

ITEM 2**Variation of conditions 1 (Approved plans), 12 (In accordance with Green Infrastructure landscape plans dated 16.2.2022) and 13 (Arboricultural Impact Assessment) and removal of condition 11 (Pumping station details) of CHE/21/00567/REM- Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure on land to the west of Inkersall Road, Staveley for Barratt David Wilson Homes.**

Local Plan: H36

Ward: Staveley Central

Committee Date: 11th March 2024**CONSULTATIONS**

Environment Agency	No comments to make
CBC Tree Officer	The application consists of a re-plan of 21 units. The re-plan will retain units at 400 and retain part of the open space. After assessing the submitted documents there will be no impacts on the retained trees and therefore I have no objection to the application.
National Highways	No comments to make
Yorkshire Water	Object – see report
Archaeology	No further comments to make
NHS Derbyshire	Request contribution of £360,000
DCC Tree Officer	Land to the south west of the development site is protected by DCC TPO 42/W2, which is a Woodland TPO and protects all trees within it. I am satisfied that the development will avoid this area and only category U tree removed within, for safety reasons, and have no objection.
Derbyshire Constabulary	Of the amendments proposed we would only comment upon the revised arrangements for footpath links onto the Trans Pennine Trail. Removal of the more complex link which was to emerge close to plot 191 is noted. The addition of a

	replacement link close to plot 249 is also noted. As detail of both of the proposed links is yet to be drawn up, and is to be subject to a section 106 agreement, future detail should consider the aspect of both routes, with clear site lines at the transition point and a low planted or mown buffer of 2m to either side of the route
TPT	The previous consultation CHE/21/00567 (Feb 22) indicated better connections to the TPT. It is understood S106 funding will now be given to Derbyshire County Council to build the links. Cycle Provision Drawing H8751-CP01 – shows indicative line only but does not show crossing arrangement. Will this be provided at a later stage for consideration? Planning Layout 2 H8752/PLA02 – notes multi-user link to TPT will be implemented by DCC via S106 subject to detailed design
British Horse Society	Comments made see report
Chesterfield Cycle Campaign	No comments received
Sport England	No comments to make
Coal Authority	This current consultation appears to relate to Conditions 1, 12, 13 and 11. It is noted that the amended layout does not include any re-plan of the area of the recorded mine entry and its zone of influence. No comments to make.
Highway Authority	No objection
DCC Policy	No comment
CBC Strategic Planning	Comment made see report
Derbyshire Wildlife Trust	Comment made see report
Site Notice/advert	2 representations received – see report

2.0 **THE SITE**

2.1 The application site is a triangular shaped parcel of land located to the east of the TPT in Staveley which forms the western boundary of the site with Inkersall Road running along the east of the site and Inkersall Green Road to the south. The site ends at its northern tip with the TPT crosses Inkersall Road. The site is currently green field land with a

central corridor forming a water course which crosses the site in a diagonal east west.

- 2.2 There is a Grade II listed farmhouse located to the far south and a cluster of cottages to the south-east. Poolsbrook Country Park is to the east and Poolsbrook Caravan Park.



(Google image)



(red edge site plan)

3.0 **SITE HISTORY**

- 3.1 CHE/19/00131/OUT Outline planning permission for up to 400 dwellings and provision of an area of public open space, with associated landscaping and access from Inkersall Road and Inkersall Green Road - Conditional Permission 28.08.2020
- 3.2 CHE/19/00197/EIA Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Regulation 6: Request for a Screening Opinion. Land at Inkersall Road, Staveley - Environmental Assessment Not Required 12.04.2019
- 3.3 CHE/21/00567/REM Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure – Conditional permission 22.02.2022

- 3.4 CHE/23/00020/NMA Non-material amendment to application
CHE/21/00567/REM- Approval of reserved matters of
CHE/19/00131/OUT - residential development of 400 dwellings, public
open space and associated infrastructure- To remove a section of
carriageway from the approved planning layout, removal of foul
pumping station, removal of 2 no. attenuation basins, removal of
swales along the spine road – accepted as non-material amendment
02.05.2023.
- 3.5 CHE/23/00418/NMA Non-material amendment to application
CHE/21/00567/REM (Residential development of 400 dwellings, public
open space and associated infrastructure) - To amend the approved
planning layout – Accepted as non-material amendment 27.07.2023

4.0 **THE PROPOSAL**

- 4.1 Planning permission is sought to vary the approved reserved matters
application for 400 dwellings as approved 22.02.2022 and as agreed
to be amended through approved non-material amendments. The
intention is to amend the plans and details associated with conditions
1, 12 and 13 and to remove condition 11. These conditions are as
follows:

To amend:

*1. The development hereby approved shall only be carried out in full
accordance with the approved plans (listed below) with the exception
of any condition requirements within this decision or approved non-
material amendment. All external dimensions and elevational
treatments shall be as shown on the approved plan/s (listed below):
Site location plan ADC2600/DR/050 Rev P01 received 28.07.2021
Cycle Provision layout H8427/CYCR Rev B received 16.02.2022
Planning Layout - composite (coloured) H8427/P102 e Rev F received
16.02.2022
House type Abbeydale: H349-H7 received 17.12.2021
House type Alfreton: BAFT 00CD received 17.12.2021
House type Archford: P382-EH7 received 17.12.2021
House type Ashington: H457 -H7 received 17.12.2021
House type Avondale: H456-X7 received 17.12.2021
House type Brentford and Haversham: 2016/BH/P/02
House type Cannington: T321 EH7 received 17.12.2021
House type Denby: BDBY 00HD received 17.12.2021*

House type Denford: BDNF 00HE received 17.12.2021
House type Ellerton: BLLE 00HE received 17.12.2021
House type Greenwood: T322 E-7 received 17.12.2021
House type Hadley: P341-E-7 and D-7 received 17.12.2021
House type Hale: BHAL 00HD received 17.12.2021
House type Haversham: BHVR 00HE received 17.12.2021
House type Hemsworth: BHSW 00HD received 17.12.2021
House type Henley: H588 -7 received 17.12.2021
House type Holden: H469 - H7 received 17.12.2021
House type Ingleby: H403 -F7 received 17.12.2021
House type Kenley BKNL 00CI and 00HE received 17.12.2021
House type Kennford: BKNR 00HD received 17.12.2021
House type Kingsley BKEY 00HD received 17.12.2021
House type Kingsville BKIS 00CE received 17.12.2021
House type Kirkdale H442 - H7 received 17.12.2021
House type Lamberton: BLBM 00HD received 17.12.2021
House type Lutterworth: BLUT 00CD received 17.12.2021
House type Maidstone: BMAI 00HE and 00CE received 17.12.2021
House type Meriden: H429 - H7 received 17.12.2021
House type Moresby: BMMS 00CE and 00CD received 17.12.2021
House type Radleigh: BRAD 00HD received 17.12.2021
House type: Type 38 and 39 2010/38-39/C/01 received 17.12.2021
House type: Type 65 B65F 00CI and 00CE received 17.12.2021
House type: Type 67 B67F 00CI and 00HE received 17.12.2021
House type: Type 69 B69F 00HE received 17.12.2021
House type: SH69-EG7 and SH69-I-7 received 17.12.2021
House type Wilford: P204-EG7 and P204-I-7 received 17.12.2021
House type Winstone: H421.H7 received 17.12.2021
LDG1H8 - 6 x 3 Double Garage received 28.07.2021
LDG2H8 - 6 x 3 Twin garage received 28.07.2021
LSG1H8 - 6 x 3 Single garage received 28.07.2021
SDG1H8 - Double garage received 28.07.2021
SDG2H8 - Twin garage received 28.07.2021
SSG1H8 - Single garage received 28.07.2021
Boundary Treatment Layout H8427/22 received 17.12.2021
Boundary Wall Type 3 NM - SD13 -013 received 28.07.2021
Dwarf natural stone wall (mortared) plan 2016/DET/239 received 17.12.2021
Dwarf dry natural stone wall 2016/DET/238 received 17.12.2021
Estate railings 201/DET/250 received 28.07.2021
Timber knee rail 2010/DET/216 received 28.07.2021
Close boarded fence 2010/DET/207 received 28.07.2021

Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022
Ecological enhancement plan North and south received 17.12.2021
Hedgehog Highway guidance DB-SD11-004 received 21.12.2021

12. Notwithstanding any details to be agreed regarding tree protection the proposed landscaping of the site shall be in accordance with the Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022.

13. Prior to the commencement of development in line with condition 30 of CHE/19/00131/OUT and notwithstanding the Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022 a detailed Arboricultural Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

To remove:

11. Prior to construction work commencing on the pumping station details of the structure/s shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

4.2 The submission notes:
A non-material amendment was agreed to remove the need for attenuation basins, this was based on drainage evidence of need associated with the proposed development. It was agreed through the non-material amendment to have this basin area as open space.

4.3 This application is to change the layout of that former basin area and reduce the extent of open space in that area of the site. It should be noted that the number of dwellings will not alter as a result of the changes. This is demonstrated on plan as follows:

Change to remove the basin area as approved under the non-material amendment:



As approved
CHE/23/00020/NMA



As approved
CHE/21/00567/REM

4.4 It is intended under this application to reduce the open space area and amend the planting as follows:



As proposed



As approved

4.5 The proposal also includes the rationalisation of the cycle/footway to remove the bridge link and connect the development from the spine road via a cycleway across the east of the site to Inkersall Road. With

an additional connection from the northern footway to Inkersall Road as indicated:



As proposed



As approved

4.6 The proposal also includes changes to the open market house types in the north eastern area of the site, but is not increasing the overall number of units on the whole site:



4.7 The changes relate to the following plots:

- 308-318

- 322-327
- 334-335
- 351-352

4.8

The list below shows the previously issued house types which have been removed from the re-plan area and have been replaced with updated and / or other house types:

- WILFORD_P204 -EG7 NMX2
- ARCHFORD P382 -EH7 NMX7
- HADLEY P341-E-7 NMX5
- INGLEBY H403--F7 NMX3
- KIRKDALE H442--H7 NMX4
- HOLDEN H469--H7 NMX7
- WINSTONE H421--H7 NMX7
- HENLEY H588--7 NMX8

Example of 2 bed unit (Wilford):



Example of 4 bed unit (Holden):



The following house types are included within the re-plan area.

- DWH_HADLEY_P341--D7_SX00
- DWH_INGLEBY_H403_H7_SX00
- DWH_KIRKDALE_H442--H7_SX00
- DWH_MERIDEN_H429--H7_SX00
- DWH_AVONDALE_H456--X7_SX00
- DWH_HOLDEN_H469--H7_SX00

- DWH_WINSTONE_H421--H7_SX00
- DWH_HENLEY_H588--7_

Examples of the proposed 3 and 4 bed units – the house types are in keeping with those approved across the site.

Ingleby:



Hadley:



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
CLP15 Green Infrastructure
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)
- Successful Places' Residential Design Guide

5.4 Key Issues

- Principle of development
- Impact on connectivity
- Impact on design and layout
- Biodiversity
- Drainage

5.5 Principle of development

5.5.1 The application is to amend an existing permission and therefore the principle of the development is accepted. The matter to consider is whether the changes proposed to the plans associated with conditions 1, 12 and 13 and the removal of condition 11 impact on the original intentions of the permission such that the impacts make the proposal unacceptable in planning terms.

5.5.2 The main issues to consider are:
The connectivity of the scheme and therefore the suitability under the remit of Policies CLP1 and 2.
The impact on the design and layout in terms of the visual impact of the changes and how this assimilates with the remainder of the site in accordance with policy CLP20.
The biodiversity of the site given the reduction in the extent of open space in line with Policy CLP16 and the impact on drainage matters in line with policy CLP13.

5.6.1 Impact on connectivity

5.6.2 Whilst the site is allocated for 400 dwellings under policy CLP3, policies CLP1 and 2 require development to be sustainably located so that there is easy walking and cycling access to services and facilities. In this regard the site needs to be connected into Staveley as the local town centre area where necessary facilities and services are located. This connection is primarily via the TPT and is crucial to the sustainability of this site. Connections to the TPT were agreed and secured under the approved reserved matters application. As a principle matter the connectivity of the site via the TPT is unchanged therefore the connectivity and sustainability of the site is acceptable in line with policy CLP1 and 2. However, internal connectivity in terms of the route of one path has changed which is detailed above.

5.6.3 The Council's Strategic Planning Policy Section has commented as follows:

The proposed variation of conditions application appears to result in the loss of publicly accessible open space. However, the loss appears to be primarily that of an attenuation basin of poor biodiversity or public amenity value which should not have been factored in as public open space in previous decisions in any case. Furthermore, previous amendments to remove attenuation basins has increase the amount of natural and semi-natural greenspace. The proposal could (subject to appropriate planting) provide an opportunity for better biodiversity than the previously shown attenuation basin and the developer should be encouraged to provide more habitat planting in the proposed space. I am concerned at the loss of a convenient multiuser (cycle and horse) connection between the north of the site and the south (as split by the watercourse running west to east) at the boundary of Inkersall Road, with occupiers of 'Paddington Street' having to cycle around onto Aspire Way or on a footpath to get access to the crossing over to Poolsbrook Country Park. This aspect appears to be a result of the developer not seeking to implement a crossing over the watercourse (as previously shown on approved plans). It appears to be a change that is contrary to Local Plan policy CLP22 as it does not appear sufficient to maximise cycling through design. However, if it is confirmed that the alternative route to and along Inkersall Road will be delivered to a standard in line with LTN 1/20 then this is likely to be an acceptable alternative (although I am concerned that as shown there may not be enough width as seen on the submitted planning layout). To my mind the section along Inkersall Road should have user segregation and should include an element of a buffer between carriage way and foot and cycle way. Otherwise, I would doubt whether or not the quality of this section of foot/cycle way would

accord with Local Plan policy CLP20(h). The comments of the Chesterfield Cycle Campaign and British Horse Society should be sought as prospective users, on this specific change to the development.

- 5.6.4 The Trans Pennine Trail comments are as follows:
“It is understood the sustainable transport links will be delivered by Derbyshire County Council upon the receipt of S106 contributions. The previous consultation CHE/21/00567 (Feb 22) indicated better connections to the TPT. It is understood S106 funding will now be given to Derbyshire County Council to build the links. Cycle Provision Drawing – H8751-CP01 – shows indicative line only but does not show crossing arrangement. Will this be provided at a later stage for consideration? Planning Layout 2 – H8752/PLA02 – notes multi-user link to TPT will be implemented by DCC via S106 subject to detailed design.”
- 5.6.5 British Horse Society:
I have noted comments as made by the Travel Plan where mention is made that the development is adjacent to the Trans Pennine Trail – “..well used by pedestrians, cyclists and horse riders”. However, there is no mention here of any creation of links to the TPT or Poolsbrook Country Park to the east of Inkersall Road. I welcome the ‘Non - Motorised User Audit. Re Multiuser Path width and surface – It is good to see that the proposed width of the path is to be at least three metres with grass verges either side. Although a ‘gravel’ path was mentioned above as part of the existing infrastructure, the NMU Audit recommends ‘enhancing’ the existing surface and I would request the developer considers a rubber bound crumb type surface. This type of surface is very long lasting, has non-slip and non-frosting qualities and is very popular with all users of it. It also has ‘green’ credentials, incorporating recycled tyres in its manufacture. Responses to the 19/00131/OUT consultation from Chesterfield Cycle Campaign, DCC Countryside Services and the Trans Pennine Trail team, all point to the importance of creating a multiuser link path between the TPT and the entrance to Poolsbrook Country Park to the east of Inkersall Road with which I whole heartedly agree. This path will not only provide the residents of the new development with a direct link to the Country Park but also the residents of Inkersall, helping them avoid some very busy roads. There are around 788 equines registered at the local postcode address, (Defra Equine Passport Data 2021) worth about £4.3M (British Equestrian Trade Ass 2019 data) to the economy plus another 1,263 equines registered in the surrounding neighbourhood. With our

increasingly busy roads, there is much need for the provision of off-road multiuser paths for all vulnerable users and the creation of this new link path connecting the TPT to the trails around Poolsbrook Country Park helps to fulfil both national and local planning policy. The national speed limit currently applies along Inkersall Road which is too fast for vulnerable users (especially young families) to be able to safely negotiate the road crossing, even with tapers and the proposed refuge in the centre of the carriageway. From DCC Highways letter of 19 August 2019 and drawings from the developer, I understand traffic signals are to be erected at the Inkersall Road/Inkersall Green Road junction. In DCC's letter, page 2, paragraph 4, last sentence, it states: Given the potential change in nature of the existing highway across the frontages to the development site, it is suggested that a review of the speed limit may be appropriate with funding for implementation of any subsequent change secured under a S106. I trust Highways will see fit to decrease the speed limit to 40 mph and install signage forewarning motorists of the 'pedestrian' crossing. The BHS is pleased to be involved in the development process of the new link path.

5.6.6

As set out above the agreed links to the TPT remain unchanged as a result of this amended scheme. The only change is to the internal route around the SUD's basins, as shown in para 4.5 above. The route will extend to the south of the basin rather than the north. As set out in the submission the changed route means that a bridge over the watercourse is not required. The submission sets this issue out as follows:

Further clarity has been requested on the impact of the biodiversity if the bridge construction was to commence. As mentioned, this is not something we would like to provide given the unnecessary disruption when a stronger less impactful solution has been proposed with the same outcome exiting/entering onto the existing highway on Inkersall road in a similar location (this is marked on the extract). The proposed Footbridge adjacent Inkersall Road would require around 5m working area either side of the proposed footbridge. This is not practical given the proposed location without undermining the existing hedge, footpath and road (Inkersall Road). It would require a structural survey of the existing culvert running underneath Inkersall Road (filling above the culvert) and would need extending past the footbridge works/banking (something the LLFA would normally be against). A diversion of the existing watercourse would be required to construct this bridge crossing which would be extremely difficult given the location. This would involve a large storage area where there is insufficient room on site. Alternatively, excessive over pumping,

resulting in a temporary culvert crossing Inkersall Road, which requires a lot of expenses, is not practical and would cause major disturbance to the infrastructure in that area. Due to the reasons above, we strongly recommend that the footbridge is omitted to decrease this disruption.

5.6.7 As the overall connectivity of the site to the east and west is therefore unchanged as a result of the amended scheme it is not considered that connectivity is fundamentally altered by the above change. The ability to lessen impact on the watercourse in not providing a bridge structure is welcomed. On this basis the connectivity of the site in this revised layout is acceptable. All other matters raised such as the detail of the connections and paths are as previously approved.

5.7 Impact on design and layout and biodiversity

5.7.1 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.

5.7.2 In this revised scheme the layout has been amended from submission to now show a layout of properties which is in keeping with the rest of the site layout, street enclosure and overall character of the development. The remaining issue to consider is therefore the loss of the open space.

5.7.3 Local Plan 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.

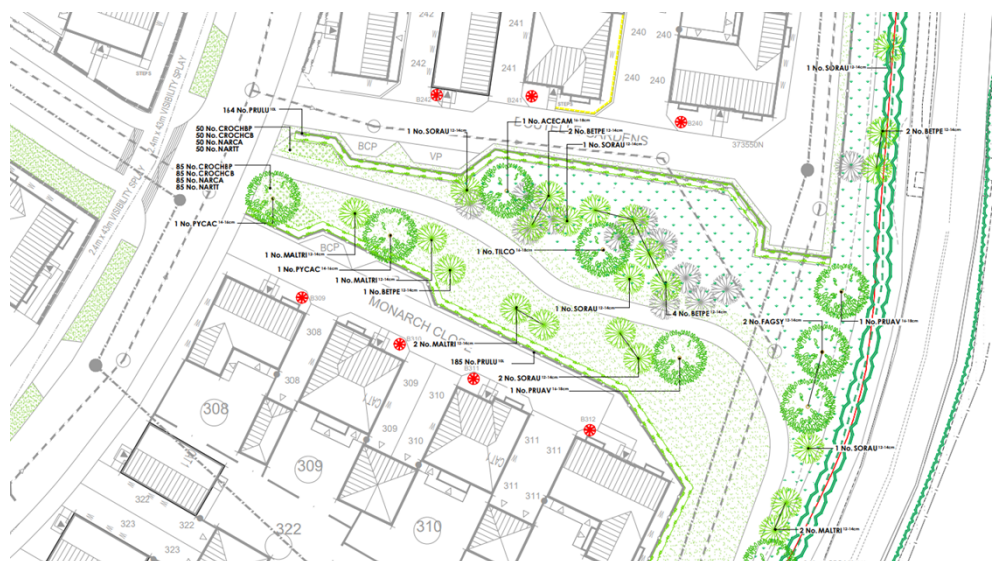
5.7.4 It is clear from the outline permission that ecological matters considered at the outline stage were not required to provide a net gain on site and no off-site provision was secured at that time. The

approved reserved matters scheme did not therefore include a biodiversity metric to secure on site net gain as this was not a matter secured at the outline stage and could not be reconsidered at the reserved matters stage.

5.7.5 The layout now proposed will remove part of the public open space. However, given the extent of open space on this development site this is not a concern in principle. Concern has been raised that the loss of this open space, which was mainly laid to grass, may adversely impact biodiversity.

5.7.6 Derbyshire Wildlife Trust have commented that:
After reviewing the Covering Letter, it seems that removal of the basin has already been approved. Unfortunately, the proposed re-design sees housing encroaching across the former basin area, resulting in a reduction of previously agreed green space, which is disappointing. The original Design and Access Statement / Indicative Masterplan proposed a green corridor across the site at this northern tip, which has now been almost completely eroded. Proposed areas of green space and meaningful corridors / connectivity across the site have been incrementally reduced throughout the various iterations of this scheme. We would recommend that the entirety of the former basin area is retained as well-designed green open space to benefit biodiversity and residents.

5.7.7 In response the applicant has submitted amended green infrastructure plans which show a greater provision of planting in this area, with a substantial amount of tree and hedge planting as demonstrated on plan:



5.7.8 It should be noted in response to these comments that other revisions to the layout have not resulted in any loss of green space, the only matter agreed was the removal of an unnecessary SUD's basin which was agreed in line with the Lead Local Flood Authority. This revised planting scheme conceived in response to the comments of the Trust is considered to result in a meaningful green corridor for the benefit of wildlife and future residents. This planting scheme is considered to sufficiently mitigate any negative impacts from the slight reduction in green space provided.

5.7.9 The amended layout is therefore considered to be acceptable in terms of visual impact and biodiversity in line with policies CLP16 and 20 of the Adopted Local Plan.

5.8 Drainage

5.8.1 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.

5.8.2 Yorkshire Water has raised concerns in regard to this proposal on a number of occasions noting the need to demonstrate on plan the appropriate set back from sewer easement lines of 5m to either side and appropriate landscaping in these areas which will not adversely impact the drainage system over time. It appears that the applicant has now addressed this concern, however the final comments of Yorkshire Water are awaited and are to be updated to the Planning Committee.

5.8.3 The proposal to remove the pumping station is simply as this has been confirmed to be no longer required to provide appropriate site drainage in line with the approved non-material amendment application details which were considered by the Lead Local Flood Authority.

5.9 Development Contributions and CIL Liability.

5.9.1 The proposed development is liable for the Community Infrastructure Levy (CIL) and this has been paid in regard to the approved scheme. An assessment will be required as to whether any further payment is necessary due to the change in house types.

6.0 REPRESENTATIONS

6.1 Two representations have been received from local residents as follows:

Representations:

- 6.2 1. Are Barrat David Wilson not happy with the amount of houses they have already dumped onto what was a beautiful green area. That they now want to take up more of what little valuable green space there is left? I cannot stop them building but I believe the new residents should have as much green spaces as possible for not just open views but for some wildlife to thrive in. It's obvious they have realised that they could 'squeeze' some more houses and make some more money whilst they are here to me. I OBJECT to this planning strongly.
- 6.3 2. We object to this on several grounds of outdated and unclear information on the website. There is no clarify in the application or relevant documents to explain what the ISSUE is with the tunnel on the rear of our property. The map of the site has clearly marked this tunnel as an issue with no explanation or enquiry as to what the issue maybe. Could we please request clarity as a matter of urgency please?

There has been a lingering smell of sewage at the above property whilst we have been doing work on the property.

It is of great concern that Yorkshire Water have objected to this however with no documentation attached as to why or what the objection is.

Also can I note there is no clarification about the said pumping stations and how that will affect our property. I have to say I find it most disappointing that I have had to spend my weekend trawling through hundreds of documents on the planning application and yet none of the trawling has actually led to any information or clarity that is relevant to us. Could we please request a notification of any new documents that will be made available in relation to this application. We would also like to attend the Planning committee where the decisions are made to ensure we are informed on all the concerns raised by ourselves and others who have objected.

Comments:

- 6.4 ***In response to these comments it should be noted that the original permission is for 400 homes in line with the allocation of***

the site. this proposal does not increase that number which remains at 400.

6.5 ***It is understood from the applicant that Yorkshire Water were working in the vicinity of the neighbour's property to the east of Peak Place in the southwestern end of the site, and those works are thought to be the cause of the smell. Further questions were asked in regard to whether the smell had continued but no response was received.***

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 revised scheme for an amended site layout is considered to be acceptable in line with the remit of the outline permission and when considered against adopted local plan policy. The connectivity of the site is not diminished to any substantial degree as a result of the proposal. All connections to and from the site will remain as approved and the minor internal route change means a reduced impact on the water course which is welcomed. It is important to consider that had this layout been submitted initially it would have been recommended for approval. The minimal reduction in the extent of open space will be compensated by additional planting. Subject to the receiving the comments of Yorkshire Water there are no concerns arising from statutory consultees. The proposal is therefore in line with Adopted Local Plan policy and recommended for approval subject to an updated suite of conditions.

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that, subject to receiving positive comments from Yorkshire Water, the application be **GRANTED** subject to the following conditions:

Conditions

01. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any condition requirements within this decision or approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):

Site location plan - H8427-02 received 28.07.2023

H8751-CP01-Cycle Provision received 28.07.2023

Planning Layout 1 H8751/PLA01 Rev A received 10.08.2023

Planning Layout 2 H8751/PLA02 Rev A received 05.01.2024

House type Abbeydale: H349-H7 received 17.12.2021
House type Alfreton: BAFT 00CD received 17.12.2021
House type Archford: P382-EH7 received 17.12.2021
House type Ashington: H457 -H7 received 17.12.2021
House type Avondale: H456-X7 received 17.12.2021
House Type Avondale: H456-X7-SX00 and Opp received 26.09.2023
House type Brentford and Haversham: 2016/BH/P/02
House type Cannington: T321 EH7 received 17.12.2021
House type Denby: BDBY 00HD received 17.12.2021
House type Denford: BDNF 00HE received 17.12.2021
House type Ellerton: BLLE 00HE received 17.12.2021
House type Greenwood: T322 E-7 received 17.12.2021
House type Hadley: P341 E-7 and D-7 received 17.12.2021
House type Hadley: P341 D-7-SX00 received 28.07.2023
House type Hale: BHAL 00HD received 17.12.2021
House type Haversham: BHVR 00HE received 17.12.2021
House type Hemsworth: BHSW 00HD received 17.12.2021
House type Henley: H588 -7 received 17.12.2021
House type Henley: H588 -7-SX00 received 28.07.2023
House type Holden: H469 - H7 received 17.12.2021
House type Holden: H469 - H7 - SX00 received 28.07.2023
House type Ingleby: H403 -F7 received 17.12.2021
House type Ingleby: H403 -H7-SX00 received 28.07.2023
House type Kenley BKNL 00CI and 00HE received 17.12.2021
House type Kennford: BKNR 00HD received 17.12.2021
House type Kingsley BKEY 00HD received 17.12.2021
House type Kingsville BKIS 00CE received 17.12.2021
House type Kirkdale H442 - H7 received 17.12.2021
House type Kirkdale H442 - H7 - SX00 received 28.07.2023
House type Lamberton: BLBM 00HD received 17.12.2021
House type Lutterworth: BLUT 00CD received 17.12.2021
House type Maidstone: BMAI 00HE and 00CE received 17.12.2021
House type Meriden: H429 - H7 received 17.12.2021
House type Meriden: H429 - H7 - SX00 received 28.07.2023
House type Moresby: BMMS 00CE and 00CD received 17.12.2021
House type Radleigh: BRAD 00HD received 17.12.2021
House type: Type 38 and 39 2010/38-39/C/01 received 17.12.2021
House type: Type 65 B65F 00CI and 00CE received 17.12.2021
House type: Type 67 B67F 00CI and 00HE received 17.12.2021
House type: Type 69 B69F 00HE received 17.12.2021
House type: SH69-EG7 and SH69-I-7 received 17.12.2021
House type Wilford: P204-EG7 and P204-I-7 received 17.12.2021
House type Winstone: H421.H7 received 17.12.2021

House type Winstone: H421 - H7 - SX00 received 28.07.2023
LDG1H8 - 6 x 3 Double Garage received 28.07.2021
LDG2H8 - 6 x 3 Twin garage received 28.07.2021
LSG1H8 - 6 x 3 Single garage received 28.07.2021
SDG1H8 - Double garage received 28.07.2021
SDG2H8 - Twin garage received 28.07.2021
SSG1H8 - Single garage received 28.07.2021
Boundary Wall Type 3 NM - SD13 -013 received 28.07.2021
Dwarf natural stone wall (mortared) plan 2016/DET/239 received 17.12.2021
Dwarf dry natural stone wall 2016/DET/238 received 17.12.2021
Estate railings 201/DET/250 received 28.07.2021
Timber knee rail 2010/DET/216 received 28.07.2021
Close boarded fence 2010/DET/207 received 28.07.2021
Green infrastructure landscape plans GL1575 04F, 05F, 06F, 07F, 08F, 09F, 10F, 11F, 12F, 13F received 20.02.2024
Ecological enhancement plan North and south received 17.12.2021
Hedgehog Highway guidance DB-SD11-004 received 21.12.2021

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

02. Details of the geomembrane to be provided within the zone of influence shall be completed on site in strict accordance with the details agreed under application reference CHE/22/00557/DOC.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

03. The fencing to be located in association with the TPO woodland to prevent public access shall be completed and retained on site in perpetuity in strict accordance with the details agreed under application reference CHE/22/00557/DOC, along with appropriately worded warning signs to be affixed to the fenced area.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

04. The foundation design of plot 137 and any adjacent plots as deemed necessary shall be designed by an appropriately qualified structural engineer to address the below ground conditions from the opencast highwall.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

05. The development hereby approved shall be completed in accordance with the recommendations of the Noise assessment dated July 2021 ref: 25739-04-NA-01 Rev A.

Reason: To ensure potential noise nuisance is mitigated for the future occupants of the dwellings in accordance with Policy CLP14 of the Adopted Local Plan.

06. Notwithstanding the details on Boundary Treatment Layout H8427/22 received 17.12.2021 and the agreed details under CHE/22/00557/DOC, details of all retaining features and retaining boundaries including sections and facing materials across the development shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of in each phase. Works shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

07. The rear boundary detail to plots 1, 106, 145, 173, 212 and 213 shall be as agreed under application reference CHE/22/00557/DOC. The agreed boundary treatment shall be installed prior to occupation of these units.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) there shall be no change to the height or detail of the rear boundaries to plots 1, 106, 145, 173, 212 and 213 from that agreed under condition 7 above without the prior written permission of the Local Planning Authority.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

09. Prior to works commencing within each agreed phase details of the bin dwell areas to be provided at the end of each private drive immediately adjacent to the publicly adopted highway shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure space is made available for bin collection in accordance with policy CLP22 of the Adopted Local Plan.

10. Works shall be completed in accordance with the Ecological enhancement plan North and South received 17.12.2021 and the Hedgehog Highway guidance DB-SD11-004.

Reason: To ensure appropriate ecological enhancement in accordance with Policy CLP16 of the Adopted Local Plan.

11. Notwithstanding any details to be agreed regarding tree protection the proposed landscaping of the site shall be in accordance with the Green Infrastructure Landscape Plans GL1575 04F, 05F, 06F, 07F, 08F, 09F, 10F, 11F, 12F, 13F received 20.02.2024.

Reason: To ensure appropriate landscaping of the site in accordance with Policies CLP16 and 20 of the Adopted local plan.

12. The development shall be undertaken and completed on site in line with the Arboricultural Impact Assessment by fpcr dated April 2022 submitted and approved under application CHE/22/00557/DOC.

Reason: To ensure appropriate landscaping of the site in accordance with Policies CLP16 and 20 of the Adopted Local Plan.

13. 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.

14. Notwithstanding the Culvert details shown on plan 043 Rev P1 and 044 Rev P1 and the Green infrastructure landscape plans GL1575

04F, 05F, 06F, 07F, 08F, 09F, 10F, 11F, 12F, 13F received 20.02.2024, details of proposed works to the central stream corridor, including taking into account the design details of the highway route through the site, along with an assessment of any impacts from this on water courses and habitats within and beyond the boundaries of the site, and any mitigation measures required, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure appropriate drainage details are suitable for land drainage consent approval and to ensure any ecological impacts are fully assessed in accordance with policies CLP13 and 16 of the Adopted Local Plan.

15. A scheme of hard and soft landscaping within each plot shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing above slab level for that plot detailing:-
- a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - b) finished site levels and contours within each plot;
 - c) hard surfacing materials;
- Works shall be completed prior to the occupation of each plot. The planting shall take place within the first available planting season prior to the occupation of each plot.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policies CLP16 and 20 of the Adopted Local Plan.

Informatives:

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the layout and design of the scheme in order to achieve a positive outcome for the application.

2. Coal Authority:

It should be noted however that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to

ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

3. 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.

4. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place. It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine 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-influencingdistance-ofmine-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, excavations for 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. 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