water flooding maps show a small surface water accumulation running down Fir Street and across Troughbrook Road and into the central area of the site. The entire eastern boundary (the lowest lying areas of the site) lies within High Surface water risk areas, a result of flooding from Trough Brook. Any proposed development must not be constructed with this high risk area.

5.11.3 The report concludes: The site is located in Flood Zone 1. It is therefore not subject to an elevated risk of flooding and is a sequentially acceptable location for residential development. Foul drainage can be achieved by pumped connection to the existing public foul sewer located within Troughbrook Road. Surface water drainage can be provided by discharge to Trough Brook to the east, via an attenuation pond and HydroBrake or similar device to attenuate peak flows. Development of the site would not lead to an increased risk of flooding off-site.

5.11.4 The LLFA have commented that:
The applicant has proposed an attenuation pond before discharging to the ordinary watercourse/ditch. Firstly the applicant has proposed a 5l/s discharge rate which does not meet DEFRA technical standards for sustainable drainage. This is the maximum allowable discharge the LLFA is willing to accept for all storms up to 100yr+40%cc. This is to ensure the site does not increase the current runoff rate for the smaller storms of 1 in 1 yr and 1 in 5yr storm pre development runoff rates.

Secondly the applicant has only proposed a pond but not highlighted how the surface water will be conveyed to the pond and or to the brook.

The LLFA expect the applicant to have considered above surface conveyance systems such as a swale to increase water quality potential and increasing the efficiency for maintaining and managing the proposed surface water drainage system.

Can the applicant resubmit the proposed discharge calculations and consider a SUDs train for incorporation which can be easier to maintain and provide biodiversity benefits.

- 5.11.5 Updated calculations or further SUDs information have not been submitted at this outline stage. However, it is noted that in earlier correspondence the LLFA raised no concerns and recommended conditions.

They advised that:

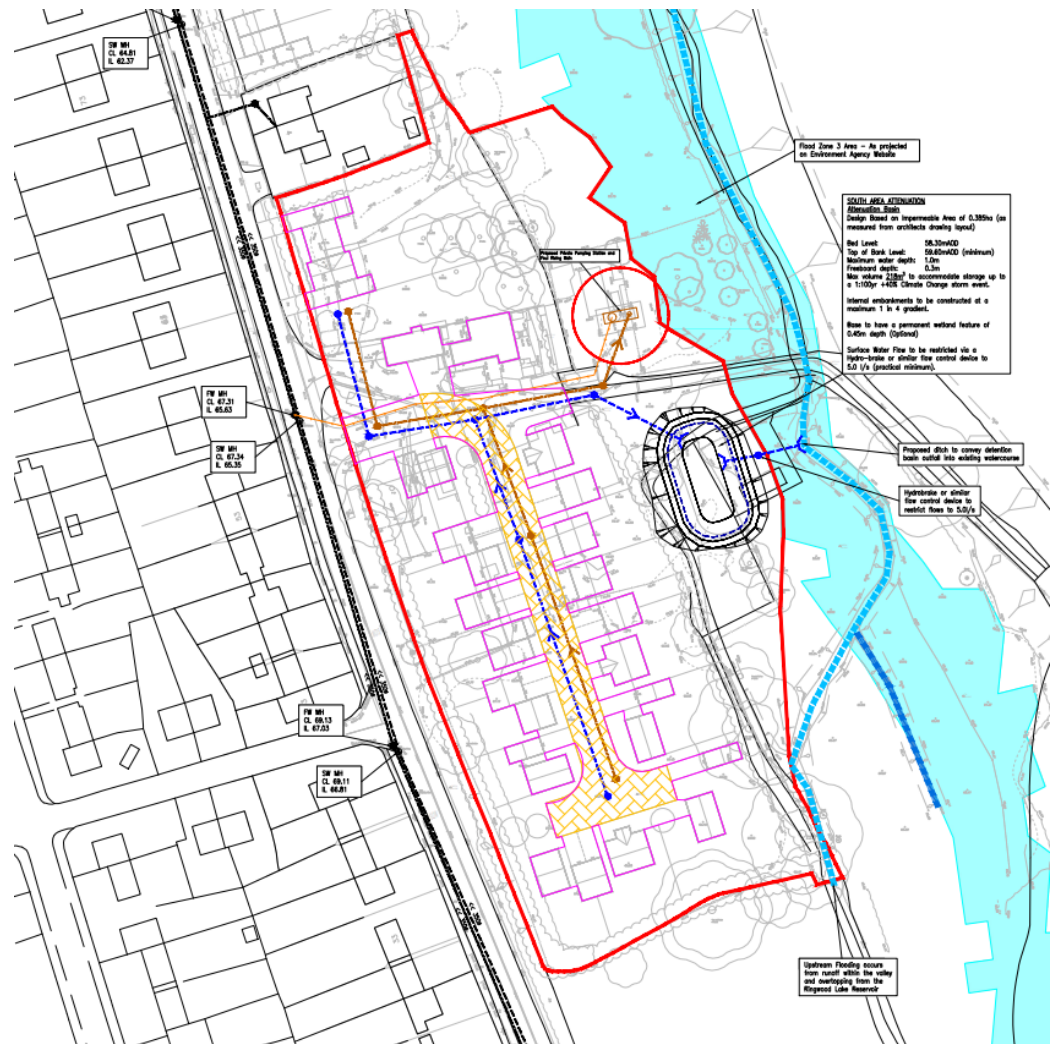
“The application proposed to discharge surface water from the site into a attenuation basin, before discharging into the Trough Brook (Ordinary Watercourse) at a restricted discharge of 5l/s. the LLDA will require the applicant to demonstrate at detailed design stage that the proposed destination for surface water accords with the hierarchy in para 80 of the NPPG as it appears that the applicant has not undertaken an appropriate ground investigation to support and inform the application. The attenuation of surface water up to the 1 in 100 year event is proposed to be managed by an attenuation basin prior to the discharge to the water course. The LLFA requires at detailed design stage that the drainage network and the proposed attenuation features are sized appropriately to manage surface water on site.

The LLFA welcomes the use of a 40% rainfall intensity allowance, as a sensitivity test to climate change for the lifetime of the development. A 10% urban creep allowance will also be expected at the detailed design stage.

The LLFA will require a management and maintenance plan at the detailed design stage demonstrating the maintenance requirement for drainage infrastructure on site, detailed the party to be appointed to be responsible to manage and maintain the infrastructure for the lifetime of the development.”

- 5.11.6 The conditions as recommended by the LLFA are included within the recommendation below. It is considered that given outline nature of the case conditions as originally recommended are appropriate.

- 5.11.7 Yorkshire Water have recommended conditions and note that:
- 1) The Flood Risk and Drainage Statement 21730/05-17/4902 (prepared by - Report dated May 2017) is acceptable. In summary, it states that foul water will discharge to public foul sewer and as sub-soil conditions are unlikely to support the use of soakaways, surface water will discharge to Trough Brook crossing the site via storage with a restricted discharge. 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.
 - 2) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.
- 5.11.8 The Council's Design Services Drainage team have commented that:
"We have no objection to the above application in principle but would like to see some further design detail and also some maintenance proposals prior to full approval. The site is shown to be in close proximity to Flood Zone 3 adjacent the Trough Brook. However, the flood risk assessment identifies that the proposed properties are away from this potential flooding and are not put at risk with the development. The surface water drainage is shown to be discharged into the Trough Brook at a controlled rate of 5 l/s via a detention basin. We have no objection to this method but would like to see construction details of the proposed basin and the full drainage details. The outline design shows that this will be designed to accommodate a 100year + climate change design storm. The construction of the outfall to Trough Brook will require Derbyshire County Council approval. We would also like to see any management and maintenance proposals for the detention basin. The foul drainage is shown to discharge to the public sewer system in Troughbrook Road via a pumping station. This connection will require approval from Yorkshire Water."
- 5.11.9 All of these matters would be covered by the recommended conditions. The applicant's intention in regard to drainage can be seen on the following plan:



5.11.10 Allowing the surface water to first drain to an attenuation pond will minimise the flow of water to the Brook to alleviate potential for flooding. A pumping station is needed for the foul water due to the gradient of the land from the mains. On the basis of the above and the recommended conditions the proposal is considered to be appropriate in terms of drainage matters in line with policy CLP13.

5.12 Community Infrastructure Levy

5.12.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located part within the medium (£50) CIL charging Zone as set out in the Council's Charging Schedule (Community Infrastructure Levy (CIL) (chesterfield.gov.uk)). The CIL charge will be calculated on the reserved matters submission.

6.0 REPRESENTATIONS

6.1 25 comments received from 18 households over the time of the application process and comments from former Cllr M Bagshaw as follows:

6.2 Highways:

- Could road widening be looked at? Or speed bumps? I assume the road has been assessed.
- Troughbrook road is extremely busy, additional dwellings raises serious safety issues.
- Access visibility will be limited.
- This is not a bus route and therefore is not gritted.
- There is often flooding of the road at Barrowhill, making it impassable.
- Parking on the road is difficult.
- Drivers are impatient when trying to park or pull out.
- The road is used at excess speed.
- We don't want a busier road.
- Cannot see the sense in moving the access for the existing location, it will be closer to the junction and destroy trees and hedges.
- Vehicles often travel at over 50mph.
- Traffic would increase by 35% on an already busy road.
- The road will be a death trap.
- There will be increased traffic pressure on the junction where traffic is already stood queuing.
- Risk to children and adults trying to cross the road.
- The growth of the adjacent hedge and woodland will limit visibility.
- There is a blind summit where there have been accidents.
- The existing access is already restricted in terms of visibility.
- Additional 2500 extra vehicle movements will impact on the emergency services response times.

Refer to section 5.9 above

6.3 Principle:

- The owner should invest in the existing farm, fields and residents. The site has been gradually falling into disrepair. This seems financially driven.
- Lack of school places and GP places.
- How will our children get the best education when classes are over capacity.
- This along with other development will saturate our infrastructure.

- Commend the council for having rejected this before. If anything has changed it will be a compromising arrangement between the Council and Chatsworth Estate which will all come out in the end. Dark moves and agreements will have been made below the surface.
- Loss of green fields.
- The nearby site developed was previously developed land of the former Social Club so should not be used to justify this.
- There is a climate emergency, loss of such sites will not help.
- There is no need for this housing there is a large brownfield site down the road.
- Why was this a strategic gap and is now allocated for development?
- How did the protection of the site get revoked?
- Please put our environment first.
- How could a responsible and ethical Authority even consider allowing development on a longstanding family homes managed and cherished by hard working farming business who continue to maintain this historic, agricultural field and farm.
- Loss of a local business. Railroading another farming enterprise appears to be the agenda of the applicant.
- Has the protection been overturned for money?
- This is green belt land which should not be developed.

Refer to section 5.5 above

6.4

Flooding and drainage:

- The land becomes flooded during wet weather.
- Sewers are at capacity already.
- There is a proposed pumping station so they know there will be difficulties.
- Home owners would be mortgage prisoners unable to house insurance in a flooding area.
- The attenuation basin raises safety concerns.

Refer to section 5.11 above

6.5

Appearance:

- This is the edge of the countryside being a buffer between Hollingwood and Staveley.
- The street has a non urban feel which will be harmed.
- This will contribute to urban sprawl.

- This will negatively change the character of the area.
- We will lose our outlook over fields and woodland.
- Support the retention of the period farm buildings. I like the artists impression of the proposed development.

Refer to section 5.6 and 5.7 above

- 6.6 Disruption from other developments:
- We believe the HS2 line will also be near our homes which will cause disruption to the area without the added problem of additional housing, when several hundred houses are to be built down the road.

Refer to sections 5.5 and 5.8 above

- 6.7 Wildlife and habitat:
- Removal of trees and hedges is not acceptable.
 - Re-planting takes time, hedges etc should not be removed.
 - The plan to lose the verge does not fit with the climate emergency.
 - This is clearly money making what about the loss of green space, wildlife and woodland?
 - The bluebell wood is protected under legislation.

Refer to section 5.9 above

- 6.8 Nuisance:
- Previous development which disturbed farm land resulted in an influx of mice and rats, this will get worse if the development goes ahead.
 - Additional noise.

Officer response –

Unfortunately, there is little that can be done to mitigate against unexpected impacts from development such as mice and rats. Should such matters arise again I would advise speaking to the Council's Environmental Health Officers.

- 6.9 Comments from former Cllr M Bagshaw:
- This is green belt land
 - Applications have been refused here before on several occasions

- Troughbrook Road is busy, fast and narrow and is already pushed to the limit with the adjacent Staveley Works proposal, which altogether would increase traffic movement by a minimum of 2500.
- Concerns about flooding
- Parking on this road is already stretched and additional parking and traffic could seriously delay our emergency services attending calls.
- There should be a site visit to consider these issues.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

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 2015 in respect of decision making in line with paragraph 38 of 2023 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 application site is allocated in the Adopted Local Plan for the development of 23 dwellings in association with the adjacent site considered under reference CHE/18/00491/OUT. The proposal, subject to conditions and a S106 agreement in relation to affordable housing, is considered to meet the policy requirements of the allocation under CLP3 and other relevant policies of the local plan as set out above and subject to further detailed consideration at the reserved matters stage.

10.0 RECOMMENDATION

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

S106 agreement

To secure 10% affordable housing at a split of 90/10 social rented and shared ownership in line with policy CLP4 and joined together with application CHE/18/00491/OUT. This can include an off site contribution for part of the provision.

Conditions

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing

by the Local Planning Authority before the commencement of any works:-

- a) the scale of the development;
- b) the layout of the development;
- c) the external appearance of the development;
- d) the landscaping of the site.

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

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

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

- Site location plan 15.060/13 received 08.10.2018
- Topographical Survey 21496_06_170_01.1 to 01.4 received 08.10.2018
- Driveway visibility splays 245165-01 Rev P01 received 07.01.2022
- Site entrance general arrangement PHF-004 Rev C received 05.07.2022
- Vertical Profiles PHF-006 Rev B received 07.01.2022

The following plan is illustrative only and should be taken into consideration in any reserved matters application:

- Illustrative Layout Plan 15.060/07h received 05.09.2022

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

4. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

5. 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.

6. The reserved matters submission shall include existing and proposed site levels demonstrated through sectional plans..

Reason: To ensure that the development appropriately responds to the site topography in line with policy CLP20 of the Adopted Local Plan.

7. The reserved matters submission in relation to the conversion of the barn shall set out in detail a schedule of required works to be undertaken to secure the conversion of the building.

Reason: In order to secure the retention of the building on the local list through conversion in line with Policy CLP21 of the Adopted Local Plan.

8. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.

9. 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 reporting 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 publication and dissemination of results and archive deposition has been secured.

Reason: To ensure appropriate provision for potential below ground archaeology in line with policy CLP21 of the Adopted local Plan.

10. The development shall include at least a 15m buffer area of landscaping to the woodland located to the south of the site and this shall be as

detailed on the Illustrative Layout Plan 15.060/07h received 05.09.2022 or as otherwise to be demonstrated on a revised layout plan to be submitted as part of the reserved matters.

Reason: To ensure appropriate buffer to the adjacent woodland habitat in line with Policy CLP16 of the Adopted Local Plan.

11. The reserved matters submission shall demonstrate at least 25% of the dwellings on site to be M4(2) accessible and adaptable homes.

Reason: To accord with Policy CLP4 of the Adopted Local Plan.

12. No removal of hedgerow, scrub or trees 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: To protect nesting birds in line with Policy CLP16 of the Adopted Local Plan.

13. A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken prior to the commencement of any groundworks on the site. The survey shall then be submitted to and agreed in writing by the Local Planning Authority with any necessary mitigation measures all of which shall be undertaken in line with the agreed works and before the commencement of works on site.

Reason: To ensure appropriate consideration of badgers in accordance with policy CLP16 of the Adopted Local Plan.

14. Construction environmental management plans (Biodiversity):
No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for badger and reptiles).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure appropriate consideration of ecology in line with policy CLP16 of the Adopted Local Plan.

15. The reserved matters submission shall include:
- details of 6 integrated swift bricks bird boxes will be clearly shown on a plan (positions/specification/numbers).
 - hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows. These shall be installed prior to final occupation.

Reason: To further enhance biodiversity on site focussing on specific species matters in line with policy CLP16 of the Adopted Local Plan.

16. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: To protect habitats from light spill in line with policy CLP16 of the Adopted Local Plan.

17. The landscaping reserved matters shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

- a) permeable paving
- b) tree pit design
- c) underground modular systems
- d) Sustainable urban drainage integration
- e) use within tree Root Protection Areas (RPAs);

- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or 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. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details. The site shall be landscaped strictly in accordance with the details approved under the reserved matters within the first planting season after completion or first occupation of the development, whichever is the sooner.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in line with Policies CLP16 and 20 of the Adopted Local Plan.

18. 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 within the red and blue edged land, as

identified in the Biodiversity Net Gain Assessment by Penny Anderson Assoc. Ltd dated May 2021 to meet the percentage and numerical unit habitat gains set out therein and the landscaping of the site agreed under condition 17 as part of the reserved matters submission for landscaping.

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;
- 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,

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

19. Prior to the commencement of the development hereby approved (including land clearance, 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) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) 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.
- f) 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.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) 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
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Ancient woodland protection and management

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 section 197 of the Town and Country Planning Act 1990.

20. The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

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

21. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the 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 in line with policy CLP13 of the Adopted Local Plan.

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

- a. 'PROPOSED RESIDENTIAL DEVELOPMENT, PONDHOUSE FARM, HOLLINGWOOD, CHESTERFIELD FLOOD RISK AND DRAINAGE STATEMENT' May 2017, report ref 21730/05-17/4902, including any subsequent amendment 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. 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/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

23. 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 drainage hierarchy as set out in para 80 of the Planning Practice Guidance.

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 run off 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

24. Prior to commencement of 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 applicants 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 the 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.

25. New vehicular and pedestrian accesses in connection with properties with direct access to Troughbrook Road shall be formed prior to occupation of dwellings and provided with visibility sightlines extending from a point 2.4 metres back from the carriageway edge, measured along the centreline of the access, for a distance of 50 metres in both directions measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved, in writing, by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

26. Before any other operations are commenced in respect of dwellings to be served via a new road, a new vehicular and pedestrian junction shall be formed to Troughbrook Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 50 metres in both directions measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) above ground level.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

27. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out, constructed and maintained throughout the contract period free from any impediment to its designated use.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

28. The premises, the subject of the application, shall not be occupied until the proposed new estate street within the application site has been designed and laid out in accordance with the latest design guidance from DCC Highways, 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 in line with policy CLP22 of the Adopted Local Plan.

29. The premises, the subject of the application shall not be occupied until a minimum 2.0m wide footway has been provided across the site frontage in accordance with details first to be submitted and agreed, in

writing, by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

30. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and where appropriate manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

31. The proposed access(es)/driveway(s) to Troughbrook Road shall be no steeper than 1 in 14 for the first 6.0m from the nearside highway boundary and 1 in 10 thereafter.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

32. 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.

33. The reserved matters submission shall be accompanied by a statement to set out how the development will mitigate climate change and seek to reduce emissions both through construction and post occupation.

Reason: To accord with the climate aims of policy CLP20 of the Adopted Local Plan.

Informative Notes

1. The decision notice shall be read in conjunction with the signed S106 agreement dated....

2. Highways:

In addition, the following notes shall be included for the benefit of the applicant.

1.The Highway Authority recommends that the first 5m of the proposed driveways to individual properties should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

2.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.

3.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 affect by the development works.

Advice regarding 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 (telephone 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

4.Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure a minimum 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) although the length should be a minimum 6.5m where it is in front of a garage. Single garages should have minimum internal dimensions of 3m x 6m and double garages 6m x 6m with adequate space behind each for manoeuvring

3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. 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.
5. 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

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 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

6. Appropriate ecological/biodiversity enhancement measures shall include (but not limited to) the following;
 - bird/owl/bat boxes and details submitted shall include the number of units proposed, the location proposed, and a timescale for implementation
 - biodiverse planting and landscaping including trees, hedges and native species and a programme of implementation and maintenance
 - wildflower planting and nectar rich planting for bees and night scented flowers for bats including a programme of implementation and maintenance
 - measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
 - holes in fences and boundary treatment to allow species to move across the site
 - bee brick

7. The buildings have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August

inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

8. 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.

9. LLFA:

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.

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. 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

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. 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.

J. 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).

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.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance).
- Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

M. 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.