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Ctte Date: 28<sup>th</sup> January 2019

File No: CHE/18/00694/FUL  
Plot No: 2/762

### ITEM 1

## RESIDENTIAL DEVELOPMENT COMPRISING 10 NO. NEW DWELLINGS AND GARAGES - REVISED PLANS REC'D 07/01/2019, 09/01/2019 AND 15/01/2019 AT HEATON COURT, MEYNELL CLOSE (OFF HEATON STREET), BRAMPTON, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL

Local Plan: Unallocated  
Ward: Holmebrook

### 1.0 CONSULTATIONS

<b>Local Highways Authority</b>	Comments received 15/11/2018 and 05/12/2018 – see report
<b>Design Services (Drainage)</b>	Comments received 23/11/2018 and 10/01/2019 – see report
<b>Yorkshire Water Services</b>	Comments received 13/12/2018 – see report
<b>Lead Local Flood Authority</b>	Comments received 29/11/2018 – see report
<b>Coal Authority</b>	Comments received 03/12/2018 – see report
<b>DCC Archaeologist</b>	Comments received 03/12/2018 – see report
<b>Urban Design Officer</b>	Comments received 28/11/2018 and 16/01/2019 – see report
<b>CBC Strategic Planning</b>	Comments received 20/11/2018 – see report
<b>Crime Prevention Design Advisor</b>	Comments received 26/11/2018 – see report
<b>Tree Officer</b>	Comments received 29/11/2018 – see report
<b>DCC Strategic Planning</b>	Comments received 10/12/2018 – see report

<b>Derbyshire Wildlife Trust</b>	Comments received 13/12/2018 – see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	Seven representations received in total

## 2.0 **THE SITE**

2.1 The site, known as Heaton Court, was formerly occupied by Council accommodation which has since been demolished, leaving the site vacant. The plot is generally flat and open and with a perimeter of mature trees and hedges.



2.2 Access is currently via Meynell Close from the south west corner and Church Street West from the south east corner. A public footpath runs parallel to the western boundary and provides a link between Chatsworth Road and Old Road.

2.3 The site is bounded by a mixture of three-storey flats to the south and west with the rear gardens of neighbouring houses backing onto the northern/north eastern boundary. A parking court serving a group of dwellings is situated to the southeast (Jebbs Gardens).

## 3.0 **RELEVANT SITE HISTORY**

3.1 CHE/16/00096/DEM - Demolition of two storey sheltered accommodation. Prior notification determined prior approval not required - 31/03/2016.

## 4.0 **THE PROPOSAL**

- 4.1 The application, which is submitted in full, proposes the redevelopment of the site of the former Heaton Court (CBC Sheltered Housing site) for 10 no. dwellings.
- 4.2 The scheme (as amended) comprises a development of two and half / three storey modular properties (which are constructed off site, pre-finished and transported to site for final assembly). The layout includes three specific house types (with design variances). The accompanying Design Statement indicates that the modular construction ensures material efficiency is achieved with reduced waste and more accurate, precise detailing and air tightness. All the homes are designed with a minimum 60 year life and built to a minimum of 20% above building regulation Part L requirements.
- 4.3 The layout indicates that the development will be formed of 5 no. pairs of semi-detached properties; and the three house types are called Holt, Thetford and Rockingham detailed as per the following schedule:

### Plots 1 and 2 – The Rockingham

3 storey – 4 bedroom.

GF – Hallway, kitchen / dining room, w.c, lounge.

FF – Bedroom 1, 2 and bathroom.

SF – Bedroom 3, 4 and bathroom.

### Plots 3, 4, 5 and 6 – The Thetford

2.5 storey – three bedroom.

GF – Hallway, kitchen / dining room, w.c, lounge.

FF – Bedroom 1, 2 and bathroom.

SF – Bedroom 3 with en-suite.

### Plots 7, 8, 9 and 10 – The Holt

2.5 storey – three bedroom.

GF – Hallway, kitchen / dining room, w.c, lounge.

FF – Bedroom 1, 2 and bathroom.

SF – Bedroom 3 with en-suite.

4.4 Vehicular access is to be maintained off of Meynell Close but altered to suit road access with either dedicated car parking on driveways or by defined pull in parking areas adjacent to the dwellings. The proposed dwellings are to have a private garden / patio area to the rear with varying garden sizes to the front which is used to access the dwellings.

4.5 The application submission is supported by the following plans / documents (superseded plans are struckthrough):

2584 0001 - Topographical and Utility Survey

7525-101 – Site Location Plan

~~7525-102 – Proposed Site Plan~~

~~7525-103A – The Rockingham House Type~~

~~7525-104A – The Thetford House Type (Style 1)~~

~~7525-105A – The Holt House Type (Style 1)~~

~~7525-106A – The Holt House Type (Style 2)~~

~~7525-107A – The Thetford House Type (Style 2)~~

~~7525-108A – The Cardinham House Type~~

Design Statement by CBC Design Services (dated Oct 2018)

Ground Investigation by Nicholls Colton Group (dated August 2018)

Preliminary Ecological Appraisal by Whitcher Wildlife Limited (dated July 2018)

**Received 27/11/2018**

Design Statement Rev A by CBC Design Services (dated Nov 2018)

**Received 28/11/2018**

Arboricultural Report and Impact Assessment by EMEC

Arboriculture (dated Oct 2018)

~~HEA-AWP-S38-XX-SK-C-0001 P1 VEHICLE TRACKING (SHEET 1) – Fire Appliance~~

~~HEA-AWP-S38-XX-SK-C-0002 P1 VEHICLE TRACKING (SHEET 2) – Refuse Vehicle~~

**Received 07/01/2019**

7525-102C – Proposed Site Plan

7525-103C Option 1 – The Rockingham House Type

7525-103C Option 2 – The Rockingham House Type

7525-104C Option 1 – The Thetford House Type

7525-104C Option 2 – The Thetford House Type

7525-105C – The Holt House Type (Style 1)  
7525-106C – The Holt House Type (Style 2)  
7525-107C – The Thetford House Type (Style 2)  
7525-108C – The Cardinham House Type  
~~7525-109C – Proposed Site Plan~~

**Received 09/01/2019**

7525-109D – Proposed Site Plan  
7525-110 – Existing Site Entrance Layout  
7525-111 – Proposed Site Entrance Layout  
7525-112 – New Road and Footway Alteration  
M2-Sketch Drainage B – Indicative Drainage Details

**Received 15/01/2019**

HEA-AWP-S38-XX-SK-C-0001 P4 VEHICLE TRACKING (SHEET 1) – Fire Appliance  
HEA-AWP-S38-XX-SK-C-0002 P5 VEHICLE TRACKING (SHEET 2) – Refuse Vehicle Option 1  
HEA-AWP-S38-XX-SK-C-0003 P3 VEHICLE TRACKING (SHEET 3) - Refuse Vehicle Option 2

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of Holmebrook ward, in an area predominantly residential in nature.
- 5.1.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18 and CS20 of the Core Strategy 2013 – 2031 and the National Planning Policy Framework (NPPF) apply.
- 5.1.3 In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2 **Principle of Development**

- 5.2.1 The application site is with walking distance of a range of facilities along Chatsworth Road, including the District Centre and is previously developed land. The location of the development

therefore accords well with the spatial strategy as expressed in policies CS1 and CS2 of the Core Strategy.

- 5.2.2 It is noted that this is to be an entirely social rented scheme. Paragraph 64 of the NPPF now requires that all developments for 10 or more dwellings include at least 10% of units for 'affordable home ownership'. However an exemption is made for developments that are exclusively for affordable housing and the requirement therefore does not apply to this application.

5.3 **Design and Appearance Considerations (inc. Neighbouring Impacts)**

- 5.3.1 In respect of design and appearance matters the application submission and its accompanying design and access statement were initially appraised by the Council's Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) as follows:

**UDO**

**Use**

*The site is located in an established built-up area and is a sustainable location. The land was previously occupied by residential accommodation and as such the principle of residential development is acceptable in this location.*

**Amount**

*The application proposes 12 dwellings. The site area measures approximately 0.3ha, which equates to 40dph which is a medium density of development. This amount of development is considered to be compatible with the density of the local context in principle. However, a number of issues have been identified which indicate that a reduced amount of development should be sought (see comments below).*

**Layout**

**Entrance**

*Plots 1 & 2 are a pair of 3-storey houses positioned at the entrance to the site off Meynell Close. These reflect the scale of the adjacent flats. The building line also establishes a positive built frontage facing towards the tree line alongside the public footpath.*

*Plot 1 is situated to the north of the adjacent flats and is separated by a narrow corridor of green space containing several mature trees. The first tree is in close proximity to Plot 1 and the relationship should be informed by the Tree Officer.*

#### *Focal Point*

*Plots 5 & 6 form a focal point building at the end of the street. Although these units close the view, the presence of frontage parking reduces this effect and the 2.5 storey Thetford House Type would provide a stronger and more meaningful presence at the of the street.*

#### *Corner units*

*Plots 4 & 5 are end units with dual aspects. The flank wall of Plot 4 faces into the site, whereas the side wall of Plot 5 faces towards footpath.*

*Both units include a modest ground floor window with a side aspect. Although these elevations are fairly plain, given their position within the townscape of the site this level of fenestration would maintain an appropriate balance between privacy and passive surveillance of the adjoining public areas.*

#### *Minimum garden sizes*

*Several plots appear to have small relatively cramped gardens (see Plots 6-9 and 12). All gardens should seek to achieve the minimum standards for the size of the property as outlined in SPD Successful Places (2013) section 9.11 Amenity.*

#### *Neighbour amenity*

*Where proposed dwellings back onto neighbouring gardens (Plots 5-11) the garden length should achieve a minimum of 10.5m. Plots 5-9 all fall short of this minimum separation standard.*

#### *Parking*

*The internal environment contains frontage parking or on-street parking around much of the layout resulting in a car dominated environment. Guidance contained within the SPD Successful Places (2013) advises locating parking discretely within the streetscene by minimising frontage parking and siting it to avoid visual intrusion. The amount of development is driving the amount of parking provision, which in turn dominates the public areas. As such, it is considered that the amount of development needs to be*

*reduced in order to better accommodate parking and improve the quality of place within the proposed development.*

*Removing the central terrace (Plot 8) in lieu of a pair of houses would provide additional space to locate parking between the pairs of semi-detached houses.*

*This approach would also enable the units (5-8) to be pulled forward towards the front of their plots, enlarging the size of their private rear gardens and increasing the separation distances between the proposed dwellings and the existing neighbouring houses and gardens to the north.*

### *Boundary Treatments*

*Where side and rear garden boundaries face public areas these should be finished as robust boundary walls, not concrete post and close board fencing as currently shown. In addition, similar style fencing (900mm high) is also indicated as separating front gardens and projecting into the streetscene. It is recommended that any enclosures that project forward of the building line comprise robust railings (e.g. ball top railing) rather than solid panel fencing.*

### *Scale and massing*

*The scale and massing of the proposed is generally considered to be compatible with the existing local context. However, care will be required to avoid impacts on neighbour amenity, for example the front dormers on Plot 11 could afford views to the rear windows of the nearby dwelling (No 1. Jebbs Close), albeit at angle.*

### *Landscaping*

*Indicative details are shown at this stage, although a number of trees are proposed to be retained, as well as several removed from the central part of the site.*

*The boundary treatment alongside the public footpath parallel to the front and side of Plot 5 should be enclosed by railings to provide a suitable defensible edge to this unit without creating a section of unsupervised footpath. Tall fencing along this section should be avoided in order to maintain a sense of openness to the footpath and afford views from the side window the house towards the path.*

*Detailed landscaping proposals could be managed by condition, together with details of boundary treatments, although this could be provided at this stage to avoid a requirement for conditions.*



### Appearance

*The materials palette appears complementary and the use of brick on Plots 1 & 2 provides some transition to the interior of the site where the balance of materials changes to predominantly render and cladding elements. Given the range of materials in the locality and the relatively contained nature of the site, this approach is considered to be appropriate.*

*The majority of dwellings include steep pitched roofs although Plots 1 & 2 incorporate a shallow roof slope with pressed metal Metrotile roof covering. This looks at odds with the local area and give this house type an ugly and unsightly form and appearance. It is recommended that a steeper roof pitch is utilised, or that the Rockingham is substituted with an alternative house type.*

### Access

*Guidance on the access arrangements should be provided by DCC Highway Engineer. Tracking should be provided to demonstrate that a RCV can turn within the site.*

### Conclusion

*In light of the these issues it is recommended that the proposals are amended in response to the concerns outlined above and in line with the guidance contained within SPD Successful Places (2013) .*

### CPDA

*There are no objections to the residential development of this site. The layout submitted is mostly good. Parking allocated next to the adjacent footpath link to Old Road is quite close to this passing route. There is no indication of who the more peripheral parking areas are intended for on the site plan, possibly visitors for these four spaces, although I'd expect them to be taken into use by residents looking at the overall allocation provided. I recollect there being a low bund between site and footpath presently which will presumably be levelled on development. Some dense planting between the parking and footpath would be advised to provide a buffer between the two. The only boundary indication I see on plans is for divisional garden fencing which is a 1500mm high close boarded fence with 300mm trellis top to the rear and 900mm close boarded fencing to the front. Assuming that the full schedule will be set by condition, I'd ask that the below forms part of approval. The side boundary of plot 5 should be set at 2m in height up to the*

*front fence line and gate indicated on plans. This is to provide adequate privacy and security from the adjacent enclosed footpath link to Old Road. There should be a 900mm high boundary wrapping the front garden of plot 9 to define from the continued footpath, but allow some supervision. I would advise that this should be a metal ball or hoop topped rail rather than close boarded or picket fencing, which will be more sustainable over the lifetime of the development, and incidentally add more quality to the finish. If viable the remaining 900mm front garden divisions, where shown, should also be a metal rail for the same reasons. The garden gate for plot 8 should be moved forward to a point next to the gate of plot 7. This is to secure the open L shaped route to their rear garden. The position of the side garden gate for plot 1 may obscure a view to the side of this property and of the parking spaces to this side, from the dining room window placed on the side elevation. Might the fence/gate be eased back slightly to open up this view?*

5.3.2 Upon receipt of the comments / feedback above the applicant met with the Case Officer and UDO and amendments were made to the scheme to address design comments as well as technical issues relating to trees / drainage etc (see other sections below).

5.3.3 Revised drawings were submitted on 07/01/2019 and 10/01/2019 which were reviewed by the UDO (and sent to the CPDA but no further comments were received) and the following response was received:

*It is noted that the application has been revised to reduce the amount of houses from 12 down to 10 dwellings and that the layout has been adjusted accordingly (see layout details received (09/01/19). In addition, the house types have been revised in response to a number of issues previously identified.*

*The flank windows on the side walls of the corner houses have actually been reduced in size to small, narrow openings, due to the limitations of the modular design. This is not ideal and a more positive design response to the corners would be desirable. Nevertheless, in order to facilitate the proposals this shortcoming may need to be accepted in this instance.*

#### *Plot 4 side Gable*

*The Option 2 gable design for Plot 4 shows the side windows grouped in a central panel. This has a more effective visual impact and is the preferred option.*

#### *Plot 1 & 2 – Roof Design*

*Two options are shown for roof design. Option 1 shows a hipped roof design although the roof proportions appear awkward. As such, the pitched roof gable design of Option 2 is preferred.*

#### *Boundary treatments*

*Boundary fences are proposed along the southern boundary against the green space and a brick and panel boundary is proposed along the garden of Plot 4, before returning to be 1.8m high fence around the parking court. Normally we would seek a robust, higher quality brick finish to garden boundaries enclosing parking courts or public frontages. This is problematic where the boundary passes beneath mature trees. However, it is recommended that brick walls enclose the edge of Plot 4 and the parking court. Trellis should be introduced to the top 0.3m section of the wall to afford views into the parking court to enhance the security of this area, allowing the keeper of the vehicles to have direct sight from their properties.*

*Notwithstanding the above comments, in broad terms, there is no objection to the amended layout on urban design grounds, although a number of details would benefit from further adjustment. These could be managed by appropriately worded conditions.*

- Landscaping details (hard and soft)*
- Details of materials (currently several options indicated)*
- Details of proposed boundary treatments (extent and appearance)*

*In addition, the retention of boundary treatments (once agreed) should be required by condition to prevent their removal in the future and ensure the continuity of the streetscenes is maintained.*

- 5.3.4 Overall in considering the latest package of revisions, the scheme represents a vast improvement to the initial submission and the positive and proactive engagement of the applicant to incorporate the UDOs suggested changes has been welcomed.

5.3.5 The design, siting, scale and layout do not give rise to any adverse impacts upon the adjoining / adjacent neighbouring properties by virtue of overlooking, overshadowing and overbearing and the final choice of materials should be managed by way of condition. The opportunity to meet with the applicant to discuss and understand proposed construction methods was helpful (the units are modular built) and overall the design and appearance of the revised scheme is considered acceptable.

5.3.6 It is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, CS18 and CS19 of the Core Strategy.

#### 5.4 **Highways Issues**

5.4.1 The original application submission has been reviewed by the **Local Highways Authority** (LHA) who provided the following response:

*The submitted details propose a development comprising of 12no. residential units the majority served via a modified existing access with Meynell Close with a single Plot taking vehicular access from Church Street West*

*Whilst it's suggested that the existing access is to be modified, the details submitted to this office do not clearly demonstrate what the modifications will be. That said, it's considered that an acceptable access to serve the proposed scale and nature of development can be delivered.*

*It's assumed that the roadway beyond the access is to remain private. In order to comply with current guidance, the new road should be of 5.0m minimum width and provided with a turning facility demonstrated as suitable for use by the largest vehicle expected to frequently visit the site by means of appropriate swept paths e.g. a typical supermarket delivery vehicle or a Large Refuse Vehicle of 11.6m length should the local refuse collection service wish to gain access. In the event of the latter not being the case, areas clear of the highway for standing of refuse bins on collection days will need to be provided.*

*I trust that you will ensure that there will be an adequate level of conveniently located off-street parking for each dwelling in order to reduce the likelihood of overspill onto the highway, where there is an apparent existing high demand for on-street parking within the vicinity, as well as turning facilities and vehicular/ pedestrian routes being obstructed. Please note that the 5no. spaces annotated within Church Street West are located within the public highway and can't be dedicated for use by the proposed development – nor would they be considered to be convenient for use by any part of the development other than Plot 12, especially when taking into account the lack of formal pedestrian linkage. It's currently recommended that parking spaces are of 2.4m x 5.5m minimum dimension with an additional 0.5m of length for parallel spaces.*

*Therefore, this being a Full application, it's recommended that the applicant is requested to provide further details clearly demonstrating the proposed modifications to the existing vehicular access to the site from Meynell Close, appropriate private roadway geometry and areas clear of the highway for standing of waste bins on refuse collection days.*

5.4.2 The comments made by the LHA were reviewed by the applicant alongside others and further details were submitted to address the comments / concerns in the LHAs initial response alongside the package of revised drawings made reference to in section 5.3 above. Further details of the access construction to Meynell Close and vehicle tracking details were also submitted demonstrating fire appliance and refuse vehicle manoeuvring for the revised scheme of 10 no. dwelling which were forwarded to the LHA however revised comments have not been received.

5.4.3 Notwithstanding the above, it is considered that the revised scheme offers an acceptable design solution in highway terms. If the applicant is looking to secure adoption of the highway and tuning head by the LHA this will be a separate matter and agreement which will need to be reached with LHA under S38 of the Highways Act. Furthermore the alterations to the access to Meynell Close will also need to be agreed under S278 of the Highways Act which will include construction details of both the carriageway and footway where they connect to the existing public footpath.

5.4.4 In terms of layout the development secures the provision of 11 no. off plot parking spaces and 10 no. on plot parking spaces – with an average ratio therefore of 2 no. spaces available per dwelling.

5.4.5 Overall therefore, subject to the imposition of appropriate conditions requiring the access amendments, parking provision and turning areas to be provided prior to the facility being brought into first use and a site compound being provided during the construction phases, there are no highway safety concerns arising from the development and it therefore meets the provisions of policies CS2, CS18 and CS20 in respect of highway safety.

## 5.5 **Flood Risk & Drainage**

5.5.1 In respect of issues concerning flood risk and drainage and under the provisions of policy CS7 of the Core Strategy the application submission indicates that the development proposals will utilise existing surface and foul drainage connections which link back to the main sewers, alongside SuDS / Soakaway solutions where appropriate.

5.5.2 In respect of the proposals the application submission was referred to the Council's **Design Services** (DS) team, **Yorkshire Water Services** (YWS) and the **Lead Local Flood Authority** (LLFA) and the following comments were received:

*DS – Part of the site is shown to be at low risk of surface water flooding. This is likely to be only low level and may not affect the development, however precautions should be taken, such as raising floor levels above the adjacent ground levels.*

*Details should be provided of the proposed drainage systems for the development. The site should be developed with separate drainage systems. For the surface water drainage:- this should provide betterment upon the existing drainage scenario with a reduced discharge to the surface water drainage system.*

*Public sewers are shown to run between Meynell Close and Jebb Gardens which may clash with the proposed properties. Yorkshire Water should be consulted as to whether an easement may be required for access to these sewer systems.*

*Derbyshire County Council Flood Risk Team should also be consulted on this major application.*

*YWS – On the Statutory Sewer Map, there is a 150mm diameter public foul water sewer and an associated man-holes recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It appears from the submitted site layout, submitted on drawing 7525 102 dated October 2018 prepared by Chesterfield Borough Council that buildings will be sited over the public sewerage system and at least one man-hole located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. The sewer is small diameter and a build over would normally be controlled via Building Regulations but building over a man-hole would not be permitted. It would therefore make sense for the site lay-out to be amended at planning application stage.*

*Given the above, we OBJECT to the development layout as currently shown and I strongly advise that, prior to determination of this application, the site layout is amended to allow for adequate protection of the sewerage. A re-submitted drawing should show the site-surveyed position of the public sewerage crossing the site and provide for an adequate stand-off distance.*

*LLFA – We are recommending a 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 (Detail accordingly)*

*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, (refer to Point J in the Advisory Notes)*
- 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 (Refer to Point J in the advisory notes)*
- Basic ground investigation (desktop survey as a minimum)*

- *Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165).*

*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.*

5.5.3 In response to the comments made above (and those from other consultees) the scheme was amended and the proposals were reduced from 12 no. dwellings to 10 no. dwellings. Alongside these changes the applicant has also confirmed that they are in the process of working up a drainage strategy for the site, mindful of the presence of existing infrastructure and the need to secure Part H Building Regs build over agreements or sewer diversion with YWS. An initial draft drainage strategy was submitted (09/01/2019) but this was for a scheme of 11 no. dwellings so it is accepted that at this stage the strategy is still in concept form and needs to be fully detailed.

5.5.4 Notwithstanding the above, it is clear that there are drainage connections available in the local vicinity (associated with the site previous use) and therefore a drainage solution can be designed to meet the requirements of policy CS7 of the Core Strategy despite the objections initially raised by YWS and the LLFA. The applicant is agreeable to these details being the subject of a pre-commencement planning condition and therefore on this basis it is considered that the drainage issues can be resolved without delaying determination of the planning application.

## 5.6 **Land Condition / Contamination**

5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and provided the following response:



*Our records indicate that the site is in an area of recorded and likely unrecorded coal mine workings at shallow depth.*

*The planning application is supported by an Interpretative Report on Ground Investigation, dated August 2018 and prepared by Nicholls Colton. This report sets out details of the intrusive site investigations carried out on site and their findings. Unfortunately however it does not provide any detailed commentary on the findings of the intrusive site investigations and any risks posed to the development by past coal mining activity.*

*The report states that boreholes have been drilled to depths of 30m to investigate the coal seams but does not provide any detailed analysis on the findings of these works or provide any commentary on how these relate to the shallow coal workings we have recorded on site. Although it is noted that the report refers to the drilling of additional borehole it infers that these relate to the piling design and not any further investigations into shallow coal.*

*It is requested that additional, more detailed commentary, is provided by the report authors, or other competent person, on the findings of the intrusive investigations, how these relate to the shallow workings we have recorded on site and what risks are posed to the development, if any, by past coal mining activity.*

- 5.6.3 Having regard of the comments made by the CA detailed above, their concerns regarding the absence of a specific coal legacy interpretation of the ground conditions are noted. Notwithstanding this, given that the CA would ordinarily be satisfied that at the planning application stage a desk based risk assessment would be sufficient to enable a planning application to be determined (as this would establish potential risks to further investigated through site investigation) it is considered that the requirements being sought by the CA can be the subject of a pre-commencement planning condition (to which the applicant has agreed its imposition). Obviously in respect of this site the ground investigations have already been done, but they still are required to be interpreted to inform any necessary mitigation specifically relating to coal mining legacy. A condition would achieve this to enable the application to be determined in accordance with the provisions of policy CS8 of the Core Strategy and the wider aspirations of the NPPF.

5.6.4 In respect of land condition / noise the Council's **Environmental Health Officer** (EHO) was consulted on the application submission and had the following comments to make:

***Land contamination***

*I can see that the application is supported with a site investigation report. There is elevated levels of contamination in a possible 'hotspot'. It would be prudent to ensure that further testing of this area is carried out to eliminate any other contamination. The report also makes reference to gas protection measures to be installed within the design of the building. I recommend that the applicant provides a validation/verification report to demonstrate installation of the gas protection membrane – this could include reports from the Building Inspector and/or photos of the gas measures in-situ.*

***Noise***

*The proposed dwellings are within close proximity to existing residential properties. To ensure noise issues are minimised I recommend that hours of construction should be limited. 8:00am to 5:00pm Monday to Friday. 9:00am to 3:00pm Saturday. No construction work shall take place on Sunday or Public Holiday.*

5.6.5 In respect of the comments made by the EHO above, firstly despite the comments made the standard construction hours condition imposed Borough wide allows construction works to take place until 6pm Monday to Friday and until 5pm on a Saturday. The hours therefore being requested by the EHO above are unreasonable and will need to be extended to ensure consistency with previous planning decisions taken.

5.6.6 In relation to land condition, the advice recommended by the EHO is noted and the 'hot spot' contaminants identified by the ground investigations result will need to be addressed and mitigated against under the provisions of appropriate planning conditions and policy CS7 of the Core Strategy and wider NPPF. The need for gas protection measures is also noted and this will be secured by condition and the need for an appropriate validation report to be submitted for approval prior to the development being occupied.

## 5.7 Ecology & Trees

5.7.1 The site the subject of the application is previously developed land (PDL) which is a priority habitat in the Chesterfield Greenprint. The site has stood vacant / cleared since the previous sheltered housing accommodation was demolished and there are mature trees on site which are shown to be retained as part of the development proposals.

5.7.2 Having regard to potential tree and ecological constraints the application submission is accompanied by an Ecological Appraisal and Arboricultural Report which have reviewed by **Derbyshire Wildlife Trust** (DWT) under their service level agreement with the LPA and the Council's **Tree Officer** (TO). The following comments were made respectively:

*DWT - Sufficient information has been provided to determine the application. Ecological impacts are limited to the loss of habitat for urban/garden birds, hedgehogs and potentially foraging bats. It is essential that opportunities are included within the new development for nesting birds, roosting bats and hedgehogs to mitigate the impacts. These should include boxes, hedgehog highways and soft landscaping. We support the intention to retain the majority of trees and hedgerows. Should the council be minded to approve the application, we advise that the following conditions are attached:*

### Nesting Birds

*No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.*

### Hedgehogs

*Site staff shall remain vigilant for hedgehogs during site clearance. Should any be discovered they shall be moved carefully with gloved hands to an area of shelter, such as beneath a boundary hedgerow. An ecologist shall be contacted with any queries.*

### Biodiversity Mitigation and Enhancement Strategy

Prior to building works commencing above foundation level, a Biodiversity Mitigation and 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 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 (full details to be provided in Landscape Plans).

**TO** - After a pre-application site meeting regarding the trees on the site and the details provided within the Arboricultural report by EMEC Arboriculture dated October 2018 it is clear that the trees on and off the proposed development site have not been considered when designing the layout of the development. It is proposed that some of the trees on the site are to be removed and others affected to such a degree that pressure would be put on the Council to have those trees removed in the future.

### Site Layout

It is accepted that to facilitate any development on this site that some of the trees will have to be removed due to either their poor condition and form or their location. These have been identified as category C trees in the Arboricultural report and also include two good quality trees that are classed as category B trees reference T5 & T6 Cherry which are in the centre of the site. The location of these trees two category B trees makes any development difficult and they should be removed as their retention would be unrealistic and very problematic. All the other trees in the report categorised as B trees reference T1-T4 & T9 Sycamore, T8 Goat Willow, T10 Cherry, T15 Chestnut and T16 Lime and the old Hawthorn hedge reference G1 should be retained in the development and protected throughout any land stripping and construction. The trees add to the amenity and character of the area and if required should be protected by a tree preservation order so that the Council have full control of any future felling or pruning and construction damage. It is shown on drawing 102 Rev II titled 'Proposed site plan' that five trees on the site will be removed to facilitate the development,

*however other trees reference T9 Sycamore & T10 Cherry in the Arboricultural report and which are in category B are not shown on the drawing and are located along the east boundary. These trees may be affected by the development and any retained trees should be shown on the drawing to show how they will be affected by the proposal.*

#### *Tree constraints*

*There will be some construction activity around T1 Sycamore for the redesigning of the roadway and footpath. This may affect the roots of the tree so further details are required of the method of construction and how this will affect the trees and its long term retention and health.*

*It is recommended in the ecological report that T1 (T16 in the Arb report) Lime which is located to the south of the site in the grassed area next to the flats to the south is retained in the scheme, however it is doubtful that this will be achievable due to how close plot 1 is to the tree. If the tree does survive the construction phase and excavations there will pressure to have the tree felled immediately by the new residents due to how close the tree is to the property and rear garden. The root protection area (RPA) for this tree has been calculated at 7.2m. Plot 1 will therefore encroach into the RPA of this tree which should be free from any construction activity and create an exclusion zone throughout any development. The working area and excavations required for the foundations of this plot should also be considered in the layout. An exclusion zone of 9 metres would be a more suitable distance from the tree for any development to retain this tree without any construction damage and future problems. Limes notoriously drop sticky aphid excrement and have quite a dense crown so there will be a perceived nuisance with daylight and sticky residue to the property and rear garden area. The crown spread of the tree measures 6.3m on the north side which would therefore have to be pruned away from the new structure and create a long term maintenance problem for the Council and reduce the trees amenity value greatly. This is a classic case of building too close to a retained tree.*

*Plot 1 will also encroach into the RPA of one Chestnut tree reference T15 in the Arboricultural report which has a RPA of 6.9m. Again a suitable distance away from the tree should be given and include any excavations and working area. The crown spread*

*of this tree is greater than its RPA so a suitable distance would be 9 metres.*

*T9 Sycamore which is located on the east boundary of the site adjacent to 1 Jebb Gardens. This tree seems to have been plotted wrongly on the tree restraints plan contained within the Arboricultural report and is missed off altogether on the topographical survey and site layout plan. The RPA of this tree and location therefore needs to be reassessed to determine where the tree protection measures need to be located and how the development will affect the tree.*

*The parking bays for plot 12 will be in the RPA of T10 Cherry. Cherry trees have shallow roots and any excavations in the RPA will remove these roots making the tree vulnerable to windthrow and disease. There should therefore be no excavations within the RPA and the parking bays constructed above ground using an approved cellular confinement system or any construction activity removed from the RPA. Again the tree has been missed off altogether on the topographical survey and site layout plan. I therefore object to the application as it stands on the following grounds:*

- Plot 1 is too close to the retained trees T15 Chestnut & T16 Lime.*
- T9 Sycamore & T10 Cherry should be shown on the site layout plan to see what effects the development will have on the trees and any hard surfacing should either be removed or the construction designed using an above ground method (no dig).*

*Further information and conditions*

*Further details will also need to be provided which include:*

- Details of the construction around T1 Sycamore for the road layout.*
- No details of the tree protection measures have been provided so the applicant should provide a tree protection plan which should be attached as a condition if consent is granted to the application.*
- There are also no details of where the construction materials, site cabins, construction vehicles and machinery will be stored. These should be outside the designated RPA's and*

*the details shown on a plan. This should also be attached as a condition.*

- *A detailed drawing showing the location of any drainage and other service runs should be provided and which should be outside the designated RPA's unless details are submitted and approved of the specialised methods of installation that would avoid any root damage.*
- *A detailed landscaping plan and specifications should be submitted to mitigate against the loss of trees and habitats and should be attached as a condition.*

5.7.3 Looking in turn at comments received above, firstly in respect of ecology further discussions have taken place with the applicant to explore opportunities to incorporate biodiversity enhancement measures in the design of the scheme. The applicant has confirmed that they can install bird and bat boxes to each plot and boundary treatments can be designed to incorporate gaps for small mammals (such as hedgehogs) to pass through the site. The final detail of all hard and soft landscaping details are usually drawn up post permission and implemented prior to occupation and therefore it is considered to be reasonable that this can incorporate appropriate measures and species to satisfy the comments of DWT.

5.7.4 In respect of the comments made the TO above, the site layout has since been amended to reduce the scheme from 12 no. dwellings to 10 dwellings. This has amended the position of Plot 1 and its relation to T15 and T16. In addition the applicant has provided further clarity on the works required to the site access and footpath around the T1 Sycamore at the south western corner of the application site and the revised site layout plan has also been updated to show trees reference T9 and T10.

5.7.5 Despite the TO's initial objection, it is considered that the revised details submitted address the concerns which he initially raised and these points have been discussed with him. He has confirmed that subject to the imposition of appropriate conditions to secure a revised tree protection plan and further details of above ground construction measures for surfacing in root protection areas / car parking spaces (especially near to T9 and T10). Plot 1 has been moved away from T15 and T16, and the reduced density has allowed for greater separation from trees on the boundaries. The only exception to this being the complications of amending the site

access point and the footpath configuration adjacent to the Sycamore T1. It is accepted that the location and works necessary in such close proximity to this tree could potentially compromise it and therefore there is a risk it could be destabilized and lost as a result. Overall however given that the tree is not statutorily protected and a replacement could be secured (through the soft landscaping scheme details) if its loss is necessary this is considered to be an acceptable compromise which the TO accepts.

## 5.8 **Other Considerations**

### S106 / Planning Obligations

- 5.8.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.
- 5.8.2 Internal consultation has therefore taken place with the Council's own **Economic Development** and the **County Council (DCC) Strategic Planning** team on the development proposals to ascertain what specific contributions should be sought.
- 5.8.3 The responses have been collated to conclude a requirement to secure a contribution in respect of up to 1% of the overall development cost for a percent for art scheme (Policy CS18) and it will be necessary to look to secure the requirement for local labour (best endeavours), which is standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes.
- 5.8.4 The DCC Planning team has also responded setting out the infrastructure needs arising from the development proposals; which relate primarily to schools places, broadband and waste. An education contribution has been calculated to arise from the development for primary school provision; however this matter is now covered by the CIL Regulations 123 List so a separate contribution will not need to be sought. Broadband provision and Waste are also dealt with by separate matters / initiatives.



## 5.9 Community Infrastructure Levy (CIL)

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 10 no. new dwellings and the development is therefore CIL Liable.

5.9.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>Total = 981sqm</b>	0	981	£50 (Medium Zone)	317	288	<b>£53,989</b>

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

5.9.3 Having regard to the above, the application as presented is to build new social / council housing stock and therefore the scheme could benefit from social housing relief / exemption under the CIL regulations via the relevant CIL application process providing the claim is made pre-commencement of development.

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice posted on 16/11/2018; by advertisement placed in the local press on 22/11/2018; and by neighbour notification letters sent initially on 13/11/2018.

6.2 As a result of the applications publicity there were five representations received as follows:

### **1. 162 Old Road**

Thank you for the notification by post of the above proposal. In theory my husband and I do not have any objections to the current application, however we do have some questions based on the site drawings.

We live at 162 Old Road and from the plans proposed plots 5 and 6 will back onto our boundary.

Questions we would like answering are as follows:

1. The current boundary around our property is a stone wall which we have erected a fence in front of on our side to maintain privacy as there is a public footpath that runs alongside our boundary. Currently we have to gain access via the proposed building plots to maintain that walled boundary. Can you provide us with how you propose that this wall is maintained and remains in place?
2. Will the public footpath as part of this planning application be renovated as it is currently in a state of disrepair?
3. There are several trees on the current site, are any of these protected with a tree preservation order and if not are there plans to maintain the current ones?

Lastly we agree that social housing is very much lacking and having children who have grown up and faced the hardship of trying to navigate the housing ladder we totally support this application. However we would like the council to consider carefully, as they have done in the past, the allocation of these new houses to individuals who will continue to support the local environment and social standing we in this area are very proud of.

### **2. 10 Church Street West**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: Traffic plan required to control access to and from site and contractor parking around the site.

### **3. 1 Jebb Gardens**

I give below my concerns regarding the above application:

1. Increased volume of traffic - There is already a large volume of traffic in this area already, with people who work on Chatsworth Road using the side roads for parking. This area is home to a large number of elderly residents, and some very young children, both of

whom are vulnerable. There is no clear speed limit displayed, and sometimes the speed used by some people visiting the area is dangerous. Due to the erratic and illegal parking it is, on numerous occasions like an obstacle course just to leave this site. I have been the recipient of aggressive verbal abuse when trying to inch out of a side road, and I am sure I am not alone. The introduction of 12 new dwellings with their incumbent cars and visitors will only exacerbate this problem.

2. Large Trees – There are a considerable number of large trees all around the area of the proposed dwellings, none of which have been managed during the period I have lived here which is 8 years. Before I moved to this area my garden contained 8 mature trees all of which were pruned or pollarded every three years. The trees in this area have been allowed to grow to unmanageable heights clearly over many years, which I feel is irresponsible in a built up area. Not only will they make the houses dark during summer and prevent growth of plants and vegetables as I have found, but could also cause damage during winter storms.

3. Hedges – This is purely personal, as I understand there will be a new dwelling next to my home, and having only just got the council to cut their side of the hedge I would like some assurance that whoever moves into this dwelling respects the fact that they have a responsibility to maintain their side of the hedge and I will be quite happy to maintain the top.

Finally I feel that the above should be taken into consideration prior to the approval of the planning permission. Thank you for inviting me to contribute to this process.

#### **4. A Local Resident (Meynell Close)**

We too, in theory, don't have objections to houses being built on the said site, we just have some concerns that we're hoping that you will be able to give us some assurances with.

1. We're worried that the proposed development will have a negative effect on the future value and saleability of our property on Meynell Close. Which, as you can imagine, would then have a negative effect on our future wellbeing and quality of life as our home is our pension and we have worked hard throughout the course of our lives to make our home worth what it is. Can you reassure us that this will not be the case?

2. Parking issues are already a major concern on Meynell Close, we're aware that some parking restrictions are going to be put in place at the entrance to Meynell close, will these now be added

further round to the blind bends as you come further round to where our properties are, to restrict parking on these bends?

3. I think it's misleading of you to say that traffic will be less than it was when the 1 story block of 31 flats was there, those flats were for people with specific needs, primarily the elderly who tended not to have vehicles so the only traffic they created were vehicles from carers and ambulances taking residents to and from appointments, so traffic to those flats were at a minimum.

To close, we sincerely hope that this development will add to and make this area a more safe and a pleasant place to live, and reiterate with other neighbouring residents that we hope the council will consider carefully the allocation of these properties to families that will want to support the local community and social standing in this area.

### **5. A Local Resident (Meynell Close)**

I have only been able to respond to the letter about the proposal presently. The timescale given (I received the letter on the 16th Nov and had to respond by the 4th Dec) for me was insufficient to allow adequate research, analysis and response to the proposal particularly having a full time job and commitments.

Firstly I would like to point out that as a resident of Meynell Close I have always taken an interest in the flora and fauna of the area. When Heaton Court was present, there were green spaces and trees integrated throughout. Since its demolition, I believe the ecology to have improved along with the areas tranquillity, but I have been concerned as to the future plans for the land.

I had hoped it would not be developed for buildings, but perhaps used as a part managed wild urban green space or failing that a nature sympathetic development. This I believe could have protected the trees, the ecology and been appreciated by local residents and passers-by (a footpath runs alongside). Indeed the 'Application for prior notice of demolition 17th Feb 2016' stated that there was no 'redevelopment or rebuilding work proposed at a later date'. Considering how urbanised and congested the area is this seemed a good idea.

I have since read about the proposed development.

The area has been described as 'an established built-up area' and that 'residential development is acceptable in this location' (Urban Design Consultation Response 1) giving the impression that further intensive urbanisation i.e. building another 12 dwellings plus a road and off road parking spaces would have little knock on effect. I believe the opposite. It is exactly in these areas that ecologically

rich green spaces are needed, particularly for the many elderly residents with no transport. The site currently provides a tranquil semi-natural island surrounded by buildings. It offers much needed respite from increasingly man made spaces, helping to protect against floods, extreme weather, air and noise pollution and providing immeasurable aesthetic and ecological qualities, sustaining bird, animal and plant biodiversities, as well as providing valuable corridors for wildlife. ('Identify, map and safeguard components of... wildlife corridors and stepping stones that connect them' National Planning Policy Framework, Section 174.a July 2018)

As a resident of Meynell Close I have witnessed the regular presence of many species of birds and animals, including Tawny owls, woodpeckers, foxes, hedgehogs and badgers.

Some of these were at night where in the ecology report it says little study was carried out). I believe some of these to only frequent places that have a certain level of arboreal quality, particularly mature trees. Since trees take many years to reach maturity (and their full ecological potential) and have a lifespan far greater than ours, serious and careful consideration must be taken as to whether it is absolutely necessary to remove or affect a tree in the full knowledge that it would take upwards of a century to replace like for like. The mature and semi mature trees will have been there longer than most if not all of the man-made structures and as such are part of our natural heritage. All involved have an investment in the trees which provide the basis of local ecology and as such a duty to protect them. Mr. Steve Perry of Chesterfield Borough Council Planning Department 'identified six trees that he would like to see remain.... These are identifies on the drawing' (Application for prior notice of demolition 17th Feb 2016). If these trees were considered valuable enough to be protected during the demolition process two years ago, when NO plans had been made to build on the land, then why are they now earmarked for removal?

The immediate removal of hedges and at least 6 (half) mature and semi-mature trees (of different species including oak, willow and cherry), the possible removal of more later due to being inconveniently located and/or damaged while construction was taken place and the subsequent human presence, I can only assume will reduce significantly the number of species and the individual number of birds and animals. Of the area being developed, the vast majority if not concreted or built on is mostly

small patches of grass surrounded with fences with a negligible ecological value.

In the National Planning Policy Framework of July 2018, it states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

I don't believe the development has been designed with sympathy for the existing trees, nor with the future ecology of the site in mind, but more to maximise the number of properties and amenities. This conclusion was also reached by the DCC tree officer Steven Perry where in his report says;

'It is clear that the trees on and off the proposed development site have not been considered when designing the layout of the development. It is proposed that some of the trees on the site are to be removed and others affected to such a degree that pressure would be put on the Council to have those trees removed in the future.'

Even with the limited experience I have had in town planning during my degree, I am sure I could draw up a plan that designed out the need to remove these trees, and offered enhancement for the existing ecology for future generations.

"Trees matter. It's no coincidence that they get a mention in the very first chapter of the Bible, and in the very last, and in almost every book of the Bible in between. Trees matter to the planet and they matter to communities."

The Bishop of Sheffield, Rt. Revd Dr Pete Wilcox commenting on the recent joint decision between Sheffield City Council and the residents' battle to save Sheffield's trees.

- 6.3 On 07/01/2019 and 09/01/2019 the application was revised (which included a reduction in dwellings proposed from 12 to 10). Neighbours (and other contributors) were subsequently re-notified on 10/01/2019 inviting their views on the revised plans. The following 2 no. representations were received:

**1. A Local Resident (Meynell Close) x2**

Thank you for your letter dated 10th Jan regarding the residential development on Heaton Court. I'm writing to raise a serious concern I have with regards to parking in the area. I live in one of the bungalows at the end of Meynell Close and we already have lots of issues with parking here. I can see from your most recent

plans that you seem to be taking a section of parking away which is currently used by the flats in that area as they have very little allocated parking already, to create parking for plots 1 & 2. Which will mean they have to find parking elsewhere. Which will probably be on the road where there is already limited parking which is in demand.

Meynell Close is often used by the residents of Heaton Street as their properties back on to here. Due to parking on our road being in demand people park dangerously, people park in the turning circle outside my bungalow which often makes it difficult for me to vacate my drive. They also park on the bends which then makes these blind so I have to edge off the road slowly as people speed around them and I am afraid of being involved in an accident which is no fault of my own.

I have no problem with the building of the proposed properties but would like assurances that parking will not become more of an issue. The issues we currently need addressing first. I have already complained numerous times to Chesterfield Borough Council regarding parking in this area to no avail. Looking at the plans your only concern is for parking of the new homes and current parking issues are being ignored.

After looking at the plans again am I right in thinking the allocated service strip will be for recycling bins? If I am right I've noticed that it has been positioned so as not to be an eyesore for any of the residents of the new properties, if so I would like to ask if the recycle bins for the flats near my home (bungalows on Meynell close) could be adjoined to them as I look straight at them from my living room window, I hope that you would understand the upset and dismay on opening my curtains that morning.

I have obviously been in contact with the council on many occasions about this issue to no avail just to be told there is nowhere else to put them, I also have to often ask them to come and remove all the debris from around them, which is incredibly upsetting as this is my home.

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

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

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

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



## 9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS11, CS13, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

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

## 10.0 **RECOMMENDATION**

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

### Time Limit etc

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

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

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

2584 0001 - Topographical and Utility Survey

7525-101 – Site Location Plan

~~7525-102 – Proposed Site Plan~~

~~7525-103A – The Rockingham House Type~~

~~7525-104A – The Thetford House Type (Style 1)~~

~~7525-105A – The Holt House Type (Style 1)~~

~~7525-106A – The Holt House Type (Style 2)~~

~~7525-107A – The Thetford House Type (Style 2)~~

~~7525-108A – The Cardinham House Type~~

Design Statement by CBC Design Services (dated Oct 2018)

Ground Investigation by Nicholls Colton Group (dated August 2018)

Preliminary Ecological Appraisal by Whitcher Wildlife Limited (dated July 2018)

Received 27/11/2018

Design Statement Rev A by CBC Design Services (dated Nov 2018)

Received 28/11/2018

Arboricultural Report and Impact Assessment by EMEC Arboriculture (dated Oct 2018)

~~HEA-AWP-S38-XX-SK-C-0001 P1 VEHICLE TRACKING (SHEET 1) – Fire Appliance~~

~~HEA-AWP-S38-XX-SK-C-0002 P1 VEHICLE TRACKING (SHEET 2) – Refuse Vehicle~~

Received 07/01/2019

7525-102C – Proposed Site Plan

7525-103C Option 1 – The Rockingham House Type

7525-103C Option 2 – The Rockingham House Type

7525-104C Option 1 – The Thetford House Type

7525-104C Option 2 – The Thetford House Type

7525-105C – The Holt House Type (Style 1)

7525-106C – The Holt House Type (Style 2)

7525-107C – The Thetford House Type (Style 2)

7525-108C – The Cardinham House Type

~~7525-109C – Proposed Site Plan~~

Received 09/01/2019

7525-109D – Proposed Site Plan

7525-110 – Existing Site Entrance Layout

7525-111 – Proposed Site Entrance Layout

7525-112 – New Road and Footway Alteration

M2-Sketch Drainage B – Indicative Drainage Details

Received 15/01/2019

HEA-AWP-S38-XX-SK-C-0001 P4 VEHICLE TRACKING (SHEET 1) – Fire Appliance

HEA-AWP-S38-XX-SK-C-0002 P5 VEHICLE TRACKING (SHEET 2) – Refuse Vehicle Option 1

HEA-AWP-S38-XX-SK-C-0003 P3 VEHICLE TRACKING (SHEET 3) - Refuse Vehicle Option 2

## Drainage

03. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority.

If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection;
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change; and
- d) details of either the proposed diversion of the public sewer which crosses the site and its easement protection which accords with the requirements of Yorkshire Water Services, or confirmation of a build over agreement approved with Yorkshire Water Services.

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.

*Reason - To ensure that no drainage discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.*

## Land Condition

04. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site; and appropriate interpretation of these results have been agreed. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the remediation / stability of the site. Only those details which

receive the written approval of the Local Planning Authority shall be carried out on site.

*Reason - To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.*

### Highways

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

*Reason – In the interests of highway safety.*

06. The premises, the subject of the application, shall not be occupied / taken into use until the site access / exit has been modified in accordance with the revised and approved application drawings to be provided with exit visibility sightlines (as shown) to the nearside carriageway channel in each direction and all areas in advance of the sightlines being over controlled land/ existing highway and maintained clear of any obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the same channel level.

*Reason – In the interests of highway safety.*

07. The premises, the subject of the application, shall not be occupied/ taken into use until space has been provided within the application site in accordance with the revised and

approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

*Reason – In the interests of highway safety.*

### Trees / Ecology

08. Prior to the commencement of the development, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Specific issues to be dealt with in the TPP and AMS inc:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) a full specification for the construction of any hard landscaping and footways, including details of any no-dig specification and extent of the areas hard landscaping and footpaths to be constructed using a no-dig specification. Details shall include relevant sections through them.
- d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- e) a specification for scaffolding and ground protection within tree protection zones.
- f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

*Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.*

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

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

10. Prior to the commencement of development, a biodiversity enhancement strategy as outlined in the ecology report shall be submitted to and approved in writing by the Council, to ensure no net loss for biodiversity and aim for a net gain (NPPF 2018). Such approved measures should be implemented in full and maintained thereafter. Measures may include:
- details of bird and 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 (full details to be provided in Soft Landscape Plans).

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

### Landscaping

11. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwellings.

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

12. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

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

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

### Others

13. Before construction works commence or ordering of external materials takes place, 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.

*Reason - 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.*

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

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

15. Construction work (inc. demolition works) shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

*Reason – In the interests of residential amenity.*

16. Upon commencement of development the applicant shall submit a 'Percent For Art' scheme which details the commissioning and provision of public art (up to the value of 1% of the overall development costs) within the application site boundary. Only the approved piece of public art shall be installed on site in accordance with the approved scheme and an approved timescale agreed in writing by the Local Planning Authority. The approved artwork installed on site shall be retained in situ as such for the life of the development.

*Reason - In the interest of amenity and to accord with the provisions of policy CS18 of the Core Strategy.*

## **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.



02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management at Derbyshire County Council - telephone 01629 538686.
04. 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.
05. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
06. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three month's notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these

can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
08. In relation to the any works / conditions regarding trees the following British Standards should be referred to:
  - a) BS: 3998:2010 Tree work – Recommendations
  - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.