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File No: CHE/17/00385/OUT  
Plot No: 2/1225

### **ITEM 3**

#### **Outline application for 50 apartments at Former Stagecoach Ltd, Sheffield Road, Stonegravels, Chesterfield, Derbyshire, S41 7JN for Capland Properties Limited.**

Local Plan: Economic Growth  
Ward: St Helens ward

#### **1.0 CONSULTATIONS**

Ward Members	No comments
Town/Parish Council	No comments
Strategy Planning Team	Comments received – see report
Environmental Services	Comments received – see report
Design Services	Comments received – see report
Economic Development	Comments received – see report
Housing Services	Comments received – see report
Leisure Services	No comments
Environment Agency	Comments received – see report
Yorkshire Water Services	Comments received – see report
Derbyshire Constabulary	Comments received – see report
DCC Strategic Planning	Comments received – see report
Lead Local Flood Auth	Comments received – see report
DCC Highways	Comments received – see report

C'field Cycle Campaign	No comments
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Urban Design Officer	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
DCC Archaeology	Comments received – see report
NHS	Comments received – see report
Derbyshire Fire Officer	Comments received – see report
Neighbours/Site Notice	Three letters of representation received – see report

## 2.0 **THE SITE**

2.1 The site subject to this application is a parcel of land situated in front of a Stagecoach bus depot on Sheffield Road, in the Stonegravels area of Chesterfield. The site has a roughly L-shaped footprint, measuring approximately 0.9 hectares. The site is situated on a corner plot and is allocated within the Local Plan as an area for Economic Growth. The site is largely overgrown with vegetation, and is situated on an incline. A church is situated to the North of the site, the roadway of Sheffield Road is situated to the East of the site, a private road is situated to the South of the site, and the bus depot is situated to the West of the site. The boundaries with Sheffield Road and the private road remain open, and perimeter fencing has been erected along the other boundaries to the site.

## 3.0 **RELEVANT SITE HISTORY**

3.1 There are no previous Planning applications relevant to this site.

3.2 A pre-application enquiry was made in 2016 for residential development. It was advised that there may be scope for

development of this nature, however the site is allocated as employment land and there are further constraints in relation to shape and topography.

#### 4.0 **The Proposal**

- 4.1 An outline application with all matters reserved apart from access has been made for the erection of 50 apartments. The original proposals were for an outline application for erection of up to 42 residential units, and the original plans suggested that the scheme would comprise houses. The agent handling this application subsequently decided to make alterations to the quantum and type of units, following environmental health concerns. The amended plans are supported by a noise impact assessment, air quality assessment, further indicative plans, and further details with regards to access.
- 4.2 An indicative layout has been provided. This suggests that the scheme would comprise a mix of 2, 3 and 4 storey apartment blocks, formed of 1 and 2 bed units. The indicative plans suggest that three blocks of 2 storey apartments would front onto Sheffield Road, and that two blocks of 3 storey apartments would front onto the private road to the south. A further block of apartments is proposed on the corner of these roads, and this would comprise 3 and 4 storey aspects. The indicative plans suggest that parking provision and open space would be to the rear of the site. An indicative street-scene from Sheffield Road has been provided. This suggests that the units would be pitched roof in form, predominantly 2 storey to the front elevation, with a feature 3/4 storey unit to the corner of the site.
- 4.3 No details have been provided with regards to detailed design, materials or elevations at this stage, as this is an outline application. The submitted plans are purely indicative, and as such the layout of the site could be subject to change.
- 4.4 Plans have been provided demonstrating that the access to the site would be via a new road leading from Sheffield Road. This would run roughly through the centre of the site, leading to parking spaces spread across the rear of the site.

Indicative landscaping and a potential location for a percentage public art scheme are also shown on the plans.

- 4.5 Extensive clearance of the site and excavation for the proposed access road would be required to cater for this proposed development. It would also be necessary to make alterations to the pavement along Sheffield Road, including the removal of some safety barriers, in order to facilitate the creation of the proposed access road.

## 5.0 **Considerations**

### Policy - Principle of Development

- 5.1 All new development within the borough should demonstrate compliance with the council's Spatial Strategy as set out in policy CS1 of the Local Plan Core Strategy, or demonstrate why an exception should be made under the criteria set out in policy CS2. The proposed development is also within an area identified on the adopted proposals map as an established business area and therefore the loss of the land to a non-employment use should be considered in the context of the policies set out in Local Plan policy CS13.
- 5.2 In so far as compliance with the Spatial Strategy, policy CS1 sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. Given the sites location in relation to Chesterfield Town Centre, the site is therefore what might be considered a reasonable walking and cycling distance from a centre. The site is allocated for employment use and the realistic test is whether it could be redeveloped for employment uses in the future. This is addressed below in respect of policy CS13 with the conclusion being that the redevelopment of this site for non-employment uses would be unlikely to lead to a quantitative or qualitative deficiency in the supply of available employment land. However, notwithstanding this, the proposal is considered contrary to criteria 2 of CS13 on the basis that it could inhibit activity on the adjacent employment site as a result of conflicts over amenity unless the Environmental Health Officer can be satisfied that amenity issues can be addressed satisfactorily.

- 5.3 In so far as the loss of employment land Local Plan policy CS13 clearly sets out the circumstances under which the loss of employment land for other uses will be considered:
- i) It would not lead to a quantitative and/qualitative deficiency in the supply of available employment land; and
  - ii) It would not inhibit existing or future business and industrial activity on adjacent sites.

The Policy CS13 tests are considered to be up to date and an appropriate mechanism for determining if a site should be released for alternative uses. It is necessary under the NPPF to consider alternative uses on their merits however such alternatives would still need to comply with other policies of the Local Plan. Given that no marketing statement has been submitted evidencing the sites capability of attracting potential employment uses, it is difficult to say whether the site has 'a reasonable prospect' of it being used for employment purposes. However following consultation with the Economic Development team, it is evident that despite the site being marketed for several years as a 2 acre commercial site, nothing has come forward. Given this, it would be difficult to argue that the site has a realistic prospect of contributing to the quantitative and qualitative employment land supply for the borough. However, notwithstanding the above, it is considered that the proposal is contrary to criteria 2 of CS13. The site is adjacent to an existing bus depot and given the associated noise, air quality, odour and traffic associated with this type of use, it is considered that a proposed residential use adjacent could result in amenity concerns. The introduction of a residential use within such a commercial area also brings the risk of inhibiting the use of adjacent land and any potential expansion of existing uses by introducing a sensitive receptor into a location where one currently doesn't exist. Advice has been sought from the councils EHO as to the suitability of the site for housing given its proximity to such a use.

- 5.4 Education and off site open space provision are covered by the council's CIL. In terms of health matters, a contribution is not required, unless the CCG supply evidence to support a requirement. Policy CS11 of the Local Plan requires that up to 30% of all the dwellings should be affordable and under

policy CS18 (“Design”), developments costing in excess of £1m should provide a scheme of public art valuing up to 1% of the total development cost. As the applicant has not provided any evidence of development cost at this stage (as the application is in outline), this should be set as a requirement in any planning obligations should planning permission be granted. A Local Labour clause should also be applied by planning obligation should permission be granted, in order to satisfy the requirement set out in policy CS13.

- 5.5 In policy terms it is considered that the site is within a reasonable walking and cycling distance from a centre. It is considered that evidence demonstrating that the site has been marketed for several years as a 2 acre commercial site is sufficient to demonstrate that the site has little prospect of contributing to the quantitative and qualitative employment land supply for the borough. As such the principle of residential development on this plot of land is considered to be acceptable. The points with regards to noise, air quality, odour and traffic associated with the adjacent bus depot are noted, however it is considered that these matters have been addressed. These issues are considered in further detail later in the report. It is accepted that this application would be CIL Liable and that a Section 106 Agreement would be required to address other matters.

### **Design and Appearance (Inc. Neighbour Effect)**

- 5.6 It is considered that from the design and layout illustrated in the indicative plans, the scheme has the potential to be acceptable. The scale of the new units would reflect the character of the existing street-scene, the bulk and massing appears appropriate, and the corner plot would add focus to the scheme without causing any adverse impact. In addition, it appears that sufficient parking and outdoor amenity space can be accommodated within the scheme.
- 5.7 Having regard to the positioning of the site, the development would impose the greatest degree of change to neighbouring properties on the opposite side of Sheffield Road. The indicative layout suggests that the proposed new units could be situated sufficient distance away from these properties, and therefore there would be no adverse issues in terms of

overlooking, overshadowing or an overbearing impact. There are no other residential properties situated within close proximity to the site. Issues with regards to the impact on neighbouring properties would be considered in detail at the reserved matters stage.

### **Environmental Services**

- 5.8 Environmental Services initially objected due to concerns with regards to air quality and noise from the bus depot to the rear of the site. However they were re-consulted following the submission of an air quality assessment. The assessment concluded that ‘assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be not significant’. The Environmental Services Officer made the following comments; *“I am satisfied that the proposed development, though having a slight adverse effect on local air quality, will not cause the levels of pollution to exceed the local air quality objective. As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase.”*
- 5.9 Environmental Services were also re-consulted following the submission of a noise assessment. The noise assessment concluded that ‘The dominant commercial noise is from the Stagecoach bus depot. With the proposed mitigation in place, to reduce the impact of the commercial noise, the development can provide appropriate acoustic conditions in line with national policy’. The mitigation measures include changes to the site layout resulting in single aspect apartments with non-noise sensitive façades facing the bus depot, appropriate sound attenuating glazing and ventilation strategies, no windows to habitable rooms with line of sight to the bus depot, a sound attenuating barrier to the boundary of the proposed residential site and the bus depot, and acoustically rated glass and ventilators to the facades of the buildings facing Sheffield Road to combat noise from the

nearby road traffic. The Environmental Services Officer made the following comments; *“The report acknowledges that the adjacent bus garage operates for extended hours, and (further) that buses which are not based at the site often arrive and remain idling during the periods when the garage is not open, and suggests a proposed scheme of work to control this. I agree with the proposal, but would like to see further details on construction methods and acoustic vents etc which will be used.”*

5.10 Environmental Services commented following the alterations to the quantum and type of units proposed commenting that they were satisfied that this should not cause a material effect on the previous conclusions regarding air quality impacts. They reiterated that further details on the means of attenuating noise from vehicle movement associated with the nearby bus depot will be required. Conversation with the applicant has agreed that the following conditions would overcome such concerns:

- The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall: a) Be based on the findings of the approved noise survey of the application site, b) Be capable of achieving the following noise levels: Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours); Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours); Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours); Bedrooms: LAFmax 45dB (2300 to 0700 hours). c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms. Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]
- Before the use of the residential accommodation is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results



submitted to and approved by the Local Planning Authority. Such Validation Testing shall: a) Be carried out in accordance with an approved method statement. b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

- 5.11 The comments from Environmental Services are accepted. It is considered that the proposed amendments to the layout, the provision of a noise impact assessment and air quality assessment along with the imposition of conditions and mitigation measures are sufficient to ensure that the proposed development would not result in any significant adverse issues in terms of noise or air quality for neighbours. The current plans suggest that no windows would be installed to the rear elevation of the proposed new units, in order to prevent issues for neighbours arising from the adjacent bus depot site. Following discussions with the Environmental Services Officer, it is considered that it would potentially be possible to provide rear windows to non-habitable rooms, namely corridors. It is considered that this approach would potentially result in surveillance of the site and the appearance of the rear elevation of these units being improved. Overall, it is considered that the proposed plans are acceptable from an environmental health perspective.

### **Design Services**

- 5.12 Design Services was consulted on this application and they confirmed that the site is not shown to be located with an area shown at risk of flooding on the Environment Agency flood maps. They request full details of a proposed drainage scheme prior to full approval and that the surface water drainage should be designed in accordance with CBC's

Minimum Development Control Standards for Flood Risk as a minimum and Derbyshire County Council should also be consulted regarding the proposed surface water discharge. Due to the absence of a water body in close proximity to the site, Yorkshire Water should be consulted on a potential surface water discharge to their sewer network as only a combined sewer is shown nearby and infiltration tests on the subsoils should also be carried out to determine if these may prove suitable.

- 5.13 The comments from Design Services are accepted and full drainage details can be considered at the reserved matters stage when they are submitted with the application.

### **Economic Development**

- 5.14 Economic Development confirm their support for the proposal. Given the scale of the proposal there will be significant employment, training and supply chain opportunities created during the construction phase and it is recommended that a local labour/ supply chain clause is negotiated and secured with the developer and end user via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction phase to promote the opportunities to local businesses and local people. They also encourage the end user to work with the council and its partners to ensure that local people are able to benefit from any additional jobs created by the development. The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and the Chesterfield Local Plan Core Strategy 2011 – 2031.

- 5.15 The comments from Economic Development are accepted and it is considered appropriate to impose the suggested condition in relation to local labour.

### **Housing Services**

- 5.16 Housing Services refer to the Councils Affordable Housing Policy which requires up to 30% Affordable Housing on site of over 15 units subject to viability. The application is for a

scheme predominantly made up of flats and there is an adequate local supply of affordable housing flats in the area and further direct provision is therefore not required. However the provision of a commuted sum should be considered in lieu of onsite provision. The application makes reference to the work which was prepared as part of the viability testing in connection with the Community Infrastructure Levy which identifies the St Helens Wards as being 'low' viability and zero rated for affordable housing provision. This work was however only advisory and does not form the affordable housing policy. Evidence should still be provided in the form of a viability assessment to demonstrate that a site would not be viable for the provision of affordable housing'.

- 5.17 The comments from Housing Services are accepted however it is now a requirement for 10% affordable housing to be provided under the 2018 NPPF, and as such a Section 106 Agreement is necessary to secure this.

#### **Environment Agency**

- 5.18 The Environment Agency has commented that the previous surrounding use of the proposed development site for industrial uses presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary aquifer A. Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. The previous industrial use of this site and surrounding area may have left contamination which could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the change of use and/or development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems,

and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

5.19

The Environment Agency recommended the following conditions:

Condition 1:

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. We confirm receiving a desk study report prepared by Structural Soils Limited and

dated 2007. It is recommended that the report is updated and rewritten to incorporate any changes which occurred since the report was issued.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2:

Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Condition 3:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

- 5.20 The comments from the Environment Agency are accepted. It is considered that the suggested conditions are required in the interests of contamination, and that these can be dealt with as part of the reserved matters submission.

### **Yorkshire Water Services**

- 5.21 Yorkshire Water Services confirm that if planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. (In the interest of satisfactory and sustainable drainage )

No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ; and  
c) the means of restricting the discharge to public sewer to rate to be agreed with relevant authority (ies) and approved by the local planning Authority . Furthermore, unless otherwise approved in writing by the local planning authority , there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works. (To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage).

5.22 The comments from Yorkshire Water Services are accepted. It is considered that the suggested conditions are required in the interests of sustainable drainage.

### **Lead Local Flood Authority**

5.23 The Lead Local Flood Authority was consulted on the original application and they made the following comments; “We are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information.

As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:

- Site plan and impermeable area
- Topographic survey of the site
- Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company)
- Basic calculations of the greenfield/brownfield runoff and discharge rates, in l/s/Ha, for the site

- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep
- Basic ground investigation (desktop survey as a minimum)
- Evidence of consideration of a variety of SuDS methods  
These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage. Please note the level of detail submitted should be proportionate to the size and scale of the development.”

5.24 The comments from the Lead Local Flood Authority are partially accepted. It is accepted that the application is lacking detail with regards to drainage, however it is considered that these matters would be addressed in full at the reserved matters stage. The site is not shown to be located with an area shown at risk of flooding on the Environment Agency flood maps and there have been no objections from the Environment Agency or Design Services. As such, it is considered that a scheme is capable of being devised that would have no adverse impact in terms of flooding.

### **Derbyshire Constabulary**

5.25 Derbyshire Constabulary comment that the revised indicative layout dated 23.4.18, indicative street-scene dated 7.9.18 and revised description from 42 residential units to 50 apartments are noted. They comment that the revised indicative layout presents less challenges than the previous proposal, and subject to appropriate future detail concerning elevational treatment/outlook, boundaries and lighting, has the potential to form an acceptable scheme from a community safety perspective. Specifically they would be looking for all of the communal pathways between and around apartment blocks to be well overlooked from facing elevations, for the more peripheral 24 space parking court to have a secure outer boundary treatment and be accessed from the internal estate road/pathway only, and for

movement routes and parking courts to be provided with an appropriate lighting scheme.

- 5.26 The comments from Derbyshire Constabulary are accepted. It is considered that the matters raised can be addressed in any reserved matters submission.

### **DCC Strategic Planning**

- 5.27 DCC Strategic Planning comment that the proposed development of 50 apartments (minus 36 1 bedroom dwellings) would generate the need to provide for an additional 3 primary and 2 secondary pupils arising from the development, however there is no capacity at the normal area primary school. The education contribution identified below is based on the information provided for the site, and show the education contributions which would be required from the CIL funding to provide additional capacity at the school to accommodate the primary aged children.
- 5.28 The County Council has requested financial contributions of £48,562.92 towards the provision of 2 primary places at Abercrombie Community Primary School. Abercrombie Community Primary School is a relatively new purpose-designed building. The additional pupils likely to be generated by this development will contribute to increased class-sizes. As class sizes increase there is a greater need to withdraw individuals and groups of pupils. The school building currently has very limited space available for this purpose. It is therefore requested that consideration be given to a CIL allocation in the order of £48,562.92 and this would be used towards a standalone 'external classroom' building to provide additional space at the school which is likely to remain over-capacity.
- 5.29 The comments from DCC Strategic Planning are noted however it is considered that the allocation of the CIL contributions, which would address the increase in education provision that would be brought about as a result of this development, is a matter outside of the planning considerations in this case.



## **DCC Highways**

- 5.30 DCC Highways was consulted on the amended plans and they commented that 'Given the highway level differences a more detailed design should be prepared to demonstrate the extent of the highway affected and how the junction will be integrated with the existing. An indication of the centre-line gradient of the proposed private access road should also be provided'.
- 5.31 In response to the comments from DCC Highways, the additional information requested has been provided. DCC Highways have yet to provide a further response, however it is considered that the additional plans adequately demonstrate the extent of the highway affected, how the junction will be integrated with the existing, and an indication of the centre-line gradient of the proposed private access road has also been provided. It is considered that the submitted plans demonstrate that a new access can be safely created. In addition, it is considered that the indicative plans demonstrate that an adequate level of parking can be provided for the proposed number of units.
- 5.32 Chesterfield Cycle Campaign have been consulted on the application and they have made no comments.

## **The Coal Authority**

- 5.33 The Coal Authority concur with the recommendations of the Desk Study Report; that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this

should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

- 5.34 A condition should therefore require prior to the commencement of development:
- The submission of a scheme of intrusive site investigations for approval;
  - The undertaking of that scheme of intrusive site investigations;
  - The submission of a report of findings arising from the intrusive site investigations;
  - The submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

- 5.35 It is considered that the suggested conditions are required in the interests of coal mining legacy and safety.

#### **Tree Officer**

- 5.36 The Tree Officer has confirmed no objections to the application however a condition should be attached if consent is granted to the application for a detailed landscaping scheme and layout especially to the frontage of the site off Sheffield Road and approach road to the Stagecoach depot to leave enough space for tree and shrub planting to enhance the streetscene and the visual amenity of this major route into the town centre.
- 5.37 It is considered that landscaping and tree planting would be dealt with at the reserved matters stage.

#### **Urban Design Officer**

- 5.38 The Urban Design Officer confirmed that the Revised Site Masterplan has generally responded positively to a number of the urban design issues previously identified. However, the required noise mitigation measures may result in an

unacceptable environment for the future occupants of the development and a lack of passive surveillance over communal spaces and parking areas. It is recommended therefore, that the approach to noise mitigation is revisited to explore the potential for acoustically upgraded fenestration on the rear elevations (e.g. triple glazing and mechanically ventilated accommodation). Given the time profile of when most noise is generated by the bus depot, it may actually be more appropriate to locate bedroom accommodation on the southern and eastern elevations, with living/kitchen spaces to the rear. This would introduce habitable room windows to overlook the communal areas at the back of the site. Advice from the EHO should inform whether this approach could be feasible given the noise levels identified in the noise report. If additional fenestration is unable to be introduced into the rear elevations, it is difficult to conclude that the site can accommodate residential development in an acceptable manner and permission should be refused.

- 5.39 The comments from the Urban Design Officer are acknowledged. It is accepted that there are difficulties associated with noise from the adjacent bus depot, however a solution has been devised to overcome these matters. Following discussions with the Environmental Services Officer, it was agreed that it would potentially be possible to provide rear windows to non-habitable rooms, namely corridors. It is considered that this approach would potentially result in surveillance of the site and the appearance of the rear elevation of these units being improved dramatically.

### **Derbyshire Wildlife Trust**

- 5.40 Derbyshire Wildlife Trust was commented that the application still doesn't have any supporting ecological information, however the Trust acknowledge that the application area is limited in ecological value, comprising amenity grassland, and ecological impacts are unlikely. It is suggested that the site should contribute to local green infrastructure and that hedgerow and tree planting should be considered along the southern and western boundaries to strengthen green corridors in the immediate area. Should the council be minded to approve the application DWT advise that the following conditions are attached:

### Biodiversity Enhancement Strategy

Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:

- details of bird and/or bat 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.
- summary of ecologically beneficial landscaping, contributing to local green infrastructure (full details to be provided in Landscape Plans).

- 5.41 The comments from Derbyshire Wildlife Trust are accepted. It is considered that the suggested conditions are required in the interests of biodiversity, and that these matters can be secured as part of the reserved matters submission.

### **DCC Archaeology**

- 5.42 DCC Archaeology was consulted on this application and they have confirmed that the site was reviewed in terms of its archaeological potential in 2013 under the consultation on the new Local Plan Strategic/Local Plan sites allocation (Sites and Boundaries Issues and Options). At this time the Stonegravels bus garage (site code: SBRES08) was considered to have no archaeological potential because there was evidence for significant modern landscaping in and around the site. For this reason they confirm that they would not wish to comment further on this scheme.

### **NHS**

- 5.43 The NHS was consulted on the original application and they have concluded that the scheme would result in the need for accommodation for an additional 105 patients and which is calculated at £15,977. The comments from the NHS are accepted and it is considered that a Section 106 Agreement

is required to provide funding for the additional healthcare created.

### **Derbyshire Fire Officer**

5.44 Derbyshire Fire Officer was consulted on this application and they have recommended the installation of a residential sprinkler system complying with the current UK or European standard. It is considered that this is a matter for Building Control under the Building Regulations.

### 6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, three letters of representation have been received. One of these supports the proposed plans, and the other two object to the plans. The letters of objection are from Stagecoach and the occupant of 96 Sanforth Street. The letters of objection raise concerns with regards to highway safety, parking, potential noise from the adjacent bus depot, and the potential impact on the bus depot as a result of complaints or development.

6.2 ***In response to the letters of objection, it is not considered that the creation of the new access point would result in any adverse impact in terms of highway safety, and ample parking can be provided within the scheme. There have been no objections from DCC Highways to the amended plans. With regards to noise and the adjacent bus depot, it is considered that these matters have been addressed as a result of the submission of amended plans, mitigation measures and further assessments. There have been no objections from Environmental Services to the amended plans.***

### 7.0 **HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken

- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. Pre application advice was provided in this case.

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

## 9.0 **CONCLUSION**

9.1 The amended proposals are considered to be appropriate in principle, and it is considered that a scheme for residential

development can be devised with no significant adverse impact on the site, neighbouring properties or the surrounding area. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS1, CS2, CS3, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

- 9.2 Furthermore subject to the imposition of appropriate planning conditions, a CIL notice and a legal agreement, the proposals are considered to demonstrate wider compliance with policies CS4, CS7, CS8, CS9, CS10 and CS19 of the Core Strategy and the wider NPPF in respect of highways, coal mining legacy, environmental health, drainage, waste water, infrastructure and landscaping. This application would be liable for payment of the Community Infrastructure Levy and a legal agreement is required to secure the affordable housing, a CCG contribution and the provision of public art.

10.0 **ADDITIONAL RECOMMENDATION**

- 10.1 That a Section 106 Agreement be negotiated relating to
- 10% affordable housing.
  - Percent for Art.
  - Contribution to CCG of £15,977.

11.0 **RECOMMENDATION**

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

1. Approval of the details of the scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The reserved matters details shall include existing and proposed land levels and the proposed floor levels of the dwellings hereby approved together with sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.
5. As part of the reserved matters submission, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. As part of the reserved matters submission a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:
  - details of bird and/or bat 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.
  - summary of ecologically beneficial landscaping, contributing to local green infrastructure (full details to be provided in Landscape Plans).
7. As part of the reserved matters submission 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 and the agreed scheme shall be implemented as part of the development hereby agreed.

8. As part of the reserved matters submission a Demolition and Construction Management Plan shall be submitted to the Local Planning Authority for consideration and written approval. The Plan shall include measures to mitigate the impacts of the works on noise, dust and pollution.
9. Demolition and Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
10. As part of the reserved matters submission details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by The Local Planning Authority.
11. As part of the reserved matters submission a temporary access for construction purposes shall be provided in accordance with a detailed design submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
12. Before any other operations are commenced, excluding construction of the temporary access referred, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

13. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the 6 C's Highways document.
14. As part of the reserved matters submission construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
15. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 14 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
16. Before any other operations are commenced a new vehicular junction shall be formed to Sheffield 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 43 metres in both directions measured along the nearside carriageway. 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.

17. No dwelling shall be occupied until space has been laid out within the site in accordance with details submitted and agreed under a reserved or full matters application for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.
18. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
19. As part of the reserved matters submission details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
20. Prior to first occupation details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
21. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority as part of the reserved matters submission. The details shall include;
  - The submission of a scheme of intrusive site investigations for approval;
  - The undertaking of that scheme of intrusive site investigations;

- The submission of a report of findings arising from the intrusive site investigations;
  - The submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works.
22. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.
23. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall: a) Be based on the findings of the approved noise survey of the application site, b) Be capable of achieving the following noise levels: Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours); Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours); Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours); Bedrooms: LAFmax 45dB (2300 to 0700 hours). c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms. Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]
24. Before the use of the residential accommodation is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall: a) Be carried out in accordance with an approved method statement. b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then,

notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

25. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. We confirm receiving a desk study report prepared by Structural Soils Limited and dated 2007. It is recommended that the report is updated and rewritten to incorporate any changes which occurred since the report was issued.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

26. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
28. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
29. As part of the reserved matters details of the proposed means of disposal of surface water drainage, including but not exclusive to :-
  - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ; and

c) the means of restricting the discharge to public sewer to rate to be agreed with relevant authority (ies) and approved by the local planning Authority . Furthermore, unless otherwise approved in writing by the local planning authority , there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

30. A residential sprinkler system complying with the current UK or European standard shall be installed as part of the build phase.

### **Reasons for Conditions**

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF and to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term .
7. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

8. In the interests of residential amenities.
9. In the interests of residential amenities.
10. To ensure that the development can be properly drained.
11. In the interests of highway safety.
12. In the interests of highway safety.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. In the interests of highway safety.
19. In the interests of highway safety.
20. In the interests of highway safety.
21. In the interests of coal mining legacy and safety.
22. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
23. In the interests of the amenities of the future occupiers of the building.
24. In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.



25. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework and to prevent deterioration of a protected area Don and Rother Millstone Grit Coal Measures Groundwater body.
26. To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework and to prevent deterioration of a protected area Don and Rother Millstone Grit Coal Measures Groundwater body.
27. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework and to prevent deterioration of a protected area Don and Rother Millstone Grit Coal Measures Groundwater body.
28. In the interest of satisfactory and sustainable drainage.
29. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
30. In the interests of fire safety.

### **Notes**

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

County Council's website

[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), e-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.

2. The Highway Authority recommends that the first 5m of the proposed access/driveway 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.
3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
4. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer, Mr I Turkington on 01629 538578.
5. Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g.; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

6. Car parking provision should be made on the basis of two spaces per two/three bedroom property or three spaces per four/four plus bedroom property. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.
7. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).
8. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
9. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.