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File No: CHE/19/00159/REM
Plot No: 2/719

ITEM 7

**APPROVAL OF RESERVED MATTERS OF CHE/15/00755/OUT -
RESIDENTIAL DEVELOPMENT OF 29 DWELLINGS – REVISED PLANS
RECEIVED 08/05/2019, 13/05/2019, 13/06/2019, 23/08/2019 AND 10/09/2019
AT LAND TO THE WEST OF BEVAN DRIVE, INKERSALL,
CHESTERFIELD, DERBYSHIRE FOR WILDGOOSE HOMES**

Local Plan: Open Countryside / Other Open Land
Ward: Hollingwood & Inkersall

1.0 CONSULTATIONS

DCC Local Highways Authority	Comments received 04/04/2019 (referral) and 10/05/2019 – see report
The Coal Authority	Comments received 15/04/2019 and 29/08/2019 – no comments to make on REM matters
CBC Design Services	Comments received 02/04/2019, 14/05/2019, 15/05/2019 and 09/09/2019 – see section 5.5.1
Derbyshire Wildlife Trust	Comments received 16/04/2019 – see report
Derbyshire Constabulary	Comments received 03/04/2019 and 30/08/2019 – see report
CBC Environmental Services	Comments received 28/03/2019 and 03/09/2019 – no comments to make on REM matters
C/Field Cycle Campaign	Comments received 15/04/2019 – no comments or objection
Lead Local Flood Authority	Comments received 03/09/2019 – see section 5.5.1
CBC Urban Design Officer	Comments received 25/05/2019 – see report
CBC Tree Officer	Comments received 10/09/2019 – see report

Yorkshire Water Services	Comments received 15/04/2019, 22/05/2019 and 03/09/2019 – see section 5.5.1
Ward Members	No comments received
Site Notice / Neighbours	19 representations received

2.0 **THE SITE**

2.1 The application site lies in Inkersall about 4km northeast of Chesterfield. The site is situated to the west of Bevan Drive, Inkersall and southwest of Brimington.

2.2 The site consists of open grassland with hedgerows to the north and east, woodlands to the south and west and a stream (Trough Brook) running along the western edge. It slopes from east to west down towards Ringwood Lake and the Trough Brook. Staveley Footpath 58 runs north to south along the lower western part of the site.



2.3 When the outline planning permission was granted in March 2016 there was a resolution to protect a number of trees on northern and eastern edges of the site. A Tree Preservation Order was subsequently made (Ref. 4901.349 – 29/08/2019) covering a group

of trees on the eastern boundary (G1) and 5 no. individual trees on the northern and eastern boundary of the site (T1 – T5).

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/16/00800/FUL - Application made under S106A of the T&CP Act 1990 to vary the S106 planning obligation signed under planning permission CHE/15/00755/OUT in respect of affordable housing.

Approved / S106 amended - 10/09/2018.

3.2 CHE/15/00755/OUT - Outline application for residential development.

Conditional permission (inc. S106 Agreement) approved - 29/03/2016.

4.0 **THE PROPOSAL**

4.1 In March 2016 planning permission was granted in outline for residential development of up to 103 dwellings on land located to the west of Bevan Drive, Inkersall. The outline application site measured in 3.47 hectares in area.

4.2 In September 2018, a subsequent S106A application was also granted which accepted through viability testing that no affordable housing contribution should be sought for the site on any reserved matters approval.

4.3 This is an application which seeks reserved matters approval for the first phase of development on the site for a development of 29 no. dwellings. The first phase is concentrated as a pocket of development at the northern end of the outline application site boundary.

4.4 The site layout submitted (drawing no. 2019-585-02 M) shows a development of exclusively detached properties arranged predominantly around a central site access taken off Bevan Drive (plots 7 – 29); with a secondary private drive also formed off Bevan Drive serving plots 1 – 6. There are 5 no. house types proposed in the scheme comprising 4 no. two storey designs and 1 no. bungalow.

- 4.5 The application submitted is supported by the following list of plans / documents:

Site Layout

2019_585_01C – Site Location Plan
2019_585-02M – Proposed Site Layout Plan
F14209/03 C - Proposed Site Access Layout
F14209/04 C – Vertical Visibility for Proposed Site Access
43454_003 B – Proposed Drainage Layout
43454_004 C – Proposed Levels
GL1104 01 - Proposed Soft Landscaping
2019_585_15 – Single and Twin Garages
2019_585_16B – Site Enclosure Details
2019_585_17 – Proposed Site Sections

House Types

2019_585_03C – Cedar Plans
2019_585_04C – Cedar Elevations
2019_585_05D – Hornbeam Plans
2019_585_06D – Hornbeam Elevations
2019_585_07C – Hornbeam N Plans
2019_585_08C – Hornbeam N Elevations
2019_585_09C – Hazel Plans
2019_585_10C – Hazel Elevations
2019_585_11D – Maples Plans
2019_585_12E – Maple Elevations
2019_585_13A – Bungalow Plans
2019_585_14A – Bungalow Elevations

Design and Access Statement
SuDS Details

5.0 **CONSIDERATIONS**

5.1 **Planning Background / Principle of Development**

5.1.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/15/00755/OUT for residential development which was approved on 29/03/2016 subject to 36 no. planning conditions.

5.1.2 The live outline permission enabled applications for reserved matters approval to be submitted for a period of three years

following the date of the outline approval (i.e up to 28/03/2019). This application was received before the expiry of the outline permission on 13/03/2019.

5.1.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions the issues already agreed and set by the outline permission cannot be revisited. Only the outstanding reserved matters issues concerning access, appearance, landscaping, layout and scale are to be considered.

5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**

5.2.1 Having regard to the detailed design and appearance considerations of the proposed reserved matters details the Council's **Urban Design Officer (UDO)** and the **Crime Prevention Design Advisor (CPDA)** were invited to review the submission.

5.2.2 Initially the UDO undertook a thorough review of the reserved matters submission and offered a comprehensive appraisal of the scheme which highlighted where he felt necessary amendments were needed. His main concerns centred on:

- the layout created an inward facing development around the access driveway which turned its back to the adjacent landscape;
- the layout resulting in 1.8m high closed board timber fencing creating an incongruous boundary to the countryside / poor settlement edge;
- mature tree enclosed in the rear garden on plot 11;
- no connection to the PRow to the west of the site;
- steep gradient to drainage ditch / swale / no detail of operation;
- raising of land levels / further information needed to understand streetscene;
- separation distance to Plot 12 below SPD guidelines;
- plots 15-16 create a weak focal point
- net gain in biodiversity uncertain given limited soft landscaping proposals / details

5.2.3 The CPDA also highlighted his concerns that the development layout was inward facing and this failed to provide surveillance of the proposed footpath connection to the west. In his view this

needed to be amended or the footpath link proposal abandoned. He also advised that his acceptance of the scheme would be on the basis that Plots 18-25 would be formed back to back when Phase II of the scheme came forward. He also had concerns about plot 23.

5.2.4 As a result of these comments the case officer and the UDO met with the applicant to discuss the design of the scheme and look at possible solutions to the issues highlighted. This resulted in the site layout plans being revised and as part of these resolutions additional plots were added to address the orientation of the site layout to the adjacent site / phase II.



5.2.5 The amended plans (which were formulated with input directly from the UDO) were then the subject of re-consultation. The UDO did not provide any further comments as he had been involved in the schemes design evolution which resulted in the package of drawings received. The CPDA offered the following comments:

CPDA – The revisions sent in during June I think were more aligned to highways comments, and didn't address any points we raised previously, although the addition of a footpath link to be added at a further phase was noted.

The more recent revised scheme plans dated 27.8.19 proposes more significant changes to layout, resolving my prior comments about the inward looking nature of the development adjacent to open space and public footpaths.

The previously annotated future footpath link has been removed from site plan rev M. Is that correct?

The revised layout presents more corner plots with exposed elevations, some well treated, such as the Hornbeam type, some not so much.

I'd recommend that the Maple houses at plots 3 and 25 have supplementary fenestration to their outward looking side elevation. Also that the Hazel house types at plots 16 and 23 have a window added to their living rooms on the side elevation.

The Hornbeam house to the lower side of the side entrance, formerly plot 23, now plot 27, now has a well treated road facing side elevation, but has sequentially been set back from the road edge with a more prominent garden boundary on successive plans. This arrangement will reduce outlook from the treated side elevation, and my preference would be to revert to the original house/fence arrangement, private drive visibility splays permitting.

Excepting these points the revised scheme is seen as acceptable from the perspective of designing out crime.

5.2.6 Having regard to the supplementary comments made by the CPDA above, the arrangement to Plot 27 is considered to be acceptable. The set-back is necessary to allow for exit visibility from the private driveway for plots 27, 28 and 29 and it also allows for the streetscene to give a more open appearance at the access point to Bevan Drive. Additional windows have been inserted in the Maple house type as requested by the CPDA (revised plans received 10/09/2019); however the Hazel house type already includes a first floor window in the side elevation which provides the overlooking sought by the CPDA.

5.2.7 The site layout overall is better resolved, with plots 16, 17, 18, 19 and 20 creating an outward facing development to the south which is in line with the design aspirations of the adopted SPD.

Furthermore the same outward looking aspect is achieved by re-orientation of plots 13, 14 and 15 to the north western corner of the site. The site layout around the mature tree to the north of the site has been reconfigured with plots 4, 5 and 6 now orientated around the tree, serving as a main focal point (rather than sited in rear garden of a plot).

- 5.2.8 Overall it is now considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved.
- 5.2.9 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design.
- 5.2.10 In conclusion it is considered that the development proposals are acceptable. The design, density, layout, scale, mass and landscaping proposals are considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD such that the scheme is acceptable in this regard.

5.3 **Landscaping**

- 5.3.1 The reserved matters submission seeks landscaping approval and the application was initially accompanied by a soft landscaping proposal which had been prepared by Golby & Luck Landscape Architects.
- 5.3.2 As a result of the design amendments made to the scheme these details were subsequently superseded with the revised site layout plans submitted during the application process (which included site layout reconfiguration and additional plots). The detailed soft landscaping drawings are yet to be updated to reflect the latest site layout proposals.
- 5.3.3 Notwithstanding this however the latest revised site layout plan submitted (Rev M) sets some principles for soft landscaping

placement which in general is acceptable and accordingly it is considered that the final details / specification of the soft landscaping proposals could be made the subject of appropriate planning condition. Further details required by condition would secure the final specification of soft landscaping proposals and the timing of its implementation (to include biodiversity enhancement measures) in accordance with policy CS9 of the Core Strategy.

5.3.4 It is noted that **Derbyshire Wildlife Trust** (DWT) did provide comment on the initial site layout plans, raising similar concerns to the UDO and CPDA about the harsh treatment to the site edge and the lack of detail to the western edge / buffer. In this regard the revised site layout plans are considered to address these issues and alongside revisions to the soft landscaping (as detailed above) the concerns of DWT can be addressed by appropriate condition.

5.3.5 Turning to the matter of landscaping in relation to the protected trees on site, the revised site layout plan was prepared in consultation with the Council's **Tree Officer** (TO), who had determined root protection areas (RPAs) at the time of making the Tree Preservation Order (August 2019). These RPAs were reflected in the revised site layout (Rev M) and subject to an appropriate tree protection plan (TPP) and construction methodology statement (CMS) being prepared prior to any works commencing the TO is satisfied the development proposals are compatible with the retention of the protected trees on site. It would be necessary to require the submission of a TPP and CMS prior to any development commencing (in the interests of protecting the trees and their rooting environments). It is noted that condition 32 of the outline planning permission requires the RPAs to be established; however it is necessary to fine tune the requirements of this condition with the submission of a TPP and CMS to ensure that the measures needed are appropriate to the latest site layout plans being considered.

5.4 **Highways Issues**

5.4.1 As part of the outline planning permission access was a matter which was reserved for later approval; however the indicative site layout plan submitted with the outline application indicated a point of access being created onto Bevan Drive towards the northern end of the site.

5.4.2 The application for reserved matters now submitted for consideration includes details of access to serve the development concentrated in the northern portion of the site (Phase I – 29 dwellings). This includes the formation of a new access onto Bevan Drive (presumably to be adopted by the Local Highways Authority under a S38 agreement) which is positioned approximately central to the Bevan Drive frontage; alongside one separate private drive access located adjacent to the northern boundary / edge of the site also onto Bevan Drive. The private driveway will serve 6 plots and the main access driveway will serve the remaining 23 plots of the proposed Phase I development.

5.4.3 The reserved matters application was passed to the **Local Highways Authority** (LHA) for review and their comments were initially received on 10 May 2019. In respect of the proposed site access points they commented:

The current application provides a 'Proposed Site Access Layout' plan demonstrating access arrangements for the site. This shows that the access has moved further south than originally depicted on the outline master-plans, to avoid impact on the adjacent mature trees; this is something the Highway Authority also requested, to encourage traffic movements to and from the site via Attlee Road, rather than Turner Drive. Bevan Drive is also shown to be widened between the primary site access and Attlee Road, given the existing highway constraints and again to encourage this as the primary access route to and from the site. Supporting infrastructure, in the form of pedestrian footways and crossing point, are also shown. This all appears to be generally consistent with the development aspirations and highway comments made at outline stage.

The proposals also include an additional vehicular and pedestrian access point to the north of the main site access, serving 3 No plots, off a private drive; although no fronting footway or carriageway widening is provided up to this point. Consideration should be given to continuing the new footway on the north side of the primary access point to the private drive, and potentially beyond - so that a continuous link could be formed to the existing path that runs between Turner Drive and Inkersall Green Road (to the north of the development

site). This would provide fully connected pedestrian routes to existing infrastructure and facilities within Inkersall.

- 5.4.4 Having regard to the comments made above Bevan Drive is not a busy through road, it is a quieter residential estate road which serves local residents and therefore it currently operates with a single sided footway margin. It appears that vehicles sometimes park on the soft verge opposite (where the LHA are suggesting the additional footway margin be provided) or overrun the soft verge possibly due to parked cars opposite and the carriageway being narrower. The verge appears to be maintained (mown) but it's not clear whether it is designated as highway land or not.
- 5.4.5 In discussions with the LHA it is understood that any land which lies in advance of any necessary visibility splays for a new highway access will be required to be designated as highway margin, and therefore the visibility splays from the new access point proposed is likely to cross over the soft verge and any footway in question.
- 5.4.6 If the additional footway margin were to be provided it would serve to provide a margin for future residents from plots 1-6 to walk around to plots 7-29 and visa versa, without having to cross the road.
- 5.4.7 Looking in more detail at the additional footway margin referred to by the LHA it appears there is sufficient space within the verge to provide this facility, however it would initially run through the root protection area of the trees retained and protected under G1 of the TPO 4901.349. In this instance a standard footway margin construction method might be unsuitable as it would intersect the RPA of the protected trees. It is also unclear whether the LHA would adopt a margin that was not built to a standard specification (above ground construction etc).
- 5.4.8 This matter was discussed with the LHA and it was suggested that the LHA would consider an alternative whereby the margin is provided, the land needed for visibility splays is protected and designated as highway, but an alternative surfacing solution is agreed. All of these matters would be dealt with under a pre-commencement condition of any reserved matters

approval and thereafter any associated S278 agreement with the LHA under the Highways Act. It is however considered that the footway margin sought is appropriate.

5.4.9 Turning therefore to other highway related matters, the LHA did provide more detailed comments on the initial internal site layout. Which were fed back to the developer to take into account when formulating the revised site layout.

5.4.10 The LHA were consulted on the latest site layout plans / layout and whilst they were unable to provide a written response to the scheme in time for this report being written, the case officer did discuss the changes with them and ascertain that the amended layout was acceptable to the LHA.

5.4.11 Having regard to other matters which were raised in the LHA's initial consultee response the following points are still relevant:

It is recommended that the junction geometry be modified from that shown on the plans – this should include a 10m entry radius in to the site and a 4 / 5m exit radius; this would make the entry to the site from Bevan Drive slightly easier and the smaller exit radius would potentially discourage the left turn out of the site (and along Turner Drive).

The proposed site layout plan (2019-585-02D) should also show the proposed access works / improvements on Bevan Drive.

It is presumed the roadside vegetation alongside Bevan Drive is intended to remain, however, this could cause issues of inter-visibility between vehicles entering the site and those exiting the private drive located immediately inside the development (serving plots 23 - 25). Whilst traffic volumes would initially be low with the current scale of development, this would increase significantly as the development is extended. Consideration should therefore be given to alternative access arrangements further away from the junction area for these plots.

The detached single and double garages appear to meet the appropriate minimum dimensions (3m x 6m for a single garage and 6m x 6m for a double garage) as contained in the County

Council's delivering Streets and Places document and are therefore acceptable to count towards on plot parking provision. Elsewhere it is considered an adequate level of parking for each residence is available within the plot. However, it is noted that the integral garages associated with the 'Maple' house only has a usable dimension of 5.5m long (due to accommodating washing / utility type features at the rear of the garage). However, these plots are on a section of private drive and it is considered unlikely this would displace vehicles to Bevan Drive should the garage not be used.

5.4.12 Having regard to the comments of the LHA above it is considered that the latest revised drawing addresses the issues / concerns previously raised. Furthermore if the developer is looking to ascertain adoption of the development access, full construction approval will separately be necessary through a S38 agreement with the LHA alongside a S278 agreement to create the access and amend Bevan Drive.

5.4.13 Overall it is considered that the revised site layout demonstrates an appropriate highway layout with appropriate levels of off road car parking. Alongside any necessary S38 / S278 agreements with the LHA, the proposals are considered to meet the provisions of policies CS2, CS18 and CS20 in respect of highway matters and the development is therefore considered acceptable.

5.5 **Technical Considerations**

5.5.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, ecology protection / enhancement, land condition and contamination; however these matters and the details thereof will be dealt with through forthcoming DOC application details under the provisions of these conditions if necessary. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised are to be dealt with separately in connection with each respective planning condition / discharge of conditions application.

6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice posted on 29/03/2019; by advertisement placed in the local press on 04/04/2019; and by neighbour notification letters sent on 26/03/2019. Following receipt of revised plans neighbours were re-consulted again on 28/08/2019 by letter – the re-consultation publicity period for the application expires on the 18/09/2019.

6.2 As a result of the applications publicity 19 representations have been received as follows:

15 Bevan Drive (x2)

Hedgerows should be left as they are – they have been there for sixty-plus years and contain a lot of wildlife, which is depleting
Wildlife must be preserved

Residents park on the street where the new road is to go through
Traffic will increase including delivery vans, Council wagons and mail vans

It will be horrendous creating more pollution

Why can't they use the layby where there are double gates as the in and out

As for 24 dwellings, there are at least 30 so they have got that wrong!

32 Attlee Road (x2)

Inkersall infrastructure cannot cope with so many extra people and extra traffic

Doctors are oversubscribed

The access road for the development is currently a slalom with parked cars as many residents do not have off-road parking and will make access/egress dangerous and restrict existing residents parking

The amount of traffic using our road will double

This will over-stretch doctors and schools stretching public services to breaking-point

Green space is in short supply around our homes and this will remove a substantial part of it – there's been no consideration of the lives of those living near to the site

The letter heading still says 25 houses not 29

It is no coincidence that the more concrete you lay the more floods we experience

I hope this gets refused, but if it does go ahead can you at the very least move the entrance to the end of Atlee Road so there is less upheaval for residents of lower Bevan

17 Bevan Drive (x2)

There is no-where for existing residents to park other than on the road

As a pensioner, I can't afford to create an access and a parking space in my front garden

Visitors to existing dwellings also have to park on the road as there is no-where else to go

The development and the new access will make the situation dangerous

Local schools, doctors and shops are already over-subscribed – will over-stretch public services

The existing shops for our area do not have sufficient parking

Will remove a valuable green-space

Surely we cannot continue to build more and more houses, there must be appoint where we know it is ruining our environment, plant life and wildlife.

13 Bevan Drive (x2)

The access is directly opposite our home, where we park our car and like other residents in the street we have no off-road parking

It's impossible to get an appointment at the doctor

What will happen to the contamination within the field?

What will happen to the wildlife in the field?

What about the increase in noise?

Is the application for 25 dwellings or 29 as the revised plans show?

As this is the first part of the plan why can't the access be at the Atlee Road end?

During the winter Bevan Drive is not gritted, and near impossible to get on.

7 Bevan Drive (x2)

Residents and visitors have to park on the street – the plans do not take this in to account

The proposed 3 dwellings opposite 1 & 3 Bevan Drive will have their access on a busy right-hand bend, to the left of which is a grassy slope, and this area is not gritted by the Council and consequently hard to negotiate in winter

Plans say access to existing sewers but they overflow now

No account taken of nesting birds/pheasants and wildlife

The field is open land which is why we purchased our house and any development will cause a loss of privacy, view and light pollution

There is a gas main running under the grass verge on Bevan Drive
Are the verges owned by CBC or DCC (they are maintained by CBC)

The application states 25 houses, but the plans show 29 – which is correct

There is also mention this is the first phase, is this a way of avoiding objections?

1 Bevan Drive (x3)

The Planning Committee should re-consider and decline the previous Outline Permission on the basis that it was allowed when the Council were under Government pressure to meet housing targets, and as these would not be met, the green wedge was set aside. As this target was shown to be erroneous, then the green wedge should be retained and the land between Inkersall, Hollingwood and Brimington reinstated as Green Wedge

The Council are spending money promoting the new local plan, a waste of money if it can be so easily disregarded

The current proposal bears no resemblance to the original outline (which was for a mix of house-types including affordable housing) which was soon amended to omit the affordable units and we are now faced with only to large expensive properties

This is only short-term and there are plans to develop the remainder of the original site, creating all the problems originally highlighted

Inkersall infrastructure is under pressure – it's difficult to get a doctors surgery appointment; the schools are over-subscribed and the roads especially during rush-hour cannot cope

Given there are proposals for a further development of 750 house to S.E of Inkersall, that will use existing facilities, this is an ill-conceived proposal and should be refused

I cannot access the reports in to Pollution and the consultees and so cannot comment – the existing drainage overflows periodically and extra dwellings will make it worse

2 vehicular accesses 50m apart, together with existing parking on the east-side of Bevan Close will create dangerous traffic access and egress from the site and existing properties – a safer access would be at the top of the site and the Atlee Road Bevan Drive junction, preserve hedges and wildlife and reduce the road impact

The design and access statement is a typical report full of jargon and is incorrect – there are now 2 convenience stores (one of which causes a very dangerous road situation) and there is no greengrocers shop in the village; the layout plan indicates 2, 3 and 4 bedroomed houses yet the plans show only expensive 4 bedroomed houses and 3 bedroomed bungalows – there is no demand for such property – which will be purchased by affluent ‘outsiders’ and destroy the community feel

The developer appears to have purchased a strip of land next to the highway which will result in a further loss of habitat and hedge removal

The report says it will create an attractive visual aspect throughout the site, but the same consideration has not been given to existing properties

Object for reasons of:-

- Policy
- Residential Amenity
- Traffic or highways, and
- Visual

43 Bevan Drive

Site is contrary to the Local Plan Core Strategy, particularly the strategic green breaks around the settlements and the countryside
The plans says greenbelt and other greenfield land will be protected

The adjacent land – CHE/13/00393/COU – was refused due to bio-diversity and green infrastructure/wildlife, noise/traffic movement and the same reasons

This development will impact on the land on the east-side of Trough Brook and create pressure for further development in the countryside; have increased traffic flows on the 4 local roads listed in the Core Strategy as having congestion and air-quality, and would affect the green wedge by removing a strong feature which project in to the Trough Brook Valley and a visual balance to the west-side which includes Ringwood Farm and Hall

39 Bevan Drive

In bad weather, drainage and sewers cannot cope and the man-hole outside my house overflows and runs down the bank – it clearly will not cope with a further 25 dwellings

What are the builders going to do with the contaminated ground and chemicals dumped on the field when it was owned by the Staveley Company?

The highway is running at capacity and cannot take the current traffic and the poor condition and width cannot take the flow
Construction traffic will do more damage to these roads
Doctors and schools cannot cope with more people – the dentists are the same
There are hundreds of brown-field sites in Chesterfield to build on first, so why take a greenfield site?

45 Bevan Drive

I am writing to object the above referenced planning application as the proposed residential development of 25 dwellings would limit the parking spaces of all existing residents, as well as highly increasing the traffic load in an area where most cars are parked on narrow side roads.

Additionally, instead of using brownfield sites, using green space to build new houses would potentially threaten the wild-life around the area adverse effect of which may be seen in the long run.

15 Attlee Road (x2)

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Green fields yet again under attack.

29 Bevan Drive

- Noise
- Residential Amenity
- Traffic or Highways
- Visual

Comment: My objection remains exactly as stated previously, also why does letter state 25 houses and plans 29

6.3

Officer Response: Many of the above points relate to issues of principle that have already been established by virtue of the extant 'outline' permission and the objections do not relate to the 'reserved matters' (details not decided with the outline) currently being considered. The exception to this is the position of the site access, which has been assessed by the Local Highways Authority and is considered to be acceptable.

It is noted that a number of representations query why the access isn't located at the end of Atlee Road; however this application for reserved matters concerns one phase of the wider outline area 29

dwellings of a potential 103) and the red line for this site does not extend to the gateway at the end of Atlee Road.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 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 proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of technical considerations.

10.0 **RECOMMENDATION**

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

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

Site Layout

2019_585_01C – Site Location Plan

2019_585-02M – Proposed Site Layout Plan

F14209/03 C - Proposed Site Access Layout

F14209/04 C – Vertical Visibility for Proposed Site Access

43454_003 B – Proposed Drainage Layout

43454_004 C – Proposed Levels

GL1104 01 - Proposed Soft Landscaping

2019_585_15 – Single and Twin Garages

2019_585_16B – Site Enclosure Details

2019_585_17 – Proposed Site Sections

House Types

2019_585_03C – Cedar Plans
2019_585_04C – Cedar Elevations
2019_585_05D – Hornbeam Plans
2019_585_06D – Hornbeam Elevations
2019_585_07C – Hornbeam N Plans
2019_585_08C – Hornbeam N Elevations
2019_585_09C – Hazel Plans
2019_585_10C – Hazel Elevations
2019_585_11D – Maples Plans
2019_585_12E – Maple Elevations
2019_585_13A – Bungalow Plans
2019_585_14A – Bungalow Elevations

Design and Access Statement
SuDS Details

Reason - 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.

02. 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.

03. Prior to commencement of development, in association with the provision of the 2 no. new access points to Bevan Drive, a revised access plan shall be provided demonstrating the provision of a 2m wide footway margin connecting the private driveway to plots 1-6 with the new access onto Bevan Drive serving plots 7-29. The 2m wide footway margin shall include an appropriate method of construction and surface finish which is compatible with the necessary Root Protection Areas of G1 of TPO 4901.349 (and the necessary requirements of condition 2 set out above). Only those details which are subsequently agreed in writing by the Local Planning Authority shall be implemented on site (prior to occupation of any of the dwellings hereby approved).

Reason: In the interests of highway safety and to ensure the rooting environment of the protected trees are not adversely affect by any necessary excavation works and finishes.

04. Notwithstanding the details accompanying this reserved matters application, within 2 months of the commencement of development revised soft landscaping details shall be submitted to the Local Planning Authority for consideration and subsequent approval in writing. Only those details agreed shall be implemented on site.

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

05. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

06. Prior to the commencement of development, alongside the LEMP required by condition 13 of the outline planning permission CHE/15/00755/OUT) a biodiversity enhancement strategy 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.

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. This permission is granted further to an earlier grant of outline planning permission (CHE/15/00755/OUT) to which any developer should also refer.