

Please note that after the publication of this agenda the applicant has withdrawn this application.

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 Tel. No: (01246) 345786 Plot No: 2/1702
 Ctte Date: 19th November 2019

ITEM 1

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 350 DWELLINGS WITH LAND FOR RETAIL PARADE WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINTS FROM BAMFORD ROAD WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS AT LAND TO THE SOUTH OF BAMFORD ROAD, INKERSALL, CHESTERFIELD, DERBYSHIRE FOR GLADMANS DEVELOPMENTS LTD

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

1.0 **CONSULTATIONS**

CBC Strategic Planning	Comments received 28/01/2019, 23/05/2019 and 10/11/2019 – see report
CBC Environmental Health	Comments received 04/01/2019 – see report
CBC Design Services	Comments received 09/01/2019 – see report
CBC Economic Development	Comments received 16/01/2019 – see report
CBC Housing	No comments received
CBC Leisure Services	No comments received
Environment Agency	Comments received 07/01/2019 – see report
Yorkshire Water Services	Comments received 24/01/2019 – see report
Adjacent Authority – NEDDC	No comments received
Derbyshire Constabulary	Comments received 17/01/2019 – see report
DCC Strategic Planning	Comments received 21/01/2019 – see report

Lead Local Flood Authority	Comments received 08/01/2019 and 04/04/2019 – see report
DCC Highways	Comments received 29/05/2019 and 19/06/2019 – see report
Campaign to Protect Rural England	Comments received 28/01/2019 – see report
DCC Countryside Officer	Comments received 25/01/2019 and 15/03/2019 – see report
Trans Pennine Trail Officer	Comments received 28/01/2019 and 19/03/2019 – see report
C/Field Cycle Campaign	Comments received 02/02/2019 – see report
Coal Authority	Comments received 03/01/2019 – see report
CBC Tree Officer	Comments received 22/02/2019 – see report
CBC Conservation Officer	Comments received 31/01/2019 – see report
CBC Urban Design Officer	Defer to DCC Urban Design / Landscape Team comments
DCC Urban Design / Landscape Team	Comments received 18/03/2019 – see report
Derbyshire Wildlife Trust	Comments received 22/01/2019, 27/03/2019 and 01/10/2019 – see report
DCC Archaeology	Comments received 23/01/2019 – see report
North Derbyshire CCG	Comments received 08/01/2019 – see report
Derbyshire Fire Officer	No comments received
Sport England	Comments received 25/01/2019 – see report
Staveley Town Council	Comments received 22/01/2019 – see report
Ward Members	Representation received from Cllr Mick Bagshaw - see section 6.0
Site Notice / Neighbours	322 no. representations received

- 2.1 The site is located to the south of Inkersall Green and extends to approx. 17.9 hectares (comprising of 2 arable fields). The entire northern boundary is enclosed by existing residential development; the eastern boundary aligns with the old mineral railway line which is now a public footpath; the western boundary is adjoined to the SW by West Wood a dense protected ancient woodland (DCC Tree Preservation Order 42 W20); and the southern boundary is depicted by the field boundary which starts at the NE of West Wood, runs on a west – east axis to the point it adjoins and runs around the perimeter of Ladybower Wood and then adjoins the eastern boundary SE of Ladybower Wood (DCC Tree Preservation Order 42 W21). Blue land is edged beyond the southern boundary which follows the Borough boundary shared with North East Derbyshire District Council boundary which is depicted by hedgerow and a tributary watercourse to Pools Brook
- 2.2 The Staveley Footpath 7 traverses the site on a north – south axis and the site slopes towards the east and south west. The former mineral railway line running along the east of the site is also the alignment of the Trans Pennine Trail.



Figure 1: Aerial Photograph (Source: Google Maps)

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/18/00529/EIA - Screening opinion pursuant to Regulation 6 of EIA Regs 2017 for development comprising up to 750 residential dwellings.
Decision - Environmental Impact Assessment not required
13/08/2018.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks outline planning permission for the erection of up to 350 dwellings (incorporating retail units, public open space, landscaping and sustainable drainage with vehicle access points) on site with all matters except for means of access being reserved. Access is shown to be formed as 2 no. new junctions onto Bamford Road.

4.2 An illustrative Development Framework Plan is provided for the purposes of setting the Design & Access Statement into context and this plan gives an illustration how the site might be laid out and the development formed.

4.3 The application submission is supported by the following plans / documents:

Location Plan – 8278-L-01

Development Framework – 8278-L-04

Access Plan – ITM13597-SK-012

Planning Statement prepared by Gladman dated November 2018

Design & Access Statement prepared FPCR dated November 2018

Landscape & Visual Assessment prepared FPCR dated November 2018

Ecological Appraisal prepared FPCR dated November 2018

Breeding Bird Report prepared FPCR dated November 2018

Great Crested Newt Report prepared FPCR dated November 2018

Reptile Report prepared FPCR dated November 2018

Bat Report prepared FPCR dated November 2018

Arboricultural Assessment prepared FPCR dated November 2018

Transport Assessment prepared by iTransport dated November 2018

Travel Plan prepared by iTransport dated November 2018

Flood Risk Assessment prepared by Enzygo dated November 2018

Foul Drainage Analysis prepared Utility Law Solutions dated November 2018
Air Quality Assessment prepared by Air Quality Consultants dated November 2018
Noise Assessment prepared by Noise Consultants dated November 2018
Heritage Assessment prepared by Pegasus Group dated November 2018
Socio Economic Sustainability Statement prepared by Gladman dated November 2018
Statement of Community Involvement (with Reps provided 14/01/2019) prepared by Gladman
Soils and Agricultural Report prepared by Land Research Associates dated May 2018
Phase I Investigation Report (Desk Study) and Coal Mining Risk Assessment prepared by Wardell Armstrong dated August 2018
Residential Dwellings – Supplementary Information
Farmland Birds Mitigation Strategy prepared by FPCR dated September 2019

Correspondence from Agent / Consultants Post Submission

11/03/2019 – Letter from Gladmans with TPT Rebuttal
19/03/2019 – Letter from FPCR with DWT Rebuttal
20/03/2019 – Letter from Enzygo with LLFA Rebuttal
09/04/2019 – Letter from Gladmans (undated)
25/04/2019 – Email from Gladmans with Update and 5YHLS Assessment prepared by JohnsonMowat Planning Consultants dated April 2019
16/05/2019 – Email from iTransport to DCC Highways with Add. Info*
22/05/2019 – Email from iTransport to DCC Highways with Speed Surveys
30/05/2019 – Letter from Gladmans with 5YHLS Rebuttal
19/06/2019 - Email from iTransport to DCC Highways with Add. Info*
17/09/2019 – Email from Gladmans with Farmland Bird Mitigation Strategy
02/10/2019 – Email from Gladmans with DWT Rebuttal

* indicative signal controlled layout Inkersall Green Road and Inkersall Road

ITM13597-SK-015A - LONG SECTION ALONG NORTHERN ARM
ITM13597-SK-016A - LONG SECTION ALONG SOUTHERN
APPROACH
ITM13597-SK-021 - VISIBILITY TO SIGNAL HEADS FROM
QUEUING VEHICLES ON APPROACHES
ITM13597-SK-022 - VISIBILITY TO BACK OF QUEUING
VEHICLES ON APPROACHES
ITM13597-SK-023 - VISIBILITY TO BACK OF QUEUING
VEHICLES ON APPROACHES

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site the subject of the application is land allocated as Open Countryside / Other Open Land which is a protected allocation of Policy EVR2 from the 2006 Local Plan, which was saved alongside the adoption of the Chesterfield Local Plan: Core Strategy 2011 - 2031.

5.1.2 Having regard to the nature of the application proposals and the allocation above 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), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.1.3 In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development (inc. Open Countryside / 5yr Housing Land Supply)**

5.2.1 There are three key Local Plan considerations in determining the principle of housing development in this location:

1. Does development accord with the spatial strategy as expressed through policies CS1 and CS2 of the Core Strategy?
2. Does it accord with policy EVR2 of the 2006 Local Plan?
3. Can the council demonstrate a five year housing supply as required by the NPPF and how does this affect the consideration of Core Strategy Policy CS10.

5.2.2 Policy CS10 will be considered first, as this has a bearing on whether other policies of the plan are considered 'up to date' and the weight to be given to them. The policy states that "Planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a 5-year supply of deliverable sites". The council's latest five year housing supply statement was published in May 2019 and clearly states that the council can demonstrate a five year supply of deliverable housing sites. This position has been supported by the Planning Inspectorate under appeal decision APP/A1015/W/19/3219799 for Chesterfield Cattery, Crow Lane, Chesterfield S41 0EQ dated 9th July 2019, which dismissed an appeal for 5 dwellings in the open countryside on a site considered a combination of PDL and greenfield.

5.2.3 Policy CS10, whilst pre-dating the current NPPF, was prepared after the 2012 NPPF. Weight should be accorded to it depending on the extent to which it accords with the current NPPF. In considering the Northmoor View appeal the Inspector gave considerable weight to the fact that the appeal site otherwise accorded with the Council's Spatial Strategy (which seeks to locate development within walking distance of centres). This is not true of the current application. As the paragraph 5.2.XX sets out below, the site is significantly beyond a walking distance of 800m from the nearest Local Centre (the distance set out in the Council's residential design SPD) and would not accord with the council's spatial strategy.

5.2.4 The applicant has objected to the council's position on the basis that a) the council's five year supply statement does not account for the revised definition of deliverable b) the application of the 'Liverpool' approach to addressing the shortfall. With regard to a), the statement clearly refers in section 1 to the new definition of 'deliverable' and this was addressed in detail when the statement

was reported to the council's planning committee; b) as the council's core strategy is more than five years old, the five year supply statement is based upon the new LHN methodology, upon further investigation (supported by the publication of the consultation on the revised LHN), it is clear that it is not necessary to apply a shortfall to housing targets established through the LHN. It is considered that the council's five year supply conclusions remain robust (as demonstrated by the appeal decision APP/A1015/W/19/3219799 for Chesterfield Cattery, Crow Lane).

- 5.2.5 On this basis the proposal would be contrary to Local Plan Core Strategy policy CS10.
- 5.2.6 The spatial strategy set out in policy CS1 requires that new development be concentrated within walking distance of centres. The nearest centre is Inkersall Green, which is approximately 1.2km distance from the nearest point of the site on foot. The Institution of Highways and Transportation Guidance "Guidelines for Journeys on Foot" refers to a walking distance of 800m, or a maximum ten minute walk on a safe route with no significant obvious barriers to walking (para 3.30). The council's adopted Supplementary Planning Document on Residential Design, "Successful Places" also refers to a walkable neighbourhood being one "with a range of everyday facilities within an approximate 10 minute (800m) walking distance" (para 3.2.16), with specific reference to a Local Centre within 6-800m and GP Surgery within 800-1000m. The application site would significantly exceed this. Policy CS2 provides some further interpretation to the strategy, including indicating where exceptions to the strategy may be appropriate. The application fails on the majority of the criteria set out in the policy (the exceptions being (c) [not on best or most versatile agr. land] and (g) [meet seq. test requirements]), and there is no evidence to suggest that the proposal meets the tests set out in CS2 (i) [needs to be in a specific location to serve defined local catchment] and (ii) [required to regenerate sites].
- 5.2.7 The application would therefore be contrary to Local Plan Core Strategy policy CS1.
- 5.2.8 Policy EVR2 is a saved policy from the Replacement Chesterfield Borough Local Plan. Although this policy predates the NPPF it is still an adopted Local Plan policy. Para 213 of the NPPF states that: "...existing policies should not be considered out-of-date

simply because they were adopted or made prior to the publication of [the NPPF]. Due weight should be given to them, according to their degree of consistency with [the NPPF]...". Paragraph 170 of the NPPF states that "Planning policies and decisions should contribute to and enhance the natural and local environment by: b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services..." it is for the Local Planning Authority through the Local Plan process to determine the level of protection appropriate. Paragraph 117 also "states that Planning policies and decisions should promote an effective use of land in meeting the need for homes...in a way that makes as much use as possible of previously-developed or 'brownfield' land".

- 5.2.9 Policy EVR2 states that *"Within the areas of open countryside and other open land planning permission will only be granted for new development which is necessary for the needs of agriculture and forestry or is related to recreation, tourism or other types of farm or rural diversification..."*. It then goes on to identify a range of exceptions to this policy, none of which apply in this case. The weight to be given to Policy EVR2 was considered by the Inspector in determining the appeal against the refusal of planning permission at Northmoor View, Brimington. Given that the boundaries of EVR2 were set in 2006, and a number of planning permissions have since been granted for development within the open countryside, the Inspector took the view that the EVR2 allocation may not be appropriate today or consistent with the NPPF's objective of boosting housing supply.
- 5.2.10 The conflict with policy EVR2 can therefore only be given limited weight in determining the current application.
- 5.2.11 The applicant has submitted a statement on the economic benefits of the development and argues that this should be granted greater weight than the Local Plan. However the NPPF is very clear in paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise". It should be noted that the benefits of housing development would be delivered regardless of the location. If this argument were accepted there would be little purpose to Local Plans having a spatial strategy and clearly more weight should be given in the first instance to the Local Plan. It is also noted that, if

approved, the development would not add to the five year housing supply based on the submitted evidence, which is not considered to pass the test set out in the NPPF of “clear evidence that housing completions will begin on site within five years” that would be required of an outline planning permission for major development, set out in annex 2 of the NPPF. In this respect, little weight should be given to the potential contribution of the development to the five year supply position.

- 5.2.12 In summary, the principle of development would be contrary to policies CS1, CS2 and CS10 of the adopted Local Plan and there are no material considerations that would indicate otherwise.

Prematurity and the emerging Local Plan

- 5.2.13 On 28th June the emerging Local Plan was submitted to the SoS for Examination (expected to be in the autumn of 2019). The emerging Local Plan has therefore passed the ‘gateway’ test for prematurity set out in paragraph 50 of the NPPF. Paragraph 49 (a) and (b) of the NPPF give further clarity on how prematurity should be determined.
- 5.2.14 The first test is whether the proposal is “so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan”. At 350 homes the application is clearly of significant size and would be contrary to both existing and emerging local plan policies. On its own it would be equivalent to approximately 8.5% of the council’s outstanding housing need as set out in the emerging Local Plan (expected to be a minimum of 4080 net new dwellings between 2018 and 2035 following modifications to the plan). Cumulatively with other sites not identified in the plan, including the recent appeal decision at Northmoor View, and an undetermined outline application at Calow Lane, this would amount to 620 dwellings (15.2% of the housing requirement) that have not been accounted for in the emerging plan in terms of Sustainability Appraisal or infrastructure provision. The site was considered as part of the Local Plan process but rejected as an allocation primarily on the basis that (a) it did not meet the spatial strategy test in terms of location (b) the identified housing requirement could be met from other sites that meet the spatial strategy. The proposal is not on a site allocated

for an alternative use in the emerging plan, required to meet an identified need, or on a site specifically identified for protection from development. Permitting significant additional housing development on a greenfield site would utilise capacity in the housing market that could assist in the re-use of previously developed land (an objective of the NPPF expressed at paragraphs 117 and 118). In this respect there is an argument that the proposal could 'undermine' the plan-making process.

5.2.15 However the second test in the NPPF regarding prematurity (and the wording is such as to indicate that both tests must apply) is that the plan should be at "an advanced stage but is not yet formally part of the development plan for the area". The NPPF does not define what 'an advanced stage' means, but, given that the gateway test is that a plan has been submitted, it is clearly possible that it could apply to any stage following this. A reasonable assumption is that the weight to be given to prematurity would increase once the plan has undergone examination, and again once an Inspector's Report has been issued finding the plan broadly sound. In this case the plan was submitted for examination in June 2019 and Hearing sessions were undertaken between 15th October and 6th November 2019. The council is now preparing draft modifications for agreement with the Inspectors, prior to consultation. The Local Plan is therefore considered to be 'at advanced stage'.

5.2.16 Turning to paragraph 48 of the NPPF, this examines the weight that relevant policies of the emerging Local Plan should be accorded. The most relevant policies of the emerging Local Plan are policies LP1 (Spatial Strategy), LP2 (Principles for Location of New Development) and LP4 (Flexibility in Delivery of Housing). The three factors to be considered in determining the weight to be given these policies are:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

5.2.17 With regard to (a), was submitted for examination in June 2019 and Hearing sessions were undertaken between 15th October and 6th November 2019. The council is now preparing draft modifications for agreement with the Inspectors, prior to consultation. On test (b), The most relevant emerging policies to this application would be policies LP1, LP2 and LP4. There are outstanding objections to these policies that are to be addressed through main modifications (although these are not considered to go to the heart of the spatial strategy. In terms of (c), the Council considered the policies to be entirely consistent with the NPPF, or it would not have submitted the plan for examination, although there are likely to be some main modifications to these policies arising from the Hearing sessions.

5.2.18 At this point in the Local Plan process, little weight can be attached to emerging policies LP1, LP2 and LP4. However it is noted that these policies are directly analogous to policies CS1, CS2 and CS10 of the existing, adopted Core Strategy, which are considered 'up to date' policies to which full weight should be given.

Retail Provision

5.2.19 The application description refers to a 'retail parade' and a location is shown on the 'Illustrative Framework Plan' accompanying the application (referred to as 0.18ha in the Design and Access Statement). The application form at part 16 responds 'no' in answer to the question "Does your proposal involve the loss, gain, or change of use of non-residential floorspace". No details are given of floorspace, number or size of units, or any mechanisms to secure and deliver the 'parade' in a timely manner to meet the needs of new residents (or as a basis on which potential CIL contributions can be calculated).

5.2.20 New retail floorspace outside of existing centres is subject to the sequential approach, as set out in paragraphs 86 and 87 of the NPPF (at 0.18ha it is unlikely that the proposal would trigger the requirement for an impact assessment as well). No sequential assessment has been submitted with the application. Policy CS16 of the Local Plan Core Strategy does make exceptions for individual small shops of up to 200sqm (net sales floorspace) 'designed to serve local day to day needs'. If planning permission were granted, a planning condition limiting any retail provision to a

single retail unit selling convenience goods and 200sqm net sales floorspace or less would be compliant with this policy.

- 5.2.21 A single small retail unit would still not result in the development meeting the spatial strategy requirement set out in policies CS1 and CS2 that new development be within walking and cycling distance of centres. Combined with the lack of any certainty over how and when this retail provision would be brought forward to meet the needs of prospective residents, little weight can be given to this element of the proposal in offsetting the requirements of policies CS1 and CS2.

5.3 **Design and Appearance Considerations (inc. Landscape)**

- 5.3.1 The application submission is accompanied by a Design and Access Statement which has been considered alongside the indicative Development Framework plan having regard to design and appearance considerations including neighbouring amenity.

- 5.3.2 Given that the application submission is outline in nature consideration of design and appearance issues are limited to principles and parameters; as any outline permission granted would need to be the subject of further reserved matters consideration concerning appearance, landscaping, layout and scale.

- 5.3.3 With the above context in mind, the **DCC Urban Design / Landscape Officer** (DCC UDLO) reviewed the application submission, providing the following comments:

'Site Context:

The site is located to the south of Bamford Road and Balewood Avenue, forming part of the settlement of Inkersall Green. It extends into open countryside between the settlements of Calow to the south-west and Arkwright Town to the South, with Duckmanton visible to the east across the Pools Brook valley.

The area of the proposed site relates to three fields immediately south of Bamford Road, with West Wood flanking the western boundary and a disused railway line immediately to the east, linking north to Pools Brook Country Park and Staveley. To the south-east lies Ladybower Wood.

The application is an outline application and an indicative masterplan has been submitted showing location of proposed uses, leaving more detailed layout to be determined as reserved matters. In this regard the urban design comments are also suggestions on how the scheme can be developed in order to be acceptable in this location.

The application site plan also indicates that there are two more fields to the south which fall within the blue line. The area is included within the constraints drawing within the Design and Access Statement. Presently comments relate to the Development Framework plan No 8278-L-04-C which is conceptual and covers the upper two fields.

The wider landscape comprises rolling green fields part of the National Character Area (NCA) 36 'Nottinghamshire, Derbyshire and Yorkshire Coalfield.' The Derbyshire Landscape Character Assessment shows the site lying within the 'Estate Farmlands' Landscape Character Type, which is described as a broad, gently undulating landform, with mixed farming dominated by arable crops, and localised woodland with blocks of trees and occasional trees. Fields are characterised by hedgerows enclosing medium size, semi-regular fields. It is an open landscape with long distant views with small villages, hamlets and scattered farmstead.

Issues

The Site is located in open countryside to the south of Inkersall. From an urban design perspective issues of sustainability, landscape impact and accessibility to existing settlements are important considerations. Design for new houses on edge of settlement locations need to provide inclusive places that improve placemaking of existing settlements.

Site Appraisal

Edges

Bamford Road serves the existing estate of 1980's-2010's houses. If the scheme were to be developed beyond the indicative masterplan, an improved access and sense of arrival would need to be created by expanding the area of public realm at the north-eastern corner of the site. This would require careful integration of the pumping station and balancing pond surrounded by a public

landscaped space. This space should have an active interface of houses to create a welcoming entry into the development.

Bamford Road is a clear edge to the development and there is a clear transition of form. The existing hedges to the fields create a strong boundary that needs to be retained. However, a visual relationship between the houses along one side of Bamford Road and the other needs to be made to integrate the development. This will mainly be achieved at and around entry points.

Recommendation: Improved main access/entry into the development, and improved entry points along Bamford Road.

Graded Density

The application proposes up to 350 new homes, within a gross site area measuring 17.2 hectares. This residential area of 9.94ha has a gross density of 35.2dph, which is slightly in excess of a standard suburban density, having regard to those parts of the site that would be excluded for features such as drainage ponds, public open space etc. Given the exposed hillside position of the site, this density is considered to be in excess of what would be appropriate in this edge of settlement and open countryside context, if this were uniformly distributed across the site.

The plan within the DAS shows a band of lower density of houses along the rural interface and high density in all other parts of the site. This is acceptable in principle, however, the housing densities can be varied throughout the development. Any development should seek to assimilate sensitively into its setting. According to the DAS the layout will be designed with a variety of individual block densities. This should support areas of varying character and respond to different site constraints and opportunities.

Recommendation: Lower density throughout the development with some variation at centres and rural interface.

Layout

The layout is not currently for consideration as part of this application, although an indicative site layout framework/masterplan has been prepared in support of the submission.

Recommendation: Submission of detailed layout showing commercial area and housing areas including housing mix, plot sizes and boundaries. This should be accompanied with boundary treatments of walls, fences and hedges, a plan showing street hierarchy and surface treatments, detailed landscaping of public realm and private spaces. Cross sections will be required across the site but also across Bamford Road to show the relationship with existing housing. Details of the LEAP would also be required at reserve matters stage as the treatment of this facility would need to take into account the sensitivity of its location.

Mining

The Coal Authority has determined this is a site falls within the defined Development High Risk Area. There is in excess of 60 mine entries on, or close to, the site associated with Ironstone extraction.

Historically, the site has been the subject of below ground and surface mining operations, the details for which are not yet fully understood. Therefore, the constraints associated with historic mining activities have not been able to inform the Masterplan layout or the supporting site appraisal work and underlying concept diagram.

The locations of the coal mine entries and the surface mining high-wall, once established, should be used to inform the site layout. The layout should be designed to ensure that adequate separation is provided between the coal mine entries and their zones of influence and any buildings proposed

Recommendation: The submission of a layout plan identifying and defining suitable 'no build' zones will be a requirement.

Water Utilities Constraint

A water easement of three metres either side of an existing water pipe crosses the site in two places. This transects the site from West to East and diagonally north-west to south-east across the site. The water easement constraints have formed the framework for the main road system of the development. This has created a strong axis which is inappropriate to the surrounding urban form and is not necessarily the best design response to the contours of the site.

Street Pattern: the 'Main Street' on the indicative masterplan is long and no greater in width than other streets. The rationale of following the water easement is not enough justification to use this constraint as the framework to base the development on. The overall impression is that a more permeable layout could be achieved by creating more perimeter blocks. The indicative secondary street network shows too many dead-end streets running directly perpendicular to Main street. It would be expected that a clearer street hierarchy will be developed.

According to the DAS the Site itself lies on sloping ground, with variable landform of localised dips and rises. The overall slope direction is from west to east. A pronounced depression forms the low lying east at 90m AOD whilst the site plateaus along the top western section at 120m AOD. There is more opportunity to vary the streets around the localised dips and rises and therefore be more responsive to topography in the layout.

Recommendation: Consider alternative street layouts less restrictive to the constraints of the water easement, and more responsive to topography.

Connections and Permeability

Approaches: Treatment of gateways/site entrances

Two accesses are proposed off Bamford Road into the development, whilst a third 'Emergency' access is proposed at Batewood Avenue and W Croft Drive leading through existing housing areas. This third access may be suitable as a more permanent link and would result in a more permeable layout that would integrate the proposed with existing housing areas.

The Green Lane Edge of the site is an appropriate response to the edge of the settlement with houses fronting the rural interface screened by hedgerows and tree planting. Trees and hedgerows could also be extended to screen the NEAP and link to Ladybower Wood.

The proposed re-routing of the Trans-Pennine Trail from where it leads through existing residential streets to the rural edge would be an improvement to the views and experience from this trail and creates improved links with the new public open space, Ladybower Wood and the railway.

The plans do not show the bicycle network along the disused railway line. A direct bicycle link to the railway through the

proposed public open space would be a benefit to cyclists and as well as walkers.

Recommendation: Extend green infrastructure to meet existing woodland to increase biodiversity. Also, improving links to the cycle network to improve sustainable transport options.

Public Realm

The position of the retail located on Bamford Road at the entrance to the development is opposite Westwood Close and next to housing to the south of Bamford Road. This could be alternatively placed opposite the junction of Bakewell Road which leads deeper into the existing estate and existing walking routes and would therefore be more legible. An opportunity would then arise to place a number of houses adjacent to the existing houses fronting onto the south side Bamford road which may provide a more integrated character to Bamford Road.

Community open spaces located in south-east corner buffer the new development from open countryside, however it is recommended that small incidental areas of public space should also be dispersed throughout the housing areas to improve accessibility for all ages. The location of a LEAP on the edge of open countryside needs to be carefully sited and landscaped.

Recommendation: Locate the retail/commercial area where it is best served by residents from existing housing areas and proposed housing areas.

Recommendation: Introduce more incidental areas of open space throughout the development, providing more focal points.

Potential future Links to adjoining Land.

The blue line on the plan extends into fields beyond. Presently the land is agricultural fields, however, a recommendation is to consider future tree planting on this land to reduce the visual impact of a large residential development on the wider landscape.

Recommendation: Consider more tree planting/woodland planting along the southern boundary to minimise impact of development on middle ground views.

Local Distinctiveness

Page 55 of the DAS addresses appearance of the development. The illustrations show a predominance of red brick with little tree-scape. Images show open plan frontage treatment with no boundary walls or hedges. More detailed consideration would suggest distinctive character areas, with a predominance of trees, hedges and low walls at this edge of settlement location. The photographic examples show design treatments from a selection of existing residences close by, suggesting that a modern interpretation of traditional materials is used. House types that reflect local distinctiveness and modern building materials and technology are recommended.

Recommendation: Develop house types that are distinctive, and locally with use of modern building technologies

Character and Identity

The DAS mentions that the development will have character streets with a housing mix determined at detailed stage leaving assessment on a broad range of housing types. The Main Street is described as a 5.5m wide carriageway with 2m footpaths on both sides is not providing a significant change in character to other streets in the area. Reference is made to a 'distorted grid' which would perhaps alleviate some of the rigidity of the framework by introducing gentle setbacks and realignments into the streets. Opportunities exist in places for shared surfaces and to create streets as places, creating a street hierarchy.

Recommendation: Develop a street hierarchy.

Focal Points and legibility

Ensure that the interface between development boundaries take account of the relationship between public and private realm. An opportunity exists to use the commercial element of the scheme to provide a focal point of activity for old and new housing and may work well if bordered by public realm. Take into account the approach to the development by ensuring the balancing pond area and pumping station are designed into an attractive open space with housing fronting onto it to give a 'village green' entrance. Within the scheme there maybe opportunity to create focal points of incidental open space.

Recommendation: develop more focal points and incidental open space.

Drainage Strategy and Utilities

Ensure the attenuation pond and use of SUDs throughout the development are integrated into an attractive design with the use of permeable paving areas and bioswales to give a natural appearance. The water easement corridor with road and green verges should allow for tree planting that is appropriate to the rural setting of hedgerow trees and occasional focal trees rather than a formal avenue.

Recommendation: Develop a SUDS strategy.

Landscape Issues

The position of the site on a valley side sloping to Pools Brook to the east presents the potential for visual impact in the landscape from a range of receptors. The site also adjoins the edge of existing housing which benefits from open views over fields. The proposals will have a direct and significant impact on this housing and a degree of visual harm.

An LVIA has been commissioned to assess impacts. In some cases I consider that the magnitude of views may be greater than assessed.

Of the receptors assessed 10 out of 23 were Moderate Adverse or Minor Adverse after 15 years for the effects upon the landscape character of the Site and its immediate context. I would therefore suggest that more significance should be given to the visual impact of the proposals than concluded by the assessment.

Viewpoint 5 from Inkersall settlement edge is assessed as Major/Adverse reducing to Moderate / Adverse after 15 years. Whilst the establishment and maturity of Green Infrastructure will improve views and visually link the development into the existing hedgerows and woodland, the loss of existing long open views is significant and this will not change over time.

The view from (Viewpoint 8) concerns rerouting of the Trans Pennine Trail and is assessed as Minor/ Adverse becoming Minor/beneficial. This is on the basis that the path will be contained within new Green Infrastructure rather than following the existing urban edge. This could be an attractive route when the planting matures, however, it takes a route that is lower in the landscape,

and it will be more enclosed. This is quite a fundamental change to the experience. At present the experience is one of being on the edge of settlement with long open views and is informative in how the location relates to the wider landscape. I would consider that the loss of these qualities would be detrimental.

The site is not within the area identified as a strategic gap, however, visually Inkersall and Callow may appear closer from across the valley at Duckmanton leading to a perceived coalescence of housing areas. The combination of increased residential with other developments such as solar farms will lead to an increased perceived urbanisation of the countryside. The development would need integrated green spaces throughout with direct links to surrounding countryside to improve the relationship to the countryside. More tree planting may be required surrounding the development to minimise impact on wider views. A management plan would be required to ensure maintenance of newly created woodland and green infrastructure planting.

The proposals include new woodland planting, open space, habitat creation, additional public access provision and a new community play areas. Street trees proposed should be of suitable large growing species to make an impact and be given sufficient space to flourish and preferably planted in public areas. Substantial Green Infrastructure is particularly important to the south east of the site to provide an effective buffer from distant viewpoints.

As suggested by the LVIA, I would advise that the planting mix takes into account the guidance in the relevant section of the 'Landscape Character of Derbyshire' publication taking account of species already present on site.

It is important that the proposed Green Infrastructure is successfully delivered along with a substantial street tree planting scheme to visual detriment. Given the successful establishment of proposed Green Structure I consider that overall the proposals may not give rise to unacceptable landscape and visual harm. However, it should be borne in mind that if considered along all with the accumulative visual effect of nearby potential development, overall the visual effect of development would significantly increase and I would consider that as a whole this would be of unacceptable landscape and visual detriment.

Recommendation: Ensure that a suitable and robust Green Infrastructure proposals including substantial street tree planting and Management Plans are agreed. Consider more integrated and direct links of green spaces to open countryside.

Other Issues

Overhead power lines traverse north east to south west past the eastern Site boundary whilst to the opposite valley side in the east lies a solar farm. Both of these have visual impact on any new housing and how these are mitigated by the green framework needs careful consideration to ensure minimal impact on residents.

Recommendation: Adjust layout to minimise impact on views of overhead cables in and out of the development.

Conclusion

The scheme involves the provision of houses, community facilities and public open space with potential links to other areas. In outline the masterplan tends to be rigidly fixed to the constraints of the utility infrastructure and as a result the very straight lines are not as responsive to topography and views as they could be. More consideration needs to be given to these factors. However, the amount of open space and potential to improve links to footpaths and cycle ways and the wider countryside does contribute to the integration into the wider landscape.

*Subject to the resolution of the above issues at reserve matters stage we have **No Objection** to the above development on Urban Design Grounds subject to the following recommendation:*

- 1.) Improved main access/entry into the development, and improved entry points along Bamford Road.*
- 2.) Lower density throughout the development with some variation at focal centres and rural interface.*
- 3.) Submission of detailed layout showing commercial area and housing areas including housing mix, plot sizes and boundaries. This should be accompanied with boundary treatments of walls, fences and hedges, a plan showing street hierarchy and surface treatments, detailed landscaping of public realm and private spaces. Cross sections will be required across the site but also across Bamford Road to show the relationship with existing housing. Details of the LEAP would also be required at reserve matters stage as the*

treatment of this facility would need to take into account the sensitivity of its location.

- 4.) The submission of a layout plan identifying and defining suitable 'no build' zones will be a requirement of mining constraints in a Development High Risk Area. This may have an impact on detailed layout.*
- 5.) Consider alternative street layouts less restrictive to the constraints of the water easement, and more responsive to topography.*
- 6.) Extend green infrastructure to meet existing woodland to increase biodiversity.*
- 7.) Improve links to the cycle network to increase sustainable transport options.*
- 8.) Locate the retail/commercial area where it is best served by residents from existing housing areas and proposed housing areas.*
- 9.) Introduce more incidental areas of open space throughout the development, providing more focal points.*
- 10.) Consider more tree planting/woodland planting along the southern boundary to minimise impact of development on middle ground views.*
- 11.) Develop house types that are distinctive, using local vernacular with use of modern building materials and technologies.*
- 12.) Develop a street hierarchy with more focal points and incidental open space.*
- 13.) Develop a detailed SUDS strategy appropriate to the site, using permeable materials, bioswales, and balancing ponds.*
- 14.) Consider more integrated and direct links of green spaces to open countryside.*
- 15.) Adjust layout to minimise impact on views of overhead cables in and out of the development.'*

5.3.4

Further comments were also received from the **Crime Prevention Design Advisor (CPDA)** as follows:

From a community safety perspective there would be no reason to object to residential development of this site in principle.

If outline permission is ultimately approved future detail will need to respond to a number of matters, some of which are outlined in the supporting design and access statement, many more included in

your supplementary 'Successful Places' document which I note is also referenced within the application.

Specifically for this site, a number of movement connection points will need to be well supervised by a combination of aspect, location and housing layout. New areas of play should have an adequate buffer from housing but be well overlooked by active frontages.

Where the site boundary adjoins existing residential cul-de-sacs to the north west of the site, if the new link onto West Croft Drive is seen as necessary for convenient circulation, the link should form a continuous street-scene and not a narrow or restricted link. The remaining cul-de sacs would be assumed to be secured at their termination.

Neighbour responses raise concern over existing anti-social problems extending to the newly proposed retail centre. I'd see this as a valid concern should the centre be located close to existing property. In detail the problem could be tackled by reconsidering location, ensuring that new housing has a strong visual link to likely gathering locations, whilst providing an adequate buffer between the two, landscape design to restrict unintentional seating and keep formal seating in well viewed areas, also the consideration of a formal surveillance provision.

- 5.3.5 Having regard to the comments of the DCC UDLO and CPDA above, in the context of the provisions of policies CS2, CS18 and CS20 of the Core Strategy and the Council's SPD Successful Places, it is considered that whilst there are weaknesses and issues highlighted by the DCC UDLO in the detail of the outline application as submitted; none of the issues which are raised would be insurmountable if permission were to be granted and reserved matters detail sought. Further detailed consideration of appearance, landscaping, layout and scale would be undertaken at this second tier of the application process. This would include consideration of immediate neighbouring amenity (separation distances etc) which would extend beyond amenity issues highlighted against the principle of development above. Overall therefore it is considered that the outline development proposals could be viewed to comply with the design and appearance principles of policies CS2, CS18 and CS20 of the Core Strategy and the Council's SPD Successful Places.

5.4 Highways / Demand for Travel

- 5.4.1 Having regard to the nature of the application proposals there are a number of highway related matters to be considered. These include considerations in respect of the impact of the development upon the local highway network; the potential impact of the development upon the local footpath / cycle network and its connectivity thereto; and finally the demand for travel arising from the nature of the development proposals.
- 5.4.2 Looking in turn at each of the considerations set out above, in regard to the local highways network, the nature of the application proposals will inevitably lead to an impact upon the local highway network which must be considered. The fact that access is detailed for consideration alongside this outline planning application means that as well as the impacts of the development upon the wider highway network, the impacts of the specific junction proposals upon Bamford Road can also be considered.
- 5.4.3 In order to address these matters the application submission is accompanied by a Transport Assessment (TA) and Travel Plan (TP) which have both been prepared by iTransport dated 28 November 2018.
- 5.4.4 Together with the TA and TP, the proposals and supporting documents were reviewed by the **Local Highways Authority** (LHA) who initially made the following comments:

A Transportation Assessment has been submitted in support of the proposals in which trip rates previously agreed with this Authority have been used in determining predicted impact on a number of junctions on the existing local highway network.

Capacity assessment of the junctions of Elliot Drive with both Bamford Road and Inkersall Green Road together with the Inkersall Green Road / Middlecroft Road junction conclude that these off site junctions are expected to operate with, albeit in the case of the latter junction, limited spare capacity under the future year traffic flow scenarios, both with and without the development in place.

Capacity assessment of Troughbrook Crossroads suggests that the junction will experience congestion and delay in the Do -

Minimum scenarios i.e. before the application of development traffic. As you will be aware the Transportation Assessment submitted in support of Staveley Works regeneration proposals also concluded that Troughbrook Road at its junction with Chesterfield Road is predicted to be operating well beyond its design capacity thresholds, and included proposals to replace the staggered crossroads with a new roundabout located approximately 50 metres to the west of the existing junction. However, the Transportation Assessment supporting the application proposals cites absence of definitive timescales or funding arrangements for the implementation of the proposed roundabout and, due to these uncertainties, suggests as an alternative the potential for signal-control of the junction. An indicative layout of how acceptable mitigation may be achieved is appended to the Transportation Assessment. Notwithstanding, the Highway Authority considers that a more complete solution would be introduction of a roundabout and recommends that funding equivalent to that required to undertake the currently proposed signalisation is secured under a S106 that may be used to either implement these Works or as a financial contribution towards construction of a roundabout junction.

The Transportation Assessment observes that Inkersall Green Road at its junction with Inkersall Road is currently at or near capacity with existing traffic levels and states that the addition of the development traffic will significantly impact on operation of this junction. Consequently, a scheme of mitigation works in the form of the introduction of signal-control is proposed. Whilst the principle of this is acceptable and an indicative layout has been appended, due to the undulating and sinuous alignment of Inkersall Road, a more detailed design will be required to ensure that signalling this junction is feasible.

The capacity assessment of the Market Street / Duke Street / Inkersall Road signalised junction suggest that, whilst there would be some spare capacity at the junction, by the forecast year conditions would worsen although impacts of development traffic are not considered significant. This junction was also considered in the Transportation Assessment supporting residential development on land at Poolsbrook which reached a similar conclusion; however, neither Transportation Assessment considers the cumulative effects of both developments. I'm unaware of whether or not the Poolsbrook development has been granted Consent

and, consequently, if this should be considered as committed development to be taken into account when predicting the impacts of the Bamford Road proposals.

The Chesterfield Road - Staveley Road junction is predicted to operate at the upper limits of its capacity threshold by the forecast year although impacts of development traffic is not considered significant. The capacity assessment does however suggest that lengthy queues could form to all approaches to the junction.

It should be understood that, whilst the Highway Authority has considered the traffic and transport information submitted in respect of the above proposal, as a generality, it does not “agree” the content of a Transport Assessment or, inevitably, concur with every detail contained therein. However, providing it is considered that the conclusions are generally acceptable, as (subject to the above observations) in this case, then it is not regarded as reasonable or warranted to require the applicant to devote resources to amending detail which would not vary the conclusions.

In terms of proposed layout, it's proposed to serve the site via two new junctions with Bamford Road, each designed in accordance with current guidance. It's noted that, due to the straight alignment of the existing highway, exit visibility sightlines in excess of 2.4m x 90m are achievable from both proposed access points. The proposed geometry of each access is considered to be acceptable.

The submitted details demonstrate a 2.0m minimum width footway that will be need to be provided across the entire site frontage with Bamford Road to link with existing pedestrian facilities at either end.

Whilst a Development Framework Plan has been submitted, any internal layout being put forward for adoption to be maintained at public expense will need to comply with this Authority's current design criteria e.g. suitability for the largest vehicles likely to require access to any part of the site demonstrated by suitable swept paths; appropriate exit and forward visibility sightlines (including from proposed parking spaces); adequate, conveniently located, off-street parking to serve each proposed property; areas for standing of waste bins adjacent to, but not within, proposed highway; etc.

It's noted that there is an intention to re-route the Trans-Pennine-Trail through the site. Details of this, including construction and future maintenance, will need to be agreed with this Authority's Countryside Service.

Specific comments in relation to the Travel Plan are appended to this response. It's recommended that funding of £1,000p.a. for 5 years (i.e. £5,000 total that should be index linked) is secured for monitoring of the Travel Plan.

Therefore, it's recommended that the applicant is requested to submit a more detailed design for improvement works to mitigate impact of the development proposals at the Inkersall Green Road – Inkersall Road junction in order to demonstrate that an acceptable layout (including appropriate forward visibility sightlines) can be delivered.

However, if you are minded to determine the application as submitted, the Highway Authority would be grateful to receive further opportunity to provide recommendations of either refusal until such time that feasible mitigation of the above junction has been demonstrated or Conditions for inclusion within any Consent – including one for submission of an acceptable layout for the same junction should you deem this appropriate.

5.4.5 Having regard to the comments made by the LHA the applicant sought to provide the additional information required by the LHA, and subsequently undertook further survey work and analysis of the Inkersall Green Road and Inkersall Road junction. Further discussions were also exchanged regarding the Market Street / Duke Street / Inkersall Road junction and the Chesterfield Road - Staveley Road junction.

5.4.6 Details (inc. speed surveys and junction designs) were submitted by the applicants transport consultant iTransport to the LHA on 16 May 2019, 22 May 2019 and 19 June 2019. The LHA considered the details submitted and ultimately confirmed (19 June 2019), *'the Highway Authority considers that the appended drawings demonstrate layout details to satisfactorily support signalisation of the Inkersall Road – Inkersall Green Road junction and, as a consequence, are deemed to be appropriate mitigation at this location for the development proposals'*.

- 5.4.7 In respect of the commentary set out above, the resolution reached with the LHA in respect of the Inkersall Green Road / Inkersall Road junction is noted. In respect of the matters concerning the Troughbrook Road crossroads and the Market Street / Duke Street / Inkersall Road junction, it is understood that the LHA have accepted that there is a solution set out in the accompanying TA which would mitigate the impacts of the development upon these junctions. In both circumstances the LHA has indicated that they would seek to secure a reasonable and proportionate S106 contribution to both the Troughbrook Road crossroads and the Market Street / Duke Street / Inkersall Road junction. Notwithstanding this the MOVA improvements at the Market Street / Duke Street / Inkersall Road junction have already been agreed and secured by legal agreement through the Gleeson's / Poolsbrook residential development scheme. It is also the case that this payment has already been received to the LPA, and therefore despite the LHA advising, *'it's probably worth securing equitable funding as the MOVA works won't have been undertaken as yet and this may help cover any additional costs that may arise. Any excess funding can be returned on a similar basis'*, this would be double counting / unreasonable.
- 5.4.8 In respect of the Troughbrook Road crossroads, despite the LHA indicating that their preferential solution to the improvements at this junction would be through the implementation of a roundabout, the LHA has indicated that the solution put forward in this application to resolve the highway implications arising exclusively from this development proposal are acceptable. It would therefore be reasonable and proportionate to require this matter to be fully resolved through the mechanisms of a S106 agreement which would either secure the works to be undertaken or as an alternative contribute an equivalent sum to be held to contribute to the LHA's wider aspirations, if permission was to be granted.
- 5.4.9 Despite the concerns raised by numerous local residents over highway safety and the impact of the development and its access upon Chesterfield Road, advice from the local highway experts must lead the LPA to have no justifiable evidence to suggest that the development proposals and the access junction details submitted would have detrimental impact upon highway safety.

- 5.4.10 Turning to the potential impact of the development upon the local footpath / cycle network the application site is intersected by Staveley Footpath 7; and is bound to the east, south and west by the Trans Pennine Trail. Beyond the northern boundary of the site (and Bamford Road) there also is situated two further short sections of public footpath Staveley Footpath 62 and Staveley Footpath 74 which run through the housing estate.
- 5.4.11 The application submission is supported by an indicative Development Framework plan, which indicates the preservation of the public footpath routes alongside the potential creation of a footpath / cycle route running west – east which could potentially connect to the Trans Pennine Trail.
- 5.4.12 As part of the planning applications consultation comments were received from the **Trans Pennine Trail Officer** (TPTO) and the **Derbyshire CC Countryside Officer** (DCCCO) who both initially objected to the planning application proposals. Notwithstanding this it appears both consultees had misunderstood the details of the application proposals, as their initial comments objected to the diversion of the TPT, however clearly the application proposals were not proposing diversion of the TPT as the application site boundary did not include any part of the TPT's aligned route. The Development Framework plan simply shows the potential provision of a route through the development proposals that could connect with the existing route.
- 5.4.13 Both the TPTO and the DCCCO comments were rebutted by the applicant in their letter dated 11 March 2019 and this resulted in the TPTO and DCCCO issuing further responses as follows:

TPTO - It is noted that Gladman only intend to provide an alternative route and not re-direct the current alignment and would not adopt but would envisage this is the responsibility of the Trans Pennine Trail partnership. The Trans Pennine Trail as a partnership would not take on this responsibility but upgrades in status can be undertaken by our partners, in this case, Chesterfield or Derbyshire. However, as this is part of a new development we would look to the Developer to undertake this task as part of their engagement to provide a fully accessible bridleway route, regardless of its status in terms of the Trans Pennine Trail route.

The sketch provided does indicate potential connections to the existing route of the Trans Pennine Trail. In terms of the options provided, the Trans Pennine Trail would not accept option 2 or 3 that provides further on-road connections. This is against our aim of providing a fully accessible route within a green corridor at every opportunity.

The design indicates provision of a 6.5m width area of the Trans Pennine Trail that is welcomed along with the clarification of hedge management to a height of 1.2m. It is understood that the maintenance of the green space, including hedgerow, will be covered by a service charge via a management company. The Trans Pennine Trail would ask Chesterfield to ensure that there is a monitoring process outlined prior to any works to ensure that the longevity of such scheme is protected and what happens should this process fail / cease.

DCCCO - The developer offers three options to create a high quality off road route to link to the existing TPT and which could be formally adopted as the TPT at a future date. Option 1 proposed by the developer is the only option that can realistically achieve this aim. This of course requires a connecting link outside of the development area. This small link is fundamental and strategically important in ensuring sustainable off road cycling connectivity in the area and the developers stated commitment to engage with the council to secure this connection is very welcome. For clarification, as the link is required in West Wood it is understood that the reference to "the council" is directed at Chesterfield Borough Council as landowner.

It is also pleasing to note the developer's recognition of the concern in regard to potential tunnelling of the shared cycleway. It is expected that the illustrative section provided by the developer showing a 6.5m wide area alongside a hedge 1.2m height shall be presented in any future reserved matters application.

The developer refers to a management company that will maintain the green infrastructure of the development through which the shared cycleway will pass. Further clarity from the developer would be welcomed that confirms a commitment to addressing other issues of maintenance beyond planting, such as removal of litter, repairs to infrastructure such as benches and fences, and other

issues associated with anti-social behaviour that affect user enjoyment and increase the perception of crime.

5.4.14 Additional comments were also made by the **Chesterfield Cycle Campaign** (CCC) as follows:

CCC welcomes the plans to create a new traffic free section of the Trans Pennine Trail through this development however there are issues relating to it that to give our support will need clarification:

1. Bamford Road is currently the route of the Trans Pennine Trail for walkers, cyclists and horse riders. There will need to be diversionary routes in place whilst this development is built because the only vehicular access is off Bamford Road.

2. Any new multi user trail will need to be built to the minimum standards required by Derbyshire County Council and Trans Pennine Trail. The trail will need good drainage and ideally allow sunlight to dry out the surface.

3. An enforceable maintenance plan funded by the developer needs to be in place for ten years.

4. More detail is required of the connection to the existing trail at the eastern end. At the western end exiting into West Wood it is unclear how a connection will be made to the existing multi user trail. This must be funded by the developer to create a viable new section of multi user trail.

*Until these questions are answered satisfactorily **the Campaign cannot support this proposal.***

5.4.15 Having regard to the comments received from consultees set out above the figure below is an extract from the DCC Mapping Portal, which shows the alignment of the public footpaths and the Trans Pennine Trail.

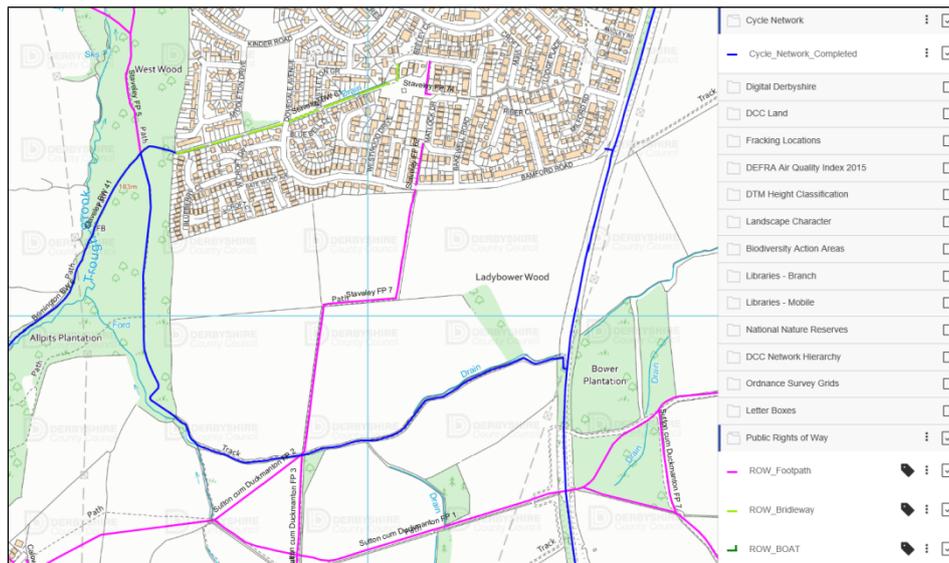


Figure 2: Public Footpaths and Cycle Network / TPT Alignment (Source: DCC Mapping Portal)

- 5.4.16 Having regard to the map above Bamford Road is not shown to be the route of the TPT for walkers / cyclists / riders as the blue route excludes Bamford Road, however it is noted that on other literature the TPT route does still shown its alignment to run along Bamford Road. Notwithstanding this the development of the site will not require diversion of the Bamford Road TPT alignment, as is suggested. Clearly walkers / cyclists / riders have a choice in West Wood at present to go either south onto the newer blue route shown in figure 2 which loops round to the former railway line section of the TPT; or continue to take the bridleway route (shown as the green route) to link onto Bamford Road which in any event would need to be safeguarded from construction traffic if development were permitted. This would be something dealt with by the Local Highways Authority.
- 5.4.17 Looking at connectivity of the TPT from Bamford Road there are 2 no. connections, where people joining the TPT may walk / cycle / rider along Bamford Road to join, but as concluded above the actual Bamford Road highway is not adversely affected by the development proposals. The 2 no. new junctions from the southern edge of Bamford Road would need to be formed with appropriate dropped crossings etc to meet highway standards and the applicant is proposing to formulate a footway along the entire southern edge of Bamford Road commensurate with the development (as shown on the Access Plan drawing no. ITM13597-SK-012) which is new provision.

- 5.4.18 Turning therefore to the outstanding issue of the multi user route proposed through the site west - east, the route provision is not a direct requirement of the development proposed (i.e it is not a necessary diversion of the route arising from the development) and therefore its provision can only simply be viewed as an enhancement to the development proposals and facilities in the local area.
- 5.4.19 In this instance, despite the comments made by the TPTO, DCCCO and CCC, the developer can only be guided in the final design of this route (surface, width, maintenance etc) as it will not necessarily become a component part of the statutory route / cycle network and it certainly isn't reasonable through the planning process to require it to be put forward to statutory route adoption etc. In this case it is fair to assume that ownership of the route etc would remain private and managed by the same company responsible for all other elements of the scheme's open space / SuDS etc.
- 5.4.20 It is further noted that the TPTO, DCCCO and CCC comment that the developer must fund the wider connection of their proposed route to the TPT which lies to the west of the application site. It is considered that a development of this nature and scale will need to secure a programme of works to deliver effective connectivity both within the site and to strategic points off site. New CIL Regulations which came into force on 1st September 2019 permit funding of infrastructure from both CIL and planning obligations. Therefore it is both reasonable and achievable to place a planning obligation requirement on the developer to secure a connection beyond the application site to the TPT.
- 5.4.21 Turning to the third and final issue of the demand for travel arising from the development proposals, the application submission is supported by a Travel Plan which has been reviewed by the Local Highways Authority Travel Plan team (LHA TP). Their comments received make a series of recommendations to carry the TP forward following commencement of development and these could be the subject of a condition, if permission is granted.

5.5 **Flood Risk / Drainage**

- 5.5.1 Policy CS7 requires all new development proposals to consider flood risk and incorporate, where appropriate, Sustainable

Drainage Systems (SuDS) to ensure the maximum possible reduction in surface water run off rates are achieved commensurate with the development being proposed.

- 5.5.2 In accordance with policy CS7 of the Core Strategy and wider advice contained within the NPPF the application submission is supported by a Flood Risk Assessment (FRA) prepared by Enzygo dated November 2018; a Foul Drainage Analysis dated November 2018; and a follow up letter from Enzygo dated 20th March 2019.
- 5.5.3 Consultation took place with the **Lead Local Flood Authority (LLFA)**, the Councils own **Design Services (Drainage) team (DS)**, **Yorkshire Water Services (YWS)** and the **Environment Agency (EA)** who all provided detailed responses to the outline proposals and the Assessment submitted.
- 5.5.4 Firstly the EA confirmed that they would not wish to make any representations on the application given that, 'on this occasion there are no environmental constraints associated with the site which fall within our remit'.
- 5.5.5 The DS team also confirmed that they had reviewed the FRA and had no objections to the indicative proposals stated within. They advised that '*prior to a full application, full drainage details should be provided, including drainage layouts, construction details and maintenance arrangements for the SuDS*'. They also confirmed that, '*the development would require consultation and approval from Derbyshire County Council's Flood Team and Yorkshire Water for any connection to the public sewerage systems and for any proposed adoption of any new sewerage within site*'.
- 5.5.6 Looking in turn therefore at the issues mentioned by the DS team above YWS reviewed the application submission and did not raise any objections to the proposals in principle.
- 5.5.7 YWS observed that the Foul Drainage Analysis prepared by Utility Law Solutions (Report dated November 2018) was acceptable and advised that in summary, the report states that foul water from the first 100 dwellings will discharge to the public foul sewer in Westwood Drive and that the wider development site may need to pump foul waters flows to a point of connection to be agreed with Yorkshire Water at a later date. YWS advised that from the information supplied, it is not possible to determine if the whole site

will drain by gravity to the public sewer network and therefore if the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 10 (ten) litres per second. YWS have advised that the drainage details submitted on drawing SHF.1132.129.HY.D.008.B (revision B) dated 29/11/2018 prepared by Enzygo were NOT acceptable to them and that the following points will be required to be addressed: i) the submitted drawing appears to show a proposed surface water discharge of 13.8 litres/second to the public surface water sewer network a rate that, given the development is on a greenfield site is wholly unacceptable; and ii) it is understood that a culverted watercourse exists within the site adjacent to Bamford Road running eastwards. It is also understood that a watercourse is located to the south of the site running eastwards. Either of these appear to be the obvious and more sustainable outfall for surface water and must be fully investigated. On the Statutory Sewer Map, there is a manhole and small section of 450mm surface water sewer located within part of site (opposite 104 Bamford Road). It is essential that the presence of this infrastructure is taken into account in the design of the scheme and a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line. The presence of the pipe must be taken into account in the site layout submitted at the relevant Reserved Matters stage.

5.5.8 Having regard to the issues highlighted by YWS in respect of the existing sewer and outfall, the determination of 'layout' (and provision of appropriate easements and / or diversions) would be determined at the reserved matters stage, but in principle it is not considered that the presence of this infrastructure adversely impacts upon the sites ability to be developed for the purposes proposed. In their response YWS has suggested a series of conditions which they consider would achieve their requirements and these are standard conditions which the LPA are familiar with and have imposed on greenfield sites granted permissions in the past.

5.5.9 In respect of surface water drainage, the LLFA were consulted on the application submission and commented:

The Lead Local Flood Authority (LLFA) note that the minimum requirements for major planning applications have been provided

by the applicant. However, the applicant has proposed a greenfield runoff rate based on the entire site area when it should be based on the developable area (total area minus any areas of public open space and other significant green/blue space). Therefore, the LLFA is not able to accept the current proposed rates of surface water discharge off site and can't consider the FRA as 'approved'.

It is also noted that whilst an outline masterplan has been submitted, the layout of the site has not been provided and therefore no outline drainage design has been proposed. It has been shown that the 'as proposed' attenuation ponds can be accommodated on site, however, should the layout and attenuation requirements change the available space on site could alter. Therefore, prior to any reserved matters application being agreed an outline drainage strategy with amended runoff rates and subsequent modelling should be submitted to the Local Planning Authority (LPA).

- 5.5.10 In response to these comments Enzygo provided a letter of clarification dated the 20 March 2019, which was re-issued to the LLFA for further consideration. The LLFA confirmed, *'the information provided by Joshua and the approach to the management of surface water is acceptable to inform a more detailed drainage strategy. I've summarised the proposed approach below:*
- All site surface water will drain to the east,*
 - The runoff rate is based on the eastern catchment area minus significant open space; and*
 - The attenuation requirements are based on all the proposed impermeable area from both catchments.'*

- 5.5.11 Having regard to the comments made by the LLFA above it is considered that appropriate conditions could be imposed upon any outline planning permission granted to ensure that a fully detailed drainage strategy for the development proposals could be drawn up to achieve acceptable run off rates, incorporate appropriate storage volumes and provide adequate improvements measures sought as set out. The LLFA suggested a series of conditions in their initial response which they considered would achieve an appropriate solution and these are standard conditions which the LPA are familiar with and have imposed on greenfield sites granted permissions in the past.

5.5.12 Taking into consideration all of the comments received in respect of flood risk and drainage matters it is concluded that if the principle of development is accepted, appropriate planning conditions and agreement by S106 (for any private drainage solutions) can be imposed / secured to meet the requirements above in accordance with policy CS7 of the Core Strategy and the wider NPPF.

5.6 Land Condition / Contamination

5.6.1 Albeit that the site is an undeveloped greenfield it is essential to ensure that the ground conditions are appropriate, or can be appropriately remediated to an appropriate level, to ensure that the ground is suitable for the development being proposed.

5.6.2 In accordance with policy CS8 of the Core Strategy and wider advice contained in the NPPF the application submission is accompanied by a Phase I Investigation Report (Desk Study) and Coal Mining Risk Assessment prepared by Wardell Armstrong dated August 2018 which has been reviewed alongside the application submission by both the Councils **Environmental Health Officer** (EHO) and the **Coal Authority** (CA) in respect of land condition and contamination.

5.6.3 No specific comments were made by the EHO in respect of contamination in their response to this application. However in the absence of any detailed response from the EHO it is noted that the conclusions of the Phase I Report identify a low to moderate contaminated land risk from infilled opencast workings, historic mining activity, isolated but unrecorded pockets of made ground and the possibility of pesticides, insecticides and fertilizers being applied to the land given its associated agricultural use. The conclusions reached recommended these risks will require further intrusive investigation.

5.6.4 The Coal Authority provided the following comments:

The Coal Authority concurs with the recommendations of the Phase 1 Site Investigation Report and Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the submission of the reserved matters:

- * The submission of a scheme of intrusive site investigations for the coal mine entries for approval;*
- * The submission of a scheme of intrusive site investigations for the shallow coal workings and to investigate the location of the high-wall for approval;*
- * The undertaking of these intrusive site investigations;*
- * As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations;*
- * As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones for these and the high-wall if present;*
- * As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;*
- * As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and*

A condition should also require prior to the commencement of development:

- * Implementation of those remedial works.*

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

- 5.6.5 Having regard therefore to the conclusions of the Phase I Report and the advice of the CA above, intrusive site investigations are deemed necessary to address land condition and coal mining risk and therefore it is considered that as part of a Phase II investigation both land condition and contamination surveys could be undertaken concurrently. Appropriate planning conditions could be imposed to this effect to meet the requirements of policy CS8 of

the Core Strategy and paragraphs 178-179 of the NPPF if permission is granted.

5.7 **Ecology / Biodiversity**

5.7.1 The site the subject of the application is undeveloped and has an established arable agricultural use. Given the open nature of site and land beyond, the presence of peripheral trees and hedgerows within the site and an adjoining watercourse there is potential for biodiversity / ecological interest to exist which must be considered.

5.7.2 In accordance with para. 170 and 175 of the NPPF and policy CS9 of the Core Strategy the application submission is accompanied by an Ecological Appraisal prepared by FPCR dated November 2018; further Breeding Bird Report, Great Crested Newt Report, Reptile Report and Bat Report also prepared by FPCR dated November 2018; and an Arboricultural Assessment prepared by FPCR dated November 2018.

5.7.3 In respect of biodiversity consultation took place with **Derbyshire Wildlife Trust** (DWT) who operates a service level agreement with the LPA on planning matters and provided the following response:

'A sufficient level of survey work has been undertaken by FPCR, however we consider that the impacts to farmland birds are not adequately compensated for. Regardless of the mitigation measures, there are likely to be adverse impacts to lapwing, skylark, linnet and yellowhammer, due to the loss of arable habitats. Whilst the Breeding Bird Report concludes that this will not be significant, there are numerous losses of similar areas of arable land occurring regularly across the district and the rest of the county, which we would contest will have significant cumulative impacts upon breeding farmland birds. As such, we advise that applications resulting in the net loss of habitat for farmland birds should produce a Farmland Bird Mitigation Strategy to compensate for the loss of habitat. This would typically comprise offsite enhancements, such as skylark plots, wider margins, scrapes where suitable and alteration in cropping. This should be considered and a minimum of an outline Strategy produced prior to determination. The Trust can provide further advice to the ecologists if required.

It is essential that a sensitive layout is designed, including buffers to the adjacent woodlands and new planting to strengthen green corridors. The outline details in the Illustrative Layout are considered broadly suitable and we would encourage the creation of the attenuation basins, green corridors (particularly along the southern boundary to link the woodlands and waterbodies to the west and east), buffering of woodland and incorporation of species-specific enhancements.

Notwithstanding the requirement for a Farmland Bird Mitigation Strategy, should the LPA be minded to approve the application, we advise that the following conditions are attached:

CEMP

No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

LEMP

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP should combine

both the ecology and landscape disciplines and include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over at least a five-year period).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.*
- i) Locations of bat boxes, bird boxes, hedgehog holes, hibernacula and habitat piles (include specifications/installation guidance/numbers).*
- j) specifications of attenuation basins to ensure maximum value to wildlife.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Sensitive Lighting Plan

*Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats. This should provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. A plan showing lux levels of lightspill around the application area, particularly on the development green spaces and adjacent habitats, should be included. Guidelines can be found in *Bats and Lighting in the UK (BCT, 2009)*. Such approved measures will be implemented in full.'*

5.7.4

The comments of DWT set out above were passed to the applicant for further consideration and as result the applicant submitted a response (prepared by FPCR dated 19 march 2019) which was forwarded onto DWT for further review. The following comments from DWT were made (27 March 2019):

'Despite the extensive attempt to justify the net loss of habitat for farmland birds submitted by FPCR (19th March 2019), the bottom line is that a net loss will occur. We do not dispute that the proposals will provide habitat for garden birds, however farmland birds have different habitat requirements and will not be likely to use the habitats within the development site.

There seems little point in undertaking breeding bird survey works which identifies use by key farmland species including lapwing, skylark, linnet and yellowhammer, only to argue that no mitigation is required. All four species are considered Species of Principal Importance under Section 41 of the NERC Act 2006 and planning decisions should aim to promote recovery of these species. Regardless of the proposed landscaping and layout, there are likely to be adverse impacts to lapwing, skylark, linnet and yellowhammer, due to the loss of arable habitats and we advise the LPA under our SLA that this should be compensated for.

The application comprises a significantly large development on current greenfield land outwith the existing settlement limits and as such we advise that all efforts should be made to ensure no net loss of habitat for local wildlife. This is essential if the claims of the Planning Statement of a sustainable development are to be upheld.

The production of a Farmland Bird Mitigation Strategy to compensate for the loss of habitat has been used elsewhere in the district to deal with net losses of arable land from development. As stated in our previous letter, this would typically comprise offsite enhancements, such as skylark plots, wider margins, scrapes where suitable and alteration in cropping. It is evident that the applicant owns a considerable amount of land outside the red line boundary and these measures are not expensive or onerous.

We would expect the ecological consultants to consider the requirements in the NPPF 2019 for net biodiversity gain and the current drive towards achieving ecologically sustainable housing developments. We do not consider it acceptable to 'compensate' for habitat losses that will specifically impact one group of species with measures to benefit other species. When considering overall net gain, impacts to specific species groups should still be mitigated for. We maintain our view that compensation should be

provided for farmland birds and that an outline Strategy produced prior to determination. The Trust can provide further advice to the ecologists if required.'

- 5.7.5 On 09 April 2019 a further letter from Gladman Developments Limited was received, which in response to the comments of DWT said, *'Derbyshire Wildlife Trust (DWT) provided commentary upon the Ecological Appraisal and the species specific reports submitted as a part of this application. This commentary included various conditions and a request for a Farmland Bird Mitigation Strategy. Our consultant ecologist team from FPCR, then provided further comments, giving further clarity on the points raised by DWT, on how the proposed development would be of benefit to the local bird population, and would not require a Farmland Bird Mitigation Strategy to be produced. FPCR's additional comments also notes that the Farmland Bird Mitigation Strategy is not required by the National Planning Policy Framework (2019), the adopted Core Strategy (2013) nor Emerging Local Plan. In short, the scheme has carefully considered ecology and included the necessary and appropriate mitigation measures, which can be secured by condition.'*
- 5.7.6 In respect of the commentary above the LPA concur that the use of planning conditions could address some of the issues which remained outstanding where they related to the need for a lighting strategy, CEMP and LEMP as these details would be formulated alongside a more detailed application submission (reserved matters or full application); however the expert advice provided to the LPA by DWT was that the farmland bird mitigation strategy should still be prepared prior to the current outline planning application being determined.
- 5.7.7 In response to this matter the Applicants were again invited to address the only outstanding ecological matter arising from the outline proposals, and subsequently on 17 September 2019 a Farmland Bird Mitigation Strategy was submitted for further consideration.
- 5.7.8 The LPA invited DWT to review and comment upon the Strategy submitted and the following comments were received:
- We have reviewed the Farmland Bird Mitigation Strategy and consider that implementation of this strategy would address the*

impacts on farmland birds at the above site. However, we can find no mention of timescales within the strategy. In our view an off-site compensation scheme such as this should be for a minimum period of 25 years.

We would still expect to see the ecological mitigation outlined in earlier reports and correspondence implemented in full alongside the Farmland Bird Mitigation Strategy as part of any development. The following enhancement proposals were provided by FPCR in a letter to the LPA (19th March 2019):-

- A mixture of small hole (26mm and 32mm) boxes placed along the retained habitat around the proposed development area will provide nesting opportunities for blue tit *Cyanistes caeruleus* and great tit *Parus major*;*
- Small open fronted nest boxes again should be placed throughout the site especially on trees which support a climber such as ivy which provides a degree of concealment. These boxes typically attract robin and blackbird.*
- Stock dove nest boxes should be placed within the more established boundary habitats including mature tree standards.*
- Nest boxes for urban birds, including house sparrow, house martin *Delichon urbica*, swallow *Hirundo rustica* and swift *Apus apus*. Given the urbanised nature of the proposed development, opportunities exist to encourage these species to breed on site.*
- Management of wetland habitats to provide breeding habitats for reed bunting and the management of new and retained woodland, hedgerow and grassland habitats to improve foraging and/or rest/shelter for garden species including house sparrow, dunnock, bullfinch and song thrush.*

In addition and in line with FPCR's ecological appraisal we recommended the following are included:-

- 15m wide vegetation buffers to existing woodlands and other habitats around the edge of the development site*
- Use of native trees and shrubs wherever possible & ornamental species of benefit for wildlife (fruiting or nectar etc.)*
- Hedgehog houses*
- Hibernacula for reptiles*
- Creation of species rich areas of grassland with green space and around SUDS/Swale*
- Creation of wetland habitat around the SUDS/Swale*

We recommend that the habitats retained and / or created within the development site are managed for a period of 25 years. Grassland and wetland habitats will require ongoing annual management in order to maintain their ecological interest and in the absence of management are likely to decline in value.

It is essential that a sensitive layout is designed, including buffers to the adjacent woodlands and new planting to strengthen green corridors. The outline details in the Illustrative Layout are considered broadly suitable and we would encourage the creation of the attenuation basins, green corridors (particularly along the southern boundary to link the woodlands and waterbodies to the west and east), buffering of woodland and incorporation of species-specific enhancements.

Recommendations

We recommend that if the LPA are minded to consent to the development that suitable conditions are attached to ensure the biodiversity mitigation is implemented in full. The following recommendations super-cede are earlier recommendations set out in our letter DWTCHE353 (22nd January 2019).

1) Breeding birds

*To ensure that breeding birds are protected from harm we advise that a condition should be imposed requiring that **“No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.”***

2) Construction environmental management plans (Biodiversity)

*To ensure that wildlife and habitats are fully taken into consideration during the construction phase of the development and are in line with the ecological survey reports and development layout we advise that a condition is attached as follows:-
No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and*

approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
 - b) Identification of “biodiversity protection zones”.*
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of protected species method statements).*
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.*
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.*
 - f) Responsible persons and lines of communication.*
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
 - h) Use of protective fences, exclusion barriers and warning signs.*
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

3) Biodiversity Enhancement and Management Plans (BEMP)

To ensure that Biodiversity enhancement and management are fully implemented in line with ecological surveys we advise that a condition is attached as follows:-

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The BEMP should include the following:-

- a) Identification, description and evaluation of features to be manage including details of the hedgerow composition, tree and shrub planting and management, vegetation to be established within the buffers, species rich grassland creation and specifications of attenuation basins to ensure maximum value to wildlife.*
- b) Aims and objectives of management.*
- c) Appropriate management methods and actions for achieving aims and objectives.*
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).*
- e) Details of the body or organization responsible for implementation of the plan.*

f) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the BEMP are not being met.

g) Details of bat boxes, bird boxes, hedgehog holes and habitat piles (include locations, specifications, installation guidance and numbers)

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

4) Farmland Birds

To ensure that the Farmland Bird Mitigation Strategy (FPCR, September 2019) is implemented in full a condition should be attached requiring the plan to have been established prior to the commencement of development and for it to be implemented for a period of 25 years.

5) Sensitive Lighting Plan

*Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats. This should provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. A plan showing lux levels of light spill around the application area, particularly on the development green spaces and adjacent habitats, should be included. Guidelines can be found in *Bats and Lighting in the UK (BCT, 2009)*. Such approved measures will be implemented in full.*

5.7.9 Based upon the comments of DWT above it is accepted that the strategy suggests the site and landholding beyond offer suitable opportunities for ground nesting bird mitigation, inc. controlled cropping regimes, introduction of conservation headlands, hedgerow creation and management, and the introduction of skylark plots.

5.7.10 The strategy acknowledges that the proposed development area of the application site and wider landholding will allow for mitigation measures to be incorporated in and around the edges of the development and on the remainder of the site to offer biodiversity gain in accordance with the provisions of policy CS9 and the wider NPPF. This is shown on the Figure 1 Plan detailed in the strategy.

- 5.7.11 On 02 October 2019 the applicant also confirmed they were in agreement with the commentary provided by DWT and the requirements contained therein.
- 5.7.12 Overall therefore if permission is granted it is considered that appropriate conditions / S106 obligatory clauses could be imposed to address the ecological requirements arising. This would secure appropriate mitigation to target species and secure enhancement to biodiversity overall. Such measures would be expected to be shown in the preparation of any 'landscaping' reserved matters submission. Comments arising from DWT's initial consultee responses could also be addressed in this similar manner.
- 5.7.13 In addition to the comments made by DWT above, the Council's **Tree Officer** (TO) also reviewed the proposals and made the following comments:

The proposed outline planning application with all matters reserved except for the means of access off Bamford Road for up to 350 dwellings with land for a retail parade with public open space, landscaping and sustainable drainage system is to the south of Bamford Road, Inkersall on agricultural land with associated hedgerows and a small protected woodland to the south east directly adjacent the proposed development site.

Access

It is proposed that there a 3 access points into the site. Two would be from Bamford Road which would result in two sections of the existing hedgerow along this boundary being removed to facilitate the new roadways. The third access point is off West Croft Drive where there would be no impact on any existing vegetation.

Ladybower Wood

The proposed development would have an impact on Ladybower Wood which can be accessed from the footpath to the south of the woodland and is covered by a Derbyshire County Council tree preservation order No.42 reference W21 as mentioned above. The small woodland is dominated by mature Oaks and Sycamore with an understory of Holly, Elder and Hawthorn which has an abundance of Ash, Oak and Sycamore saplings throughout the woodland through natural regeneration. The woodland is connected to a mature hedgerow on the south boundary of the

proposed development site which is then connected to the hedgerows which divide the fields within the site.

The woodland is just outside the proposed development site but will be affected by the development during land clearance and construction phases. The woodland at the moment is used only by the odd walker passing the wood as it is quite a distance from any built up area but once the development is finished this usage would obviously increase as it would be more easily accessible from the new dwellings and roadways and would therefore put added pressure on the woodland due to increased usage.

The woodland preservation order was made in 1954 and consists of numerous individual woodlands around the Staveley, Brimington and Inkersall area. An initial assessment of the wood confirms that the woodland still warrants a tree preservation order, however it is recommended that the Order is reviewed and if possible with negotiations with Derbyshire County Council a new Order made by Chesterfield Borough Council to give the Council control of any future proposals for pruning or felling proposed and update the old Order.

West Wood

Adjacent to the proposed development site on the west boundary is the Chesterfield Borough Council owned West Wood which is also under the same Derbyshire County Council tree preservation order TPO 42 reference W20. The woodland edge is directly against the field boundary and separated by a 1m high Hawthorn hedge. It is evident that there are numerous remnants of past bell pits along this boundary within the wood directly adjacent to the boundary. There are also dead standing and leaning trees along the woodland edge which are at the moment low risk but any development adjacent to this boundary would require some woodland management as the safety risk would be increased significantly.

Hedgerows

As previously mentioned there are hedgerows all around the boundaries of the site with the exception of the north boundary adjacent to the existing properties off Bamford Road and connecting side roads. There are also two internal hedgerows within the site which run through the centre running north towards Bamford Road. One of these hedgerows is defunct with only 3

small sections remaining which also runs alongside a designated footpath which goes through the site connecting the network of paths edging the field boundaries surrounding the site.

The internal hedgerows consist mainly of Hawthorn which is managed at a height of 2 metres and there is evidence that it has been managed in the past by traditional hedge laying in some sections. There is also an associated ditch along the south boundary hedgerow from Ladybower Wood to the cross section in the centre of the site. These hedgerows provide a natural wildlife corridor connecting both woodlands and surrounding countryside and should therefore be retained to stop the two woodlands becoming fragmented and the natural wildlife connection lost. The hedgerows should also be evaluated under the hedgerow regulations 1997 criteria for their 'importance'. Natural field boundaries provide a valuable corridor for wildlife which includes habitats for nesting birds and foraging bats which will use the hedgerows to navigate from woodland to woodland.

There will be some impact on the woodlands and hedgerows around the site by the development and an increase in usage and pressure on the habitats if consent is granted to the application, however if the design layout is sympathetic to the existing habitats with extensive buffer zones and further habitats created as shown on the indicative site layout drawing 8278-L-04 Rev C by fpcr then there are no objections to the application. I would however recommend that if consent is granted to the application that the following conditions are attached to the reserve matters:

Landscaping

Condition:

Details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. 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.

Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;*
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:*
 - a) permeable paving*

- b) tree pit design*
- c) underground modular systems*
- d) Sustainable urban drainage integration*
- e) use within tree Root Protection Areas (RPAs);*

3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

5) types and dimensions of all boundary treatments and whether practical buffer zones created to reduce the pressure on existing natural boundaries.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or 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. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Tree, hedgerow and habitat protection

Condition:

Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees, hedgerows and habitats 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.

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

- a) Location and installation of services/ utilities/ drainage.*
- b) Details of construction or landscaping works within the RPA that may impact on the retained trees.*
- c) a full specification for the installation of boundary treatment works.*
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways*

to be constructed using a no-dig specification. Details shall include relevant sections through them.

e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

f) A specification for protective fencing to safeguard trees during both land clearance and construction phases and a plan indicating the alignment of the protective fencing.

g) a specification for scaffolding and ground protection within tree protection zones.

h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

i) 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

j) Boundary treatments within the RPA

k) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

Tree Pruning

Condition:

Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority.

The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

5.7.14 Having regard to the comments made by the TO it is considered that the suggested conditions sought by him are acceptable and can imposed should outline planning permission be granted.

5.8 Air Quality / Noise

- 5.8.1 In respect of Air Quality Policy CS8 of the Core Strategy requires development proposals to assess air quality impact and incorporate measures to avoid or mitigate increase in air pollution.
- 5.8.2 Furthermore paragraph 181 of the NPPF states, *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan'*.
- 5.8.3 In the context of the policy framework above the application submission is supported by an Air Quality Assessment (AQA) (prepared by Air Quality Consultants Ltd dated 12 November 2018) which has been considered by the Councils **Environmental Health Officer (EHO)**.
- 5.8.4 The AQA concludes that, *'The development lies away from any busy roads, and the assessment has demonstrated that future residents will experience acceptable air quality, with pollutant concentrations below the air quality objectives. The proposed development will generate additional traffic on the local road network, but the assessment has shown that there will be no significant effects at any existing, sensitive receptor. Pollutant concentrations will remain below the objectives at all locations, both with and without the development. Overall, the construction and operational air quality effects of the proposed development are judged to be 'not significant'.'*
- 5.8.5 The EHO has advised that:
The report states that the development will have a negligible impact on local air quality. I am concerned that the report acknowledges a modelling RMS error factor of 2, indicating a significant uncertainty in the modelled results. However, even with

this degree of uncertainty taken into consideration the finding appears to remain valid.

- 5.8.6 Having regard to the comments made by the EHO above, it is noted that he does not elaborate on his concerns about his uncertainty in the modelled results or request that the results be updated, however he has confirmed that even with the error factor issue highlighted, the impacts are so low that the conclusions reached cannot be disputed. Usually the only way modelled results could be corroborated is through local air quality readings, but given that location of this development the Council are not monitoring this area and therefore do not hold such results. The Council are only monitoring areas where there are known air quality issues from congestion, such as busy classified roads like Church Street, Brimington / Sheffield Road, Whittington Moor, Derby Road, Boythorpe, Chatsworth Road, Brampton for example.
- 5.8.7 The AQA concludes that the 'negligible' impacts do not require any specifically targeted mitigation, however the application is accompanied by Travel Plan and connections to the local footpath / cycle network which will allow future residents to make more sustainable choices.
- 5.8.8 Notwithstanding the conclusions reached in the AQA above regarding appropriate mitigation, under the provisions of policy CS20 of the Core Strategy the Council requires all new residential properties to include provision for Electric Vehicle Charging points. This would be imposed by planning condition, if permission were granted.
- 5.8.9 In respect of Noise policy CS2 and CS18 of the Core Strategy addresses matters in respect of noise / amenity. Furthermore para. 170 e) and 180 of the NPPF requires '*decisions taken to contribute to the natural / local environment by e) preventing new and existing development from contributing to, but put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution*' and '*ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and in doing so should a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*'.

- 5.8.10 The application submission is supported by a Noise Assessment (NA) (prepared by Noise Consultants Ltd dated 12 November 2018) which has been considered by the Councils **Environmental Health Officer** (EHO).
- 5.8.11 The NA concludes that, *'The proposed residential development site is located within a rural area, and the greatest contributor to the existing ambient noise environment is from road traffic noise, predominantly from Bamford Road and Inkersall Road. An initial assessment has been undertaken of the suitability of the proposed site for residential development. The initial assessment, using methodology advocated by Professional Practice Guidance: Planning & Noise - New Residential Development (ProPG, 2017), demonstrated that there is a likely negligible – low risk that the development would be refused on noise grounds. A full assessment has demonstrated that standard thermal double-glazed windows with trickle ventilation would likely be sufficient to achieve internal noise levels compliant with design criterion in British Standard BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' (BS 8233, 2014) for any proposed dwellings close to the northern and eastern site boundaries. Potential mitigation design considerations are set out within an Acoustic Design Statement'*.
- 5.8.12 The EHO has advised that:
The report states that some of the houses will require trickle ventilation to control external noise in the bedrooms, I agree with this.
- 5.8.13 Having regard to the comments made by the EHO above in respect of noise, the survey undertaken identified that sources of noise affecting the site came from birdsong, road traffic and distant road traffic and the conclusions reached identified that at two locations it would be necessary to require trickle ventilation and double glazing units to be installed that would need to be closed to achieve appropriate night time noise levels.
- 5.8.14 As the EHO confirms the means of mitigation proposed is appropriate to mitigate the impacts identified, and subject to an appropriate condition requiring such measures to be set out in any reserved matters submission the issue of noise would be addressed in compliance with policies CS2, CS18 and the wider

NPPF. This would be imposed by planning condition, if permission were granted.

5.9 **Heritage and Archaeology**

5.9.1 Having regard to potential heritage and archaeological impacts it is noted that in the context of 'designated' heritage assets the nearest asset on-ground is the grade II listed Inkersall Farm which is approximately 800m to the north-east.

5.9.2 The impact of new development on the setting of heritage assets should be a consideration when assessing proposals, having regard to the provisions of policy CS19 of the Core Strategy and the wider NPPF. The application is also supported by a Heritage Desk Based Assessment (prepared by Pegasus Group dated November 2018) and both the Council's **Conservation Officer** (CO) and the **DCC Development Control Archaeologist** (DCC Arch) have been consulted on the development proposals. The following comments were received:

CO - Given the distance of Inkersall Farm it's fair to say that any impacts caused would be minimal and certainly less than substantial. Moreover it should be possible to mitigate any substantive impacts on setting by the design of the development (e.g. appropriate screening on the relevant parts of the site). My only other comments would relate to the wider landscape and potential impacts on local landscape character (including impacts on the setting of West Wood to the west which is a local wildlife site and ancient woodland). The Council's Successful Places: A Guide to Sustainable Housing Layout & Design SPD should guide any design philosophy. I notice that comments have been received from DCC's Archaeologist regarding the archaeological impacts of the proposed development. I would refer to those comments when assessing the archaeological significance and archaeological potential of the site.

DCC Arch - This application has archaeological implications. The proposal involves a significant area of land (c. 17 Ha) which is currently in agricultural use. The application details include an archaeological desk-based assessment report which provides a useful overview of the use of the site though time on the basis of archival sources, aerial photography and Derbyshire Historic Environment Record data. Whilst there are no previously recorded

archaeological features within the boundary of the proposed development site, the report recognises that there is still potential for the survival of below ground archaeology including early mining remains and those related to WWII activity.

The site is adjacent to West Wood which is known to contain extensive areas of bell pits related to iron stone mining which is recorded as having occurred in the area from as early as the 13th century (Derbyshire Historic Environment Record 13007). A 13th century document refers to the Open-Holes, an area adjoining Westwood, as 'Les Orepittes'. Bell pits are also recorded a Bower Planation (Derbyshire Historic Environment Record 10202) which lies immediately to the south east of the proposed development site. It is also known however that a substantial area of the site has been opencast, though some land in the eastern sector of the proposed development area appears to have been unaffected by such disturbance.

In this case a Heritage Assessment has been submitted with the application which only reflects desk based research on the site. Given that a percentage of the site still has some archaeological potential, field evaluation and possible further recording based on the results of this work will be necessary. This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost. We would therefore recommend that the following pre-start condition be attached to any grant of permission for the scheme:

"a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for post investigation assessment*
- 3. Provision to be made for analysis of the site investigation and recording*
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation*

5. *Provision to be made for archive deposition of the analysis and records of the site investigation*

6. *Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"*

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

- 5.9.3 Having regard to the comments received from the CO and DCC Arch above, it is a requirement of the National Planning Policy Framework, para. 189 - 190 that the applicant demonstrates to the satisfaction of the Local Planning Authority that appropriate desk-based assessment and, where necessary, field evaluation has been undertaken to determine the potential impact of the development proposals upon any heritage assets, including those with archaeological interest.
- 5.9.4 In this instance it is considered that the applicant has provided the Local Planning Authority (LPA) with satisfactory assessment and evaluation of heritage / archaeological assets to determine the application.
- 5.9.5 The advice given by the DCC Arch is that whilst the site does boast some archaeological assets of interest, the features identified are not of such significance that their presence would prevent a permissible development taking place on the site in the future. In such instances record and removal (or retention in situ following record) of such features is appropriate and the DCC Arch is now satisfied that measures to secure these works can be the subject of an appropriate pre-commencement planning condition.
- 5.9.6 In respect of the potential impact of the development upon the setting of the nearest 'designated' asset the conclusion reached in

the accompanying Heritage Assessment states, '*Inkersall Farmhouse is located c.600m northeast of the target area. The target area does not appear to have been under the same historic ownership as Inkersall Farmhouse and any intervisibility between the target area and the Farmhouse would be heavily screened. The target area is not considered to contribute to the heritage significance of the site through setting and any change within the target area would not be anticipated to cause any harm to the heritage significance of the Listed Building.*'

5.9.7 Based upon the requirements set out in para. 196 – 197 of the NPPF, it is therefore concluded that any potential harm to the setting of the nearest designated asset can only be considered 'less than substantial'. On this basis there is no reason or justification to not conclude (notwithstanding other material considerations / conclusions) that the public benefits of this development would outweigh the 'harm' in regard to this particular issue.

5.10 **Other Considerations (On Site Open Space / S106 / CIL)**

5.10.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.

5.10.2 Internal consultation has therefore taken place with the Councils own **Economic Development, Leisure Services and Housing** teams, as well as externally with **Derbyshire County Councils Strategic Planning** team and the **North Derbyshire Care Commissioning Group** on the development proposals to ascertain what specific contributions should be sought.

5.10.3 The responses have been collaborated to conclude that were permission to be granted a requirement to secure S106 Contributions via a Legal Agreement in respect of the Affordable Housing (Policy CS11); up to 1% of the overall development cost for a Percent For Art scheme (Policy CS18); a Health contribution via the CCG (Policy CS4); and appointment of an external management company to manage and maintain the on site green open space (Policies CS9). Matters in respect of education and

leisure provision are now dealt with by CIL contributions. In respect of Leisure a development of this scale would trigger the need for on-site open spaces or play areas which through appropriate S106 clause would need to include appropriate provisions for maintenance in the long term. Comments received from **Sport England (SE)** acknowledge that the site does not form part of or constitute a statutory playing field, but their response is provided on the basis of a non-statutory consultation. SE acknowledge that the development proposals do not include any specific on site sports facility and therefore they recommend that the associated CIL contribution be directed to nearby sports provision and they encourage the Council to consider the sporting needs arising from the scheme, utilising the most up to date and available evidence (Playing Pitch and Built Facilities Strategies, for example), and to direct proportionate CIL monies to deliver new and improved facilities for sport reflecting those needs. Any CIL spend would be the subject of further scrutiny and approval by the CIL Approval Body at a later date.

- 5.10.4 Policy CS11 of the Core Strategy concerns Affordable Housing; and a development of this scale would trigger negotiations to secure up to 30% affordable housing provision on site. Furthermore policy CS18 of the Core Strategy concerns Design and includes a mechanism by which the Council would seek a contribution of up to 1% of the overall development costs towards a public art scheme (for major development proposals costing in excess of £1million).
- 5.10.5 There is no Viability Appraisal / Assessment presented with the application submission and therefore at this stage appropriate levels of contributions for the specific issues of Affordable Housing and Percent for Art cannot be calculated. In similar such cases the Council have incorporated a requirement in a S106 Agreement for a Viability Appraisal / Assessment to be completed and submitted concurrently with the first reserved matters submission to determine the level of these contributions in line with the policy wording.
- 5.10.6 In addition to the above a request for a contribution has been received from the North Derbyshire Clinical Commissioning Group (CCG) for a contribution of **£133,140** towards providing GP services, with the Royal Primary Care Inkersall and Brimington Surgery identified as the local service providers. New CIL

Regulations came into force on 1st September 2019, replacing the council's 'Regulation 123' list (which determined what infrastructure would be covered by CIL and which by S106), replacing them with 'Infrastructure Funding Statements' (IFS). However the first IFS is not due to be published until the end of 2020. In the interim, the Regulation 123 list continues to be the most up to date evidence of the council's intentions and priorities for spending CIL contributions. Health services are not currently covered by this list and it is therefore necessary to consider if this should be addressed through a financial contribution, secured by a S106 agreement as well as matters above.

- 5.10.7 In respect of the GP contribution Policy CS4 states that 'developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development'. The preamble (para 5.6) to the policy describes infrastructure, but does not provide an exclusive or exhaustive list. It does refer to health facilities specifically as an example of social infrastructure. Para 5.8 refers to working 'co-operatively and jointly with partners to ensure delivery of the infrastructure required to enable development and improve existing facilities'.
- 5.10.8 Under the policy, strategic infrastructure set out in the council's Infrastructure Delivery Plan should be secured through CIL. The expansion of GP services in this area is not in the IDP or on the Regulation 123 list and therefore securing a contribution through S106 would be the appropriate mechanism.
- 5.10.9 The CIL regulations and NPPF set out the tests for planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development
- 5.10.10 The CCG has clearly set out the evidence relating to the second two tests. On the basis of policy CS4, as expanded in the preamble to the text, it is clear that health facilities are covered by policy CS4 where a need can be identified. The request also therefore meets the first test and it is considered that this

contribution should be sought if permission is granted. This would form a standard clause in the associated S106 agreement.

- 5.10.11 Looking in turn at other triggered requirements (policy CS13 – Economic Development to secure local labour) the LPA would look to secure by planning condition the requirement for local labour
- 5.10.12 As mentioned above, if permitted, the development would be CIL liable and the site is within the medium zone and would be charged at £50 per sqm of gross internal floorspace (index linked). Relief would be available on any affordable or Custom and Self Build element upon application.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 08/01/2019; by advertisement placed in the local press on 03/01/2019; and by neighbour notification letters sent on 08/01/2019.

6.2 As a result of the applications publicity there have also been 322 representations received in total from local residents. The list set out below includes the street names and numbers which were identifiable in these representations. A number of other representations received by email or other means of correspondence were also received where an address was not given or legible.

23 Ashover Road

6 Avondale Road

1, 5, 10, 30 Bakewell Road

14(x2), 16, 42, 52, 60, 64, 70, 72, 76, 78, 92, 94, 96, 102, 117(x2), 118(x2), 119, 123, 125, 127(x2), 129(x3), 131(x2), 133(x2), 139(x2) Bamford Road

2 Bate Wood Avenue

1, 7 Beeley Way

55 Bevan Drive

11, 17, 19(x2), 22, 23, 27(x2), 29(x2), 31, 35, Blueberry Close

1(x2), 3, 4, 5(x2), 6(x4), 7(x2), 10(x3), 11, 12(x2) Blue Lodge Close

2 Booker Close

3 Bramley Close

14 Brampton Court, Chesterfield

50 Burnell Street, Brimington

Flat 54 Markham Quay, Camlough Walk

22 Cemetery Terrace, Brimington

20, 131, 135(x2), 137, 139, 141 Chesterfield Road, Staveley

8(x2) Clumber Place

7 Corner Pin Close

45 Cornwall Drive

23 Croft View

20 Cromdale Avenue

18, 21, 24, 33, 43, 46(x3) Elliott Drive

91 Elm Street

38 Foston Drive, Holme Hall

3 Green Close

129a Handley Road, Chesterfield

14 Heywood Street

15 Moorview House, High Street, Brimington

29 Hillman Drive

30, 41 Horse Chestnut Close

3, 7(x2) Ilam Close

19 Inkersall Green Road

2 Inkersall Farm Cottage, Inkersall Road

37 Kestrel Road, Grassmoor

23, 25, 26 Kinder Road

42 Lings Crescent, North Wingfield

2 Lodge Walk

28 Loundeswood Avenue, Chesterfield

4, 10, 43 McMahon Avenue

31 Madin Drive

17, 18, 19 Matlock Drive

2(x2), 8, 15 Milford Road

31 Mulberry Croft

18 North Crescent, Duckmanton

Flat 4, Old Hall Road, Chesterfield, S40 1HQ

2 Old School Lane, Calow

10 Peterdale Road, Brimington

4, 6 Ravenside Close

4, 11, 24, 27, 64(x2) Riber Close

20 Skipper Drive, Grassmoor

1 Smith Avenue

25 Springwell Park Drive

69 Station Road, Hollingwood

38 Sutton Crescent

5, 18 Tansley Way

68 Tennyson Street, Alfreton

6, 9 Thoresby Place

106 Thurston Drive, Kettering

8 Wessington Drive

1, 3, 6(x2) West Croft Court

12, 23(x2), 24, 25, 27, 52 West Croft Drive

2, 5, 7(x2), 12 Westwood Close

6(x2), 14 Westwood Drive

5(x5), 18(x3) Westwood Drive Gardens

1 Whitehead Street, Staveley

20 Worksop Road, Mastin Moor

Southfields, Clowne, S43 4BE

6.3

Detailed below are summaries of all the comments / issues which were made in the representations received. These have been split into categories depending on the nature of the representation.

1. Staveley Town Council

The Staveley TC Planning Committee, whilst recognising the need for more housing (particularly social housing) have the following concerns;

- The proposed location is not identified in the current or proposed Local Plan as being allocated for housing land
- The additional pressure on the infrastructure (roads, schools, doctors)
- The Council believe that there are other, more suitable, geographical options in the area that accord with the agreed Local Plan

Officer response: See sections 5.1, 5.2, 5.4 and 5.10

2. Councillor Mick Bagshaw – Leader – Community Independents / Local Ward Member

Inkersall is already the largest parish within the catchment area of STC and any further development on this scale would have a serious impact on the local roads and services;

A recent poll of residents show that 79.3% do not wish to see this development go ahead, which we hope the committee will support the majority;

The development is not even on land as per the Local Plan for development of this nature and would ruin the last bit of countryside left around Inkersall. This is Countryside / Greenbelt which is enjoyed by residents for leisurely family walks as well as the natural habitat of our wildlife, some that are species of birds that are nationally at risk; and

We are also concerned of the approx. additional daily traffic movements using the present road infrastructure, inc the accident blackspot junction with Inkersall Green Road / Staveley Road which you may have used and like us, each time you emerge from it you do so with your heart in your mouth.

Officer response: See sections 5.1, 5.2, 5.4, 5.7 and 5.10

3. Petition 1 (which came from the Community Independents ‘News of the Ward’ leaflet) of which there were 138 no. individual copies received which raising the following:

Inkersall is already the largest parish within the catchment area of STC and any further development on this scale would have a serious impact on the local roads and services;

A recent poll of residents show that 79.3% do not wish to see this development go ahead, which we hope the committee will support the majority;

The development is not even on land as per the Local Plan for development of this nature and would ruin the last bit of countryside left around Inkersall. This is Countryside / Greenbelt which is enjoyed by resident soft leisurely family walks as well as the natural habitat of our wildlife, some that are species of birds that are nationally at risk; and

We are also concerned of the approx. additional daily traffic movements using the present road infrastructure, inc the accident blackspot junction with Inkersall Green Road / Staveley Road which you may have used and like us, each time you emerge from it you do so with your heart in your mouth.

Officer response: See sections 5.1, 5.2, 5.4, 5.7 and 5.10

4. Petition 2 (letters / emails of support) of which there were 41 no. individual responses received raising the following:

I am a new mum / first time buyer / etc looking for affordable housing to buy or rent;

Most people can't afford a mortgage;

There isn't enough social housing;

Please stop the ongoing homelessness crisis;

Build a bigger better community;

I would love to be in more efficient home with an up to date heating system and more insulated property;

I am struggling to find a home, on a low income, where I want to live;

Families such as my own are in desperate need of new homes;

Young families like my own have no hope of getting on the property ladder;

Ideally build bungalows;

Great opportunity and improvement to Inkersall;

People do not want to live in private rented homes forever, they want an opportunity to get their foot on the housing ladder; and

I have family / friends in the area and would like to live near to them.

Officer response: Noted / see section 5.10

5. Individual representations (of which there were 143 no. received) objecting to the proposals raised the following:

Countryside Impact / Principle of Development

- You are intending to allow desecration of the little rural countryside we have around Inkersall and we have already been subject to open casting in the past and now have a turbine and solar farm blotting the landscape;
- The proposed site is greenbelt and should remain so for the benefit of residents;
- The application site has not been allocated for residential development in the revised Local Plan;
- There was no mention to build on this land when I purchased my property back in May 2018;
- Gladmans Development previous sought a screening opinion for 750 houses, so clearly they have an intention to develop into the further field at a later stage;
- CBC has a 5 year supply of housing in the pipeline, so there is no need for this development;
- I understand it is CBC policy to not build on good farmland, as such land is important for food production;
- There will be a loss of public amenity as the development will devastate the enjoyment of the area / views and the fields are often used by walkers accessing Arkwright and beyond;
- The proposals will have a negative effect on the visual character of the area;
- Allowing one developer to build on greenfield land will set a precedent for other;
- LP policy is unchanged at the time of this application so policy CS10 should apply. The Council have a 5 year housing supply and therefore greenfield development should not be permitted;
- This land forms a green wedge / strategic gap between Inkersall / Arkwright and Duckmanton;
- Inkersall's housing density would become overbearing and out of scale;

Officer response: See sections 5.1 and 5.2

Amenity

- Bamford Road comprises of mainly bungalows occupied by elderly / retired people who enjoy the view and there is relatively little traffic. The development will spoil this and the proposed convenience store / parade of shops will attract teenagers and anti-social behaviour;

- The development will result in loss of privacy and we will be overlooked by the proposed development;
- The proposed pumping station is opposite from our bungalow and we are concerned about potential odour and noise issues from this facility;
- What would happen if the proposed pumping station failed?;
- The development would result in overshadowing, light pollution, noise pollution and loss of aspect to neighbouring properties;
- The level of disruption to local residents will be unacceptable if the development is permitted, noise, dust, construction traffic etc;

Officer response: See sections 5.3 and 5.5

Brownfield

- There are other sites available for brownfield redevelopment such as Staveley Works, so why take over our countryside when these sites are still available;
- Building on farmland ensures maximum profit for minimum risk, which is easier for developers than looking at brownfield sites;

Officer response: See sections 5.1 and 5.2

Highways

- There are serious traffic problems where the proposed site access is (bad bend / bus route / speed bumps);
- The only route of construction traffic access will be Bamford Road which is hardly wide enough for the present traffic flow (parked cars etc);
- The additional homes are going to bring additional traffic and I do not feel that the roads are suitable to cope with this;
- The T junction of Inkersall Green Road and Inkersall Road is very busy and visibility is restricted which makes it dangerous / By their own admission Gladmans accept that this junction is already at capacity;
- As a local resident I would dispute the transport assessment conclusions on the local network / junctions;
- The development is likely to be promoted as commuter location given its proximity to the M1;
- Inkersall Green Road separates the south of Inkersall and the development from the local park and local schools. Children are therefore required to cross this already busy road, which would become busier and more dangerous without upgrades to crossings etc;

- There will be increased accidents risks at impacts junction inc. the A619 / Hollingwood junction;
 - The development will interfere with public walkways;
 - The photo's presented by the developer in their application of Bamford Road do not reflect the traffic and parking situation experienced by local residents and planning committee should visit the site themselves to see this;
 - It will not be safe to let children play on what are currently quiet cul-de-sac roads as the development will bring more traffic;
 - The development will lead to more air pollution and I am sure this will end up becoming a bus route;
 - Emergency vehicles already struggle to get up Bamford Road when it is heavily parked with cars etc;
- There will be approx. 1400 more daily traffic movements through Inkersall as a result of the development which the present road network cannot take;
- Traffic monitoring I saw take place was done so in the summer on Elliott Drive;
 - I do not believe the local bus service can serve this new development as well;
 - The submission indicates connectivity to West Croft Drive (emergency and footpath) which is both inaccurate and not justified;
 - Egress onto the A632 close to Calow Lodge would be a better solution to access this site;

Officer response: See section 5.4

Affordable Housing

- Should the land be developed will the developer be required to provide affordable housing and how affordable will they be?;

Officer response: See section 5.10

Wildlife

- There will be a huge impact upon wildlife that currently inhabit the land the subject of the proposals;
- The submission includes a significant amount of paperwork on ecology and it seems to me there will be a large impact (birds at risk, bats, hedgerows and other species not specifically mentioned);
- The development will impact upon the ancient woodland of West Wood;

- I note the biodiversity survey undertaken, however if this entailed the kind of science I witnessed then I can only assume it was undertaken by a local primary school and was not the work of a professional independent body;

Officer response: See section 5.7

Local Infrastructure

- Inkersall Medical Centre cannot cope with their current number of patients, without more. People struggle to get appointments already;
- School age children from Inkersall already have to go to other school areas because the local schools are full;
- The proposed plan states there will be facilities for retail parade and convenience store, but there is no mention of other services;
- Where will car park who are visiting the new store proposed onto Bamford Road?;
- The development will place more pressure on policing (as well as other services);
- I object to the proposed location of the convenience store as it is opposite my front door;

Officer response: See section 5.10

Other Issues

- Gladmans mention that the development would create approx. £580k of council tax income and whilst this may be so, it isn't guaranteed that this money is targeted to improve Inkersall;
- A number of the issues raised by local residents could be alleviated if the development was positioned further south in the fields nearer to Arkwright;
- Property prices which reflected the views we have over the fields will be affected by the development;
- The Coal Authority's recommendations suggest this site is an accident waiting to happen and the LPA will have to monitor the development to make sure all necessary guidelines a followed should planning be granted;
- The proposed development is unviable and unsustainable;
- Gas, water, electric etc will need to be extended and upgraded to facilitate this development which will cause disruption;
- I find the speculative campaign by Gladmans in advance of this submission on social media from people outside the affected area is an attempt to destabilise the local community distasteful;

- Given the information submitted to support the application it is fair to assume that Gladmans intend to develop at 750 houses, so for the sake of openness and transparency this should be said;
- Does anyone from the planning department ever come out and look at the area to see how beautiful and necessary it is?

Officer response: The application submitted must be assessed on its own individual merits; property devaluation is not a material planning consideration; the comments of the Coal Authority are reported in section 5.6; the developer has not presented a viability argument alongside the application submission; the way in which Gladmans undertook their own public consultation exercise is not material to the planning applications determination; and planning officers do visit the sites of all planning applications.

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 applicant has the right to appeal the final decision.

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 The proposed development conflicts with principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.

8.3 The conflict with Development Plan policies has led the LPA to conclude the development is not fully regarded to meet the definitions of "sustainable development" having regard to local character and amenity and a presumption on the LPA to seek to approve the application is not considered to apply.

9.0 **CONCLUSION**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. In this context the application has been considered against all up to date development plan policies (as set out in section 5.1 and 5.2) and the wider National Planning Policy Framework (NPPF) as detailed in the report above.

9.2 In the context of para. 11 of the NPPF it is acknowledged that the Framework directs all planning decisions to apply a presumption in favour of sustainable development; however in this case having regard to the considerations set out in the report above neither para. 11c or 11d of the Framework are engaged in this respect.

9.3 All relevant policies of the Chesterfield Local Plan: Core Strategy 2011 – 2031 which are applicable to the development proposals are considered to be 'up to date' unless they have been considered in the context of this report otherwise (namely Policy EVR2 which has been afforded 'limited' weight). Therefore with the one exceptions all other policies have been afforded full weight in the planning balance. Consideration has also been given to the weight to be given to emerging Local Plan policies.

9.4 The site the subject of the application is on land allocated under policy EVR2 of the 2006 Local Plan (a saved designation of the Chesterfield Local Plan: Core Strategy 2011 – 2031) as open countryside; is a greenfield site; and is located beyond what would be regarded as a reasonable distance to local services.

- 9.5 Having regard to the requirements of policy CS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031, the recommendation set out in the Council’s adopted SPD ‘Successful Places: Housing Layout and Design’ and the National Design Guide the site is located in excess of the recommended 800m walking distance to local services / centre and therefore the development fails to meet the provisions set out in the CS1 Spatial Strategy to ‘concentrate new development within walking and cycling distances of centres’. Furthermore the development proposals fails on the majority of the criteria set out in policy CS2 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 (the exceptions being (c) and (g)), and there is no evidence to suggest that the proposal meets the exception tests set out in policy CS2 (i) and (ii).
- 9.6 In respect of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 the policy requirement is clear in its aim that greenfield led housing development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply.
- 9.7 Overall on the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy CS1, CS2 and CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031, the wider provisions of the National Planning Policy Framework and it is therefore unacceptable.
- 9.8 In reaching the above conclusion the Council do not regard their ability to demonstrate a 5 year supply of housing as a ceiling and accepts that in the right location greenfield led development can continue to contribute and ‘boost’ the supply of housing in line with para. 59 of the NPPF. However in this case the development does not meet the ‘concentration’ or ‘regeneration’ tests of policy CS1 and CS2 and therefore the development does not demonstrate or deliver a sustainable development proposal.
- 9.9 It is noted that the developer may indeed be able to demonstrate applicable economic, social and environmental benefits of the development proposals however the benefits of housing development would be delivered regardless of the location. If this argument were accepted there would be little purpose to Local Plans having a spatial strategy and clearly more weight should be given in the first instance to the Local Plan. It is therefore

concluded that neither the ability of the development to potentially 'boost' the supply of housing; nor any NPPF para. 8 economic, social and environmental benefits outweigh the conflicts identified with the development proposals to the development plan and therefore planning permission should not be granted.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **REFUSED** for the following reason:

1. Having regard to the requirements of policy CS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 the site is located in excess of the recommended 800m walking distance to local services / centre and therefore the development fails to meet the provisions set out in the CS1 Spatial Strategy to 'concentrate new development within walking and cycling distances of centres'. Furthermore the development proposals fails on the majority of the criteria set out in policy CS2 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 (the exceptions being (c) and (g)), and there is no evidence to suggest that the proposal meets the exception tests set out in CS2 (i) and (ii).

In respect of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 the policy requirement is clear in its aim that greenfield led housing development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply.

Overall on the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy CS1, CS2 and CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider provisions of the National Planning Policy Framework and it is therefore unacceptable.

2. Having regard to paragraph 50 of the NPPF, the proposed development, would undermine the plan-making process by predetermining decisions about the scale, location or phasing of the emerging Chesterfield Local Plan (2018-

2035) by enabling substantial development of a scale and location not supported by the emerging strategy.