

Case Officer: Rob Forrester File No: CHE/19/00239/FUL  
 Tel. No: (01246) 345580 Plot No: 2/1742  
 Ctte Date: 23<sup>rd</sup> September 2019

**ITEM 5**

**RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 21NO TWO, THREE AND 4 BEDROOMED DWELLINGS ACCESSED BY A NEW ESTATE ROAD FROM CHEEDAILE AVENUE, WITH ASSOCIATED FOOTPATHS AND PARKING COURT/PARKING SPACES, BOUNDARY WALLS AND FENCES, RETAINING WALLS AND AREA FOR PUBLIC ART, REVISED DRAWINGS RECEIVED 12.08.2019, 28.08.2019 & 02.09.2019, AT FORMER BROCKWELL COURT, BROCKWELL LANE, BROCKWELL. CHESTERFIELD. DERBYSHIRE. S40 4PJ**

Local Plan: Unallocated  
 Ward: Loundsley Green

1.0 **CONSULTATIONS**

<b>Local Highways Authority</b>	Comments received 23/06/2019 – no objection in principle. Comments on amended scheme awaited.
<b>DCC Archaeology</b>	Comments 15/05/2019 - The proposals will have no archaeological impact.
<b>Fire Authority</b>	Comments 10/05/2019 – recommends domestic sprinkler system and 32mm diameter supply.
<b>CBC Urban Design Officer</b>	Comments 19/06/2019 - Concerns at initial scheme. No objections to revised plans.
<b>DCC Contributions Monitoring</b>	Comments 21/05/2019 – Local Schools would not have capacity, and there would be a shortfall of 2 infant and cannot be met locally. Junior schools do not have capacity for the future 2 infants. Sufficient secondary school capacity. To be met through C.I.L.

<b>CBC Tree Officer</b>	Comments received 05/09/2019 – no objects as dev outside RPA.
<b>Derbyshire Wildlife Trust</b>	Comments received 22/05/2019 Concern at trees in gardens and fencing that prevents foraging/movement; loss of bio-diversity in matrix; welcomes hedgehog fences and bird/bat boxes
<b>DCC Lead Flood Authority</b>	Comments 22/05/2019 - Need more info re SUD's drainage
<b>Yorkshire Water Authority</b>	Comments received 14/06/2019 & 30/08/2019. Needs extra technical details – advises 2 conditions
<b>Coal Authority</b>	Comments received 23/05/2019 – concurs with submitted mining report still potential for safety concerns - no objections subject to intrusive investigation standard condition
<b>Crime Prevention Design Advisor</b>	Comments received 20/05/2019 – Treatment for Newbold Back Lane important – needs secure boundaries; there's no access to rear garden of Plot 13;
<b>CBC Economic Development</b>	Comments 07/06/2019 - Given the nature of the proposal there will be employment, training and supply chain opportunities created during the construction phase of the development. It is recommended that a local labour/ supply chain clause is negotiated
<b>CBC Drainage</b>	Comments received 10/05/2019 & 14/08/2019– Site not at flood-risk. Drainage attenuation details acceptable – no objection.
<b>CBC Environmental Health</b>	Comments received 22/05/2019 – no adverse comments –

	advises 3 conditions
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	3 representations received

## 2.0 **THE SITE**

- 2.1 The site the subject of the application comprises an open area of overgrown land to the north of Cherwell Avenue at its junction with Brockwell Lane, and is surrounded by boundary hedges and trees to most sides (Cheedale Avenue remains relatively open). Some trees are subject to a Preservation Order. It is currently an overgrown site with areas of scrub and self-seeded saplings, although elements of the former use remain as hardstanding areas and access-points.

Current state of the site shown below



- 2.2 The site is the former Council-owned Brockwell Court sheltered housing scheme and there was considerable site coverage by the T-shaped building and associated drives and car-parking. The former 2-storey building was demolished in 2011/12 and the site is now overgrown with a derelict appearance.

Former Building/access at the site



- 2.3 The site is roughly triangular in shape and is situated to the north-east of the bend where Brockwell Lane turns in to Cheedale Avenue, with a turning area (previously used for siting re-cycling containers before road-side collections became available) at the corner as shown in the above photograph, and the location plan below.



- 2.4 The site frontage is to Cheedale Avenue, where a bus-stop is situated (with an assigned bus-route through the adjacent site to the B6150) and there are 2 further access-points, which gave access to the car-park/delivery area for Brockwell Court (at the centre of the frontage), and at the western end of the site, a secondary access was used by the site warden.



2.5 The site has a substantial tree and hedge boundary to the south-west and north-west boundaries (2 of the trees are protected) and beyond the boundary is an estate of modern bungalows on Cheedale Close.

2.6 To the south (on the opposite side of Cheedale Avenue) is Grasscroft Close, a modern 2-storey housing scheme grouped around a courtyard. On the corner of Cheedale Avenue and Grasscroft Close - immediately to the south of the site - is a flat-roof 3-storey apartment block (Hundall Court), shown below



2.7 The eastern boundary of the site is a mixed hedge/fence set on top of a raised embankment to Newbold Back lane, which contains several properties adjacent to the site, mostly bungalows. There is a short footpath linking Newbold Back Lane to the footway at the junction of Brockwell Lane and Cheedale Avenue.

2.8 All the surrounding land is in residential use.

### 3.0 **RELEVANT SITE HISTORY**

3.1 The only relevant Planning History relates to the demolition of the previous sheltered housing scheme: -

3.2 CHE/10/00715/DEM - Prior Notification for Demolition - Approved 07.02.2011

### 4.0 **THE PROPOSAL**

4.1 The (revised) application submitted seeks full planning permission for the erection of residential development. It has been brought to

Planning Committee as the site is Council-owned and it will be a Council's own development for 100% affordable-housing to be social-rented construct by the Council's housing partner, the Starfish Housing Group.

- 4.2 The development comprises the erection of 21No two, three and 4 bedroomed dwellings accessed by a new estate road from Cheedale Avenue, with associated footpaths and parking court/parking spaces, boundary walls and fences, retaining walls and area for public art.
- 4.3 The design of the dwellings (apart from a single bungalow which would be a conventional-build) is a modular-system with the dwellings partly constructed off-site and which allows for a quicker build-project.
- 4.4 The dwellings - which will be largely constructed of brick and render or brick and dark-grey cladding includes a single detached bungalow, and 20 houses of 2, 2 ½ and 3-storey proportions, the majority being semi-detached of matching pairs, and includes 3 terraces of 3 units.

The section drawings below show a typical appearance:-



Main view to Cheedale Avenue

- 4.5 The dwellings all have 2 or 3 parking spaces (either as in-curtilage parking next to the dwelling, or grouped within a small parking court) and each dwelling will have a private rear garden containing a storage shed and assigned bin-storage areas.
- 4.6 The development will be served by a new access on to Cheedale Avenue which would be adopted by the Highway Authority, and which allows for turning of refuse vehicles. The main access would

serve most of dwellings although some front directly onto Cheedale Avenue.

4.7 The dwellings are situated away from the mature and protected trees on the site with appropriate root protection areas. The boundary hedge and banking to Newbold Back Lane would remain as existing, with a new boundary fence set within the site. An area for public art is indicated although the design has yet to be decided.

4.8 Due to the slope of the site, there would be some cut-and-fill across the development, with some minor retaining walls around 500mm in height to accommodate the changes in levels.

4.9 The application submission is supported by a Design and Access Statement which concludes that:-

As the development is within a residential area, close to open space, and with bus stops to Chesterfield, Bakewell and Walton, it is a sustainable location, and that the development has been designed to meet normal highway standards and to avoid harm to neighbours amenity.

4.10 The submission is accompanied by other technical reports to cover issues of:-

- Bio-diversity/ecology/landscaping
- Arboricultural assessment and method statement
- Flood-risk and drainage strategy
- Mining desk-top study and
- Geo-environmental assessment (contamination)

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy Background**

5.1.1 The site is situated within Loundsley Green Ward in an area which is unallocated in the Local Plan and is exclusively residential in nature.

5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4

(Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS11 Range of Housing, CS13 Economic Growth, CS18 (Design) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

## 5.2 **Principle of Development**

### **Local Plan Spatial Strategy**

- 5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are viewed to be in date and relevant to the proposal.
- 5.2.2 **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. In terms of walking distance, the site is around 650m to the north of Loundsley Green Centre and 1km to the North-east of Holme Hall Local Centre. Given the distance and route, this is considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to "800m" being a 'walkable neighbourhood'. There are bus stops in close proximity and good cycle routes to the centres.
- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites. In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **CS10** states that "planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5



year supply of deliverable sites.” The site is however a previously developed brownfield one (notwithstanding that the former building has been demolished and there remains hardstanding and infrastructure on the site). Accordingly the proposal would accord with policy CS10, and the NPPF advocates development of such sites and at an efficient density.

- 5.2.5 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11 of the NPPF.
- 5.2.6 21 dwellings on this 0.72ha site gives a density of 29.1 dwellings/ha which is appropriate given the character of the area and the N.P.P.F direction to make an efficient use of the available housing land, using higher density where possible.
- 5.2.7 The development is a suitable and varied ‘mix’ of dwelling types as required by Policy CS3 and the development proposed is for 100% ‘affordable’ dwellings - in the form of social-rented accommodation which is considered to represent the most ‘need’ in the area.
- 5.2.8 The N.P.P.F, requires major development schemes to deliver at least 10% affordable home-ownership (except for schemes such as this where it is solely ‘build-to-rent homes’ and affordable dwellings), and usual Local Plan policy requirement in this location would be for 20% affordable units (which would normally be delivered by a Section 106 agreement to control occupancy and secure the long-term affordability), however being a Council-development, such an agreement/restriction is not possible. The intention is for this development to be 100% affordable dwellings, although as the site would be social-rented, and therefore potential for a right-to-buy in the future, the Housing Act requirements dictate that such restrictions cannot be applied.
- 5.2.9 The above Policy requirements cannot thereby be applied although in actuality, it is unlikely that all of the dwellings would be bought by the tenants in the future and therefore the site should remain as affordable housing in the future.

5.2.10

The Strategic Plans Manager has stated that in relation to Policy CS11 –

*“This is primarily an issue of interpretation of policy CS11, so it may be useful to set out some background. CS11 is basically the policy that attempts to resolve the tension between the differing aims of the NPPF set out (now) in paras 61 & 62 (the requirement to meet need) and para 34 (that policies should not undermine deliverability). As such it is aimed squarely at sites where we will be negotiating affordable housing (“30% of affordable...sought by negotiation”) but nothing about that precludes a developer seeking to go over that requirement if they wish to offer it (in which case we are no longer ‘negotiating’ for it and the upper limit of 30% doesn’t apply).*

*You’ll note that CS11 doesn’t actually specify a proportion of intermediate housing, or a minimum level. It refers to a split determined by an assessment of need. In fact it was deliberately designed this way because we know many developers often favour shared ownership, while Housing have doubts about its usefulness in our housing market, particularly in the lower priced parts of the borough. So the policy was designed with a mechanism to allow us to argue for a greater proportion of rented where we needed to. In this case, as Housing are supportive, I would take the view that it is safe to assume that the scheme has been designed to meet what they have identified as a need, and therefore satisfies this aspect of the policy.*

*The NPPF has, of course, complicated this by adding the requirement (in para 64) for 10% affordable home ownership, but there is an exemption at (d) for developments exclusively for affordable housing, so we don’t need to deal with that here.*

*In short we don’t need to do anything about intermediate housing as there is no specific level required by either local or national policy”.*

5.2.10

It is considered that weight should be given to policies CS1, CS2, CS3, CS10 and CS11, and the NPPF and therefore it is considered that the principle of development is acceptable and the Strategic Policy Team have raised no objections.

### 5.3 **Design and Appearance**

- 5.3.1 In respect of design and appearance matters the site provides a range of dwelling sizes and proportions, and whilst there were concerns at the original scheme, the revised proposal is considered to be an acceptable design.
- 5.3.2 The local area is a very mixed one with a range of designs/architectural style, age and proportions of dwellings and with no particular over-riding or locally distinctive character and as a result, the scheme could not possibly reflect all the surrounding development, and it will have its own 'character' as do the various pockets of development nearby since the varying forms of dwellings are in clusters.
- 5.3.3 With such a variety of character nearby, and with surrounding dwellings in the proximity of the site comprising bungalows, 2-storey houses (and a 3-storey flat scheme on the opposite side of Cheedale Avenue) the proposal is considered to be an appropriate design, scale and character.
- 5.3.4 The area is not a designated sensitive one, such as a conservation area and there are no nearby listed buildings. With the lack of any locally distinctive character, the design proposed is considered to be appropriate in the street scene and the off-road parking, bin-stores and sheds are largely well screened at the rear and the scheme is visually acceptable.
- 5.3.5 Apart from the issues of fencing, there are no design matters related to the application which would materially affect crime, disorder or policing, although the Police have expressed concern that one central dwelling within a block of 3 (Plot 13) has no rear access. This cannot be readily achieved with the modular construction proposed and as it has a large rear garden and storage shed, this is not considered on balance to be unduly harmful.
- 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, CS6, and CS18 of the Core Strategy.

## 5.4 **Highways Issues**

- 5.4.1 Whilst the representations received make particular reference to highway safety and in particular, traffic and parking concerns, the development provides adequate visibility splays at the accesses, and off-road parking for each dwelling.
- 5.4.2 The amended plans provide the improvements to the road layout requested by the Local Highways Authority (LHA), although their specific views on the amended plans are awaited.
- 5.4.3 The majority of the dwellings would be served by an adopted standard highway (incorporating a refuse vehicle turning area) although some of the dwellings fronting on to Cheedale Avenue have their parking accessing on to the highway, without on-site turning, which has generated some objections.
- 5.4.4 Plot 5 (one of the 3-storey 4 bedroomed dwellings) has its parking spaces served by the drive at the western end of the site, which previously served the wardens dwelling within the former Brockwell Court, and units 20/21 (2 of the dwellings within the terrace of three) utilise the former turning-head - that was previously the re-cycling-point for the area.
- 5.4.5 Cheedale Avenue is wide at this point and there is good visibility, and whilst the proposed drives are not ideal, given the previous use of the site, the manner of creating off-road parking for those units is considered to be acceptable in highway safety terms.
- 5.4.4 The N.P.P.F indicates that planning permission should only be refused on Highway Safety grounds if the resulting situation would be “severe” and on this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.
- 5.4.5 Electric-vehicle charging-points are shown on the plans - although the details of how their provision within the communal parking areas would be achieved remains outstanding. Such facilities should assist in the reduction of air pollution and comply with Policy CS20.

## 5.5 **Flood Risk & Drainage**

- 5.5.1 In respect of matters of drainage and potential flood risk, the site does not fall within a flood-risk zone.
- 5.5.2 Foul drainage would be discharged to the public foul sewer, and bearing in mind that the previous development on the site would have had a considerable site coverage and an appreciable run-off, the applicant's drainage strategy is based on attenuating the run-off rate for surface water from the site during rainy conditions to no more than the previous rate.
- 5.5.3 As ground conditions are not suitable for S.U.D's-type soakaway's, the intention is to discharge surface water (suitably attenuated), in to the public sewers in Newbold Back Lane, which will need Yorkshire Water agreement. Their response in relation to the amended drainage details are awaited. Although objecting to the initial drainage scheme, they have indicated that the development is acceptable subject to conditions relating to the submission of further details.
- 5.5.2 Whilst **CBC Drainage Section** has indicated that the revised drainage details as required by Yorkshire Water are acceptable, and have no objections and drainage can be subject to conditions, and the development complies with the provisions of policies CS2 and CS7 of the Core Strategy.

## 5.6 **Land Condition/Noise (Inc. Neighbouring Impact/Amenity)**

- 5.6.1 In respect of land condition the site is within the Coal Authority's defined high-risk area and a mining report has been provided and whilst intrusive investigation will be needed to determine the type of foundations needed, the site is not one where development should be restricted. The Coal Authority has raised no objections and subject to conditions, it is considered that the development complies with the provisions of policies CS2 and CS8 of the Core Strategy.
- 5.6.2 The site was previously a housing site and therefore contamination is highly unlikely, and the Council's **Environmental Health Officer** (EHO) raises no objection subject to a working-hours condition for the construction and deliveries to the site.

- 5.6.3 The same consultation response also indicates that in order to reduce pollution for air-quality purposes, electric vehicle charging points should be provided, (and these have been indicated in the plans and a suitable condition imposed).
- 5.6.4 In relation to the impact on the amenities enjoyed by the neighbours, it is noted that several of the letters of objection refer to a loss of privacy and that the dwellings - particularly the 3 storey units - being over-bearing, and would result in a loss of light.
- 5.6.5 The development is separated from the modern bungalows to the west by a substantial boundary hedge and mature trees, and the proposed 3-storey building presents a side gable towards the bungalows (with no habitable room windows) and is 14m from the nearest property. Elsewhere on the site, the proposed dwellings are at an oblique angle and no over-looking would occur.
- 5.6.6 The nearest proposed dwelling to the modern bungalows on Cheedale Close is the single bungalow and as a result it would not impact on the neighbours, and overall, in relation to Cheedale Close, the development meets the guidance distances within the Successful Places SPD.
- 5.6.7 In relation to the properties at Grasscroft Close, whilst these would have the habitable room windows of several 2, 2 ½ and 3-storey dwellings facing towards them, this would be across Cheedale Avenue, viewed at an angle and at a separation distance in excess of 26m.
- 5.6.8 Overall, in view of the distances involved, in relation to Grasscroft Close, the development would not cause any significant loss of privacy, over-looking or over-shadowing.
- 5.6.9 The situation in relation to Newbold Back Lane is more complex, due to the differences in levels, the raised bank and dense trees/hedges on the boundary and the proximity of 2 existing bungalows which face on to the lane at a short distance. These dwellings are at a lower level than the application site, although it is noted that the residents have grown hedges and erected walls/fences that create some loss of light in any event. The lane also has a lot of natural screening arising from the banking/dense planting.

- 5.6.10 2 pairs of semi-detached houses (plots 15 -18), face towards the lane, although these have been relocated further from the boundary on the revised scheme, and have a separation distance of 26m from the 2 existing properties, which is considered to be adequate, given the intervening bank and boundary features.
- 5.6.11 In order to reduce any oppressive nature arising from the 3-storey dwellings, those units have been relocated so as to be situated behind the mature tree on the boundary, which would provide some natural screening between those units and the property known as Twin Oaks.
- 5.6.12 The terrace of dwellings - Plots 12, 13 and 14 - are located close to the boundary with No 241 Newbold Back Lane, although there are no habitable room windows (other than a narrow slit-window to the dining room) within the side elevation of that dwelling-type, and the end wall of the units present a narrow built form towards the bungalow on the lane.
- 5.6.13 The property at 241 Newbold Back Lane, would look out on to the gable wall of plot 14 at a distance of 12.5m, and in order to reduce any impact, that terrace of dwellings is to be provided with a hipped roof and which reduces as much as practicable, the impact on that dwelling.
- 5.6.14 Given the difference in levels, the existing heavily planted boundary and the boundary treatment at that property, it is not considered that the proposed development would have any significant impact on the sunlight reaching the neighbour, nor would the development be oppressive.
- 5.6.15 It is considered that the position of the proposed dwellings, the distances between the new and existing dwellings and the orientation of windows is such that no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy would result, nor would the scheme be oppressive and no undue noise/disturbance would arise from the use of the accesses.
- 5.6.16 The proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 and CS18 of the Core Strategy, the guidance within the N.P.P.F and the Adopted S.P.D – Successful Places.

## 5.7 Other Considerations

- 5.7.1 Mature Trees - the amended scheme locates the proposed dwellings, any raising of ground level and parking and fences to outside of the root protection area of the 2 protected trees and the other mature trees on and overhanging the site.
- 5.7.2 The tree officer is satisfied that subject to the usual tree protection conditions, the development would not harm the future health of the trees, and the dwellings are sufficiently distant such that it would not result in demands from the residents to trim the trees, and whilst some gardens would be over-shadowed by the trees, the gardens are of generous proportions and each dwelling near to a tree, would still have a useable garden area.
- 5.7.3 Bio-diversity - Core Strategy policy CS9, seeks to ensure that all new development has a net gain in biodiversity, and the applicant has submitted a bio-diversity matrix.
- 5.7.4 This concludes that the scheme would have a 55% loss in bio-diversity habitat, although this is a figure based on 'quantity' as there would be a loss of vegetation across the site, although this is scrub and grassland that does not have a high value.
- 5.7.5 The bio-diversity strategy is to replace quantity with quality and the enhancement of the boundary trees and hedge, would, on the matrix method chosen, create a 50% gain in quality, but would still have a 5% shortfall.
- 5.7.6 This shortfall is made up by the proposed landscaping scheme that provides species-rich hedging and planted areas that will be attractive to wildlife, although the DEFRA-matrix calculation for such matters does not include an index figure for those species and so they cannot be added to the calculation.
- 5.7.7 The notion of replacing a larger area of poor quality species across the site, with a lesser area of better quality species is a sound one and the landscaping scheme as proposed would be highly beneficial in terms of the variety of habitat, and it is considered that the quality-for-quantity exchange would result in a net increase in bio-diversity as required by Policy CS9.



- 5.7.8 Ecology - The Derbyshire Wildlife Trust have expressed concerns that the scheme includes trees within gardens and boundary fences, and whilst there are no badger setts on the site, the hedgerows might be used and that the scheme would not allow for ready foraging by badgers or hedgehogs.
- 5.7.9 Whilst little can be achieved in relation to trees (and residents might prune the trees), as most are actually outside of the site, the site is to be developed as social-rented accommodation and the tree maintenance would still fall on the Council and on the amended plans, the extensive hedge boundary to Newbold Back Lane has been retained outside of resident's garden and will remain in the ownership/management of the Council.
- 5.7.10 As a result, the Council will exert a greater degree of control over such matters and the usual enhancements of bat and bird boxes and hedge-hog gaps to fences within the ecology/bio-diversity reports can also be controlled. A condition can be included on any permission and it is not considered that any ecology or wildlife will be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.
- 5.7.11 Percent for Art – The value of the development exceeds the trigger within Core Strategy policy CS18, and the amended plans indicate an areas reserved for such art at a prominent corner within the estate, although the details of such provision have yet to be decided, although this is not uncommon.
- 5.7.12 The provision of the Percent-for-Art will need to be controlled by condition on any approval, however the inclusion on the site meets the requirements of Policy CS18.
- 5.7.13 Economic Development – The Council's Economic Development Officer has stated that the usual local labour/ supply chain clause is negotiated. As this is a Council-led development, such matters can be dealt with by an appropriate condition.
- 5.8 **Community Infrastructure Levy (C.I.L)**
- 5.8.1 Having regard to the nature of the application proposals the development comprises the creation of 21 new dwellings would be C.I.L liable and the site the subject of the application lies within the medium CIL charging-zone.

5.8.2 However given that the development is for 100% affordable units which are to be social-rented units, the development would achieve 'affordable-housing C.I.L exemption'.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by means of a site notice and press advert (expired 20/05 and 06/06 respectively) and by neighbour letters (publicity period expired 28 August 2019).

6.2 As a result of the applications publicity, 13 letters of objection and 1 letter of support have been received as follow:-

### **In relation to the initial scheme, 9 letters have been received from:-**

Mr Massey - 3 Cheedale Close, Loundsley Green  
Mr & Mrs Barrett - 187 Brockwell Lane, Chesterfield  
Mr M Blacker - 6 Grasscroft Close, Loundsley Green  
Mrs R Blacker - 6 Grasscroft Close, Loundsley Green  
Mrs S Robertson - 23 Grasscroft Close, Loundsley Green  
Mr & Mrs Batty - 20 Grasscroft Close, Loundsley Green  
Mr & Mrs Barfield - Twin Oaks, Newbold Back Lane, Chesterfield  
Mr & Mrs Lamb - Field View, Newbold Back Lane, Chesterfield  
Miss R Carroll - 1 Grasscroft Close, Loundsley Green

These make some or all of the following points:-

- The site was formerly 2-storey sheltered accommodation and it is surrounded by bungalows, and sits above the house opposite and would be out-of-character
- We are aware the site is referred to in the current Local Plan for residential development, but our objections should still be taken in to account
- Dwellings should be totally brick-built with white windows – the grey cladding and windows are not in keeping – with the recent controversy over cladding, why is it to be used? None of the surrounding properties are render
- On-going developments over the last 10 years have had an impact on wildlife – many of the creatures are not visible, along with foxes, badgers, bats, birds and owls – by removing their habitat
- There used to be greenery around my house but it has decreased with development and noise/light pollution have increased

- 3-storey development will cut out light to property near to the boundary particularly if they use gabion baskets and raise them further - we will lose our summer sun and won't be able to enjoy the garden
- Surrounding properties are bungalows and 2-storey houses – 3 storey is out of place on the skyline
- Grasscroft Close and surrounding Closes, have to bale-out water when it rains hard – we have to use sandbags and the 10 inch diameter sewer/drains cannot cope, with the pomegranate housing estate going in to it – we will be the first to suffer
- The entrance is a concern due to amount of traffic speeding around the corner, that has decided it has a right-of-way through the bungalows – will there be traffic calming put in place?
- Site has not been used since 2014, therefore the development will increase traffic and emissions on to Brockwell Lane by 100% as this is the only access/egress route
- No objection to bungalows being built, but social housing is totally out-of-place
- No-one can say where the boundary is going to be? At present there is a post and rail fence and hawthorn hedge – is that the boundary?
- Plans are inadequate and need sorting before permission is granted
- Are the mature trees to be felled - have you taken root barriers in to account and the distances involved? We know some are subject to a T.P.O
- Has a bat survey been carried out – they fly up and down the lane every night?
- Ecology is given only a tiny thought and their habitat is being taken away, and holes in fences is not enough – the bio-diversity report says there will be a 55% reduction in bio-diversity
- 21 dwellings and 48 parking spaces is too ambitious and would not be in-keeping which has open-plan estates
- On 2 sides are elderly persons and the development would cause them a lot of disturbance – this was once a calm tranquil spot and a safe environment that was enjoyed – families will create noise and affect our health
- The previous Brockwell Court was sheltered accommodation and sat well next to the neighbours but social-housing would not
- The surround land frequently floods and replacing grass with tarmac wold create more problems
- Will create access problems for Grasscroft Court

- Will create more accidents
- We will lose our pleasant outlook and we don't want to lose our view
- Most occupiers will have 4 cars – not enough parking spaces which will force cars out on to the road – we don't want double yellow lines as a solution
- Objects to the Planning Application - comment Reasons: Noise, Traffic or Highways, Visual - Comment: They are not in keeping with the area, animals being forced out, flood risk, Traffic, drainage

**In relation to the revised scheme, 4 letters have been received from:-**

Mr & Mrs Barrett - 187 Brockwell Lane, Chesterfield

Mr & Mrs Barfield - Twin Oaks, Newbold Back Lane, Chesterfield

Mr & Mrs Lamb - Field View, Newbold Back Lane, Chesterfield

Mr & Mrs Batty - 20 Grasscroft Close, Loundsley Green

**These make some or all of the following points:-**

- The former access in the S.E corner was never used for access – it was previously a recycling centre for local residents before door-to-door collections
- The amendments to the Cheedale Avenue frontage has increased the density and 40% is on this site frontage and is not in character
- 3 storey development next to bungalows and a terrace of 3 dwellings in the S.E corner is over-powering especially as they sit on a rise in the road
- Development is intrusive on the skyline and detract from the open aspect as other property are further from the highway
- It will be insular and not part of the neighbourhood
- The previous layout - apart from the 3-storey development – was more in keeping with the area
- Parking spaces accessing directly on to the highway is dangerous and creates 3 areas of conflict on the frontage, on a brow of Cheedale Avenue and the bend
- The Highway Authority response says all parking spaces must be able to turn and come out in forward gear
- The drive from our development would be a few metres from the proposed accesses, as are other long-standing developments, and people use the footway to get to and from Newbold Back Lane
- The road is the only access route for many cars and it provides access on to Loundsley green road for emergency vehicles and buses, and further access drives could cause further conflict

- The parking spaces are elevated above Newbold Back Lane a few metres from residents and the noise and CO2 would be detrimental to residents, walkers and cyclists who use the lane.
- Parking is isolated and could be detrimental to crime prevention
- Our bungalow is next to the lane adjacent to the site and 10 feet below and we are concerned at the amount of shadowing from the remaining 3 storey house – has this been reviewed on site
- What will happen to the trees on the lane?
- What material planning has been considered - Totally out-of-character with local properties as the area is surrounded by bungalows
- Will be an eyesore – totally out of keeping
- Where are the children going to play?
- Same objections apply as before – plans only shuffle the dwellings about, and with new estate road added –there has never been a road on to the Brockwell Court site before – the 2 accesses were for deliveries at the left and warden parking at the right
- 3-storey houses are now directly opposite my property – facing Grasscroft Close
- The development should be looked at again – this is not a site for this ambitious, large and out-of-place plan

**1 Letter of Support has been received from a local resident - address not given and which states:-**

- I agree with the Design and Access Statement
- Support the development of this brownfield site

**Officer Commentary**

**6.3 *From the above representations, it is apparent the key issues relate to:-***

***The design being out-of-character particularly the 3-storey element, which has been addressed above in the section on design;***

***That the parking/individual accesses and the extra traffic would be a highway safety issue. This is referred to in the section above on highway safety. No traffic calming has been requested by the Highway Authority;***

***That the development would cause a loss of light/privacy/over-looking and be oppressive. This is referred to in the amenities section;***

***That there would be noise and pollution, although it is noted that the Environmental Health officer raises no objections/suggests conditions relating to construction times. It is considered that the site, which was previously a sheltered housing site, would not create any adverse impact on the neighbours sufficient to warrant refusal of planning permission;***

***The technical drainage issues noted have been referred to in the section on technical matters and the trees/ecology bio-diversity concerns have been investigated and referred to above.***

***That the parked cars above Newbold Back Lane would cause a problem of pollution and CO2 for users of the lane, is somewhat unfounded as the parking proposed is modest and would be little different from the current situation with other properties that access the lane, and the traffic using Brockwell Lane and Cheedale Avenue.***

## 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 noted above.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of

amenity and public safety and which interfere as little as possible with the rights of the applicant.

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

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

8.2 Following changes to the Site Layout as a result of design/appearance, amenity and highway safety concerns, and given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

9.0 **CONCLUSION**

9.1 The proposed development is considered to be an appropriate re-use of this former sheltered housing site, and the development has been sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS10, CS11, CS18, 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 CS2, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

10.0 **RECOMMENDATION**

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

**Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.

Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL020 - Site Location Plan - received on 18.04.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL023 Rev H - Site Layout Option 3- received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL024 Rev G - Site Sections - received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL101 Rev F - Elevations and Floor Plans Plots 6, 7 & 8 - received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL111 Rev F - Elevations and Floor Plans Plots 4 & 5 - received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL121 Rev E - Elevations and Floor Plans Plots 2, 3, 10 & 11 - received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL131 Rev E - Elevations and Floor Plans Plot 9 - received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL141 Rev D - Elevations and Floor Plan Plot 1 - received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL151 Rev C - Elevations and Floor Plans Plots 15 & 16 - received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL161 Rev C - Elevations and Floor Plans Plots 12, 13 & 14 - received on 28.08.2019;  
Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL181 Rev B - Elevations and Floor Plans Plots 17 & 18 - received on 28.08.2019;



Drawing Number - BROCK WBA-XX-ZZ-DR-A-PL191 Rev B - Elevations and Floor Plans Plots 19, 20 & 21 - received on 28.08.2019;

Drawing Number - SE 0869-01 \_SL01 Rev G - Soft Landscaping Plan - received on 28.08.2019;

Drawing Number - P18-1554-M2-C-01 Rev... Drainage Strategy Plan - Received on 28.08.2019;

Drawing Number - P18-1554-M2-C-02 Rev... Drainage Catchment Plan - Received on 28.08.2019;

Drawing Number - P18-1554-M2-C-03 Rev... Site Levels Plan - Received on 28.08.2019;

Drawing Number SE0869-02\_BOM\_J01b\_BP - Biora Biodiversity offsetting Metric and Enhancement Report, received on 09.09.2019, and

Arboricultural Assessment and BS5837 Arboricultural Method Statement dated Feb 2019 by EMBC Arboricultural - Received on 18.04.2019.

03. 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.
04. 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.
05. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall

be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

06. Prior to any works exceeding demolition or site clearance taking place, 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.
07. Prior to any works exceeding demolition or site clearance taking place, the existing vehicular junction to Cheedale Avenue shall be provided in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the nearside carriageway edge. The land in advance of the visibility sightlines being laid out as part of the street (extended footway width) and not part of any adjoining plot or other sub-division of the site.
08. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
09. Prior to the commencement of building operations full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
10. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with condition 9 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 the 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.

11. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.
12. The proposed access to Cheedale Avenue shall be no steeper than 1:20 for the first 10 metres from the nearside highway boundary and shall not exceed 1:12 thereafter.
13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
14. Construction work and deliveries of construction materials shall only take place between 8:00 am and 5:00 pm in any one day, Monday to Friday and between 9:00 am and 2:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday. The term 'construction work'

shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

15. 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. The details shall include;
  - o The submission of a scheme of intrusive site investigations for approval;
  - o The undertaking of that scheme of intrusive site investigations;
  - o The submission of a report of findings arising from the intrusive site investigations;
  - o The submission of a scheme of remedial works for approval; and
  - o Implementation of those remedial works
  
16. No development above d.p.c/floor-slab level 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 unless otherwise agreed by the Local Planning Authority in writing.
  
17. The development hereby approved shall only be undertaken in accordance with the following:-
  - o The tree protection measures within the Arboricultural Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) by EMEC Arboriculture shall be adhered to at all times from the commencement of the development including any land stripping to the end of the development
  - o There shall be no excavations for the retaining walls (including foundations) within the Root Protection Areas (RPA's) as calculated within the Tree Protection Plan (TPP) by EMEC Arboriculture of trees (T2 & T3 within the report) T3 & T4 Oak of Tree Preservation Order 4901.32 Loundsley

Green Road/Cheedale Avenue (1984) to the rear of Plots 10 to 12.

o No part of the 1.8m palisade fencing dividing plots 10 and 11 be attached to the protected tree T4 Oak of TPO 32. All fence post holes within the root protection areas of (T2 & T3 within the report) T3 & T4 Oak of Tree Preservation Order 4901.32 shall be dug by hand and no heavy machinery used for the Landscaping phase within the designated RPA's of all the retained trees.

18. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.

19. No development above floor-slab/D.P.C level shall take place until a scheme for the treatment of all fences and other boundary treatments on the site, and the design of the refuse bin-stores for Plots 6, 7 and 13 has been submitted to and approved in writing by the Local Planning Authority. The fencing/boundary treatment and bin-stores shall only be constructed in accordance with the agreed scheme, and retained in that form thereafter.
20. The site shall be developed in accordance with the recommendations of the Bio-diversity offsetting Metric and Enhancement Report Ref SE0869-02\_BOM\_J01b\_BP - by Biora, received on 09.09.2019 The ecological requirements shall be provided prior to the occupation of the dwellings and shall thereafter be so retained.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any Order revoking and re-enacting that Order, no windows, other than those hereby permitted, shall be installed above ground floor ceiling height, for the western

elevation of Plot 5, or the north-eastern elevation of plot 13, without the prior express consent of the Local Planning Authority.

22. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) there shall be no extensions outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metres) erected within the Root Protection of any trees, without the prior written agreement of the Local Planning Authority.
23. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
24. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include , but not be exclusive to
  - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and
  - ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

**Reason(s) for Condition(s)**

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
03. In the interest of the visual amenity o the locality and to comply with Policy CS18 of the Adopted Chesterfield Borough Council Core Strategy Local Plan 2011 - 2031.
04. Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

05. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.
06. In the interest of highway safety and to comply with Core Strategy Policy CS20.
07. In the interest of highway safety and to comply with Core Strategy Policy CS20.
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11. In the interest of highway safety and to comply with Core Strategy Policy CS20.
12. In the interest of highway safety and to comply with Core Strategy Policy CS20.
13. In the interest of highway safety and to comply with Core Strategy Policy CS20.
14. In the interest of the residential amenity of surrounding residents and to comply with Policies CS2 and CS18 of the Adopted Chesterfield Borough Council Core Strategy Local Plan 2011 - 2031.
15. In the interests of coal mining legacy and safety. This condition is a 'pre-commencement' condition and is required to be so in the interest of public safety, as the construction of the dwellings may need to involve special foundations or other measures that would only be apparent following completion of the required investigation.
16. In the interest of the visual amenity of the locality and to comply with Policies CS2, CS6 and CS18 of the Adopted Chesterfield Borough Council Core Strategy Local Plan 2011 - 2031.

17. In order to ensure the health of mature trees, and in the interest of the visual amenity of the locality and to comply with Policy CS9 of the Adopted Chesterfield Borough Council Core Strategy Local Plan 2011 - 2031.
18. In the interest of the visual amenity of the locality and to comply with Policies CS2, CS6 and CS18 of the Adopted Chesterfield Borough Council Core Strategy Local Plan 2011 - 2031.
19. In the interest of the visual amenity of the locality and to comply with Policies CS2, CS6 and CS18 of the Adopted Chesterfield Borough Council Core Strategy Local Plan 2011 - 2031.
20. In the interests of ecology and bio-diversity of the site.
21. In the interests of the privacy and amenity of occupants of the neighbouring dwelling(s).
22. In order to ensure the health of mature trees, and in the interest of the visual amenity of the locality and to comply with Policy CS9 of the Adopted Chesterfield Borough Council Core Strategy Local Plan 2011 - 2031.
23. (In the interest of satisfactory and sustainable drainage.
24. To ensure that no surface water discharges take place until proper provision has been made for its disposal.

**Note(s)**

01. Advice from Environmental Health  
If this proposal is likely to have audible intruder alarm(s) installed upon each of the residential units it is recommended that the occupier(s) notify the Council of 'nominated key holder details' (application forms are available on request from Environmental Services, Environmental Protection Team, Town Hall, Rose Hill, Chesterfield, Derbyshire, S40 1LP).
02. Highway Advice Notes  
In addition, the following notes shall be included for the benefit of the applicant.



1. The Highway Authority recommends that the first 5m of private driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
2. Pursuant to 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 gulley laid across the access immediately behind the back edge of the highway, discharged to a drain or soakaway within the site.
3. Pursuant to Section 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
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 Environment at County Hall, Matlock (telephone 01629 580000 and ask for the Development Control Implementation Officer Mr I Turkington (Telephone 01629 538578)).
5. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.  
Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may

be obtained from Mr K Barton in Development Control at County Hall, Matlock (telephon 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement. 6. 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.

7. 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 suite for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

8. There is a bus stop and shelter fronting the application site. The applicant must contact Derbyshire County Council's Public Transport Unit, County Hall, Matlock, DE4 3AG or telephone 01629 536748 for advice. Should the development be approved and necessitate the re-siting or other works in relation to the bus stop/shelter all relevant costs of these works will be recharged to the applicant.

9. The applicant is advised that to discharge Condition 8 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

10. The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission or such approved details to the Local Planning Authority to discharge Condition 4 of this consent.

