

Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 1st June 2020

File No: CHE/20/00159/FUL
Plot No: 2/2903

ITEM 1

ERECTION OF A 64 BED, 2 STOREY, RESIDENTIAL CARE HOME FOR THE ELDERLY WITH ROOFSpace ANCILLARY ACCOMMODATION AND ASSOCIATED EXTERNAL WORKS AT THE FORMER WALTON PH, 59 ST AUGUSTINES ROAD, CHESTERFIELD, DERBYSHIRE, S40 2SA FOR CROWN CARE DEVELOPMENTS

Local Plan: Unallocated
Ward: Rother

1.0 CONSULTATIONS

Local Highways Authority	Comments received 11/05/2020 – see report
CBC Environmental Health Officer	Comments received 11/03/2020 – see report
CBC Strategic Planning	Comments received 19/05/2020 – see report
CBC Design Services	Comments received 18/03/2020 – see report
CBC Economic Development	Comments received 10/03/2020 – see report
Yorkshire Water Services	Comments received 09/04/2020 – see report
Lead Local Flood Authority	Comments received 23/04/2020 – see report
Crime Prevent Design Advisor	Comments received 24/03/2020 – see report
DCC Strategic Planning	Comments received 31/03/2020 – see report
C/Field Cycle Campaign Coal Authority	No comments received
CBC Urban Design Officer	Comments received 07/04/2020 – see report
DCC Archaeology	Comments received 24/03/2020 – see report

Derbyshire Wildlife Trust	Comments received 17/04/2020 – see report
NE Derbyshire CCG	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Four representations received

2.0 THE SITE

- 2.1 This application is on the site of the former Walton Hotel Public House on St Augustines Road, which measures approximately 0.43 hectares in area.

Site (pre PH demolition)



Site (post PH demolition)



- 2.2 The plot frontage is situated between a bungalow (No. 61) to the west, and the Walton Stores convenience shop to the east (converted from a house with a flat above). The pub building has been demolished in preparation for the current proposal.



- 2.3 The site is a broadly rectangular, elongated shape that is approximately 110m in length and 44m in width at its widest point, with a relatively narrow frontage onto the street. A large surfaced car park lies to the rear of the former pub footprint which occupies approximately one third of the site area. Beyond the car park the remaining area is consists of overgrown scrub and unmanaged ground.



- 2.4 The site is bounded to the north, east and west by established residential properties on St Augustines Road, Boythorpe Road, Clarkson Avenue and St Augustines Mount. Many of the surrounding properties have long rear gardens. However, Nos. 22-30 St Augustines Mount are noticeably closer to the site than the majority of the surrounding houses. These properties have shorter gardens and are also at a lower level relative to the application site.



- 2.5 The site itself slopes gradually upwards towards its northern end. The land around the site is also sloping with differences in levels

from east to west in particular. To the west the land is at a higher level and in places is retained by walls. The land to the east is generally at a lower level and many of the neighbouring gardens and properties are situated below the site.

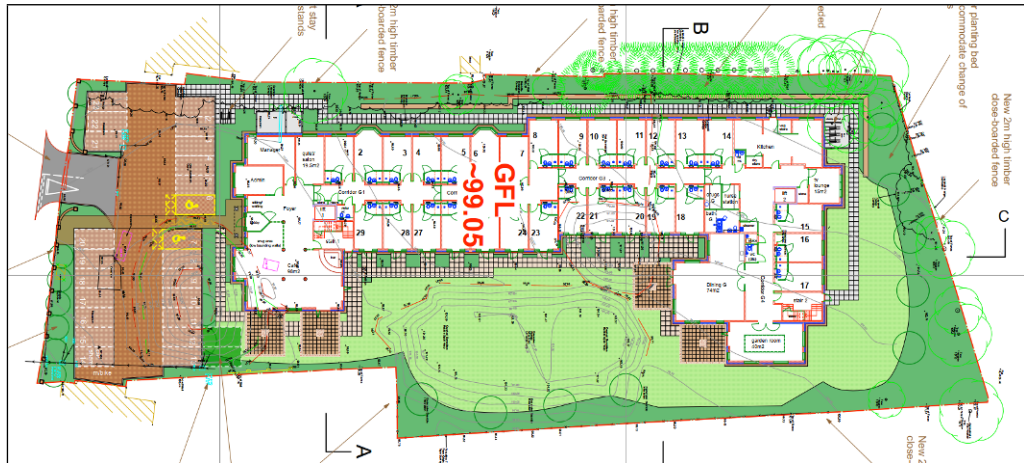
- 2.6 The northern and eastern boundaries are defined by a mixture of timber fencing and vegetation in places. The western boundary comprises a retaining wall of concrete slabs alongside the neighbouring bungalow (No. 61), which gives way to a traditional stone wall along much of its length and behind which are a mixture of domestic timber fences together with some trees, shrubs and mature leylandii hedgerows.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/16/00522/DOC - Discharge of conditions of 3, 4, 5, 7, 8, 9, 11, 15, 16 and 17 of CHE/15/00611/FUL.
- decision letter issued 22/03/2019 – conditions 3, 4, 5, 7, 8, 9, 11 and 16 agreed / conditions 15 and 17 outstanding.
- 3.2 CHE/15/00611/FUL - Erection of a residential care home with car parking and associated landscaping and tree planting. Approved conditionally 17/05/2016.
- 3.3 CHE/15/00375/DEM - Prior notification for demolition of former public house and related buildings and extensions. Prior approval not required 17/09/2015.

4.0 **THE PROPOSAL**

- 4.1 The application, submitted in full, seeks planning permission for a two storey 64-bed care home with associated external works to form a new site access, car parking area, service areas and residents amenity / garden areas.
- 4.2 The proposal is for an elongated two-storey building aligned north-south along the length of the site and situated along the western half of the site. The front area would see the building set back behind a modest landscaped parking area which will include the provision of 25 no. parking spaces (inc. 2 no. disabled and 2 no. staff overflow spaces). A residents garden would be situated to the east with landscaped margins around the perimeter of the site.



4.3 The application is accompanied by the following plans / documents:

- Location Plan – 1902
- Site Plan As Existing – 1902 FL(0-)01
- Site Plan As Proposed – 1902 CL(0-)02F
- Block Plan – 1902 CL(0-)03
- GF Plan – 1902 CL(2-)01D
- FF Plan – 1902 CL(2-)02E
- SF Plan – 1902 CL(2-)03E
- Roof Plan – 1902 CL(27)01E
- Elevations – 1902 CL(2-)04B
- Street Sections – 1902 CL(2-)05A
- Elevations with Overlay – 1902 CL(2-)06
- Design and Access Statement

- Phase I SI Desk Top Study
- Coal Mining Search
- Intrusive Site Investigation
- Ecological Survey
- Ecological Survey with Updated Walkover
- Landscape & Ecological Management Plan
- Drainage Layout
- Green Travel Plan
- Visualisation of Scheme (3D)
- Site Photographs

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Rother ward in an area predominantly residential in nature.

5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS11 (Range of Housing), CS13 (Economic Growth), CS18 (Design), 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**

5.2.1 The proposal is for a 64 bed care home with the application form indicating that the development would create 2797sqm of C2 use class floorspace (C2 – Residential Institutions).

5.2.2 The site is located within the built settlement of Rother ward and is unallocated. Both the adopted and emerging Local Plan make no specific distinction between 'housing' and 'residential', or between

C3 and C2 use classes. The proposed use is therefore in accordance with the adopted and emerging Local Plans as set out in policies CS1 and CS2. As a location within walking distance of Chesterfield Town Centre, regular public transport services, GP services, the site is particularly well suited to a care home facility.

5.2.3 If granted permission for a C2 use, the site would not be able to be added to the council's five year housing supply (but would count proportionally towards the Housing Delivery Test results). This is a material consideration but should be given little weight in comparison to the delivery of specialist housing and the suitability of the location for the proposed use.

5.2.4 As a C2 use the proposed development would not be liable for CIL, and policy CS11's ('range of housing') provisions relating to a proportion of affordable housing would not apply - although if approved it would contribute to the policy's objective to increase local housing choice, respond to emerging needs and create sustainable communities.

5.2.5 The location of the development accords with policy CS20 ('Influencing the Demand for Travel'), being located within easy walking distance of a range of regular bus services, chesterfield town centre and GP facilities.

5.2.6 Overall in the context of the above, the principle of development is considered to be acceptable.

5.3 **Design and Appearance (inc. Neighbouring Impact / Amenity)**

5.3.1 The site is within a predominantly residential area, although the former use as a pub and adjacent shop represent modest commercial uses serving the local community. The redevelopment of the site as a care home has the potential to reinstate a positive frontage to St Augustines Road, given that the demolition of the public house has left a gap within the streetscene. In locational terms the proposal would accord with policies set out within the Local Plan.

5.3.2 The proposals have been reviewed by the Council's **Urban Design Officer** (UDO) who has provided the following commentary in respect of design and appearance issues:

Use

The use of the site for residential care has previously been approved and remains an acceptable land use in principle, within a mainly residential context.

Amount

The application seeks permission for a 64-bed facility (the previously approved care home was an 80-bed facility). The building occupies a similar proportion of the site to the previously approved development. The amount of development is therefore considered to be acceptable in principle.

Layout

The layout proposes the care home to be situated on the western part of the site, aligned north-south along its length. Access is situated in broadly the same position as the previous pub and a parking area is proposed at the front of the site.

The front elevation and building entrance is set back approximately 23m from the frontage with St Augustines Road. A front boundary enclosure is indicated on the 3D impression of the development, although no specific details are contained within the submission. As such, it is recommended that the details of all boundary enclosures are either provided at this stage or are the subject of a suitably worded condition.

Retaining wall

A large residents garden is located to east of the care home and landscaped margins are indicated around the perimeter of the site. A length of retaining wall is proposed along part of the western boundary as a result of the scheme reducing ground levels, in order to create a level platform across the site. Details of the retaining wall should be provided to ensure its design provides an appealing outlook for adjacent rooms with a westerly outlook. This could be managed by condition.

Relationship to neighbouring properties

The site is enclosed on three sides by surrounding neighbouring properties whose gardens back onto the development. The applicant has sought to minimise the impact on the development neighbour amenity in a number of ways.

- *The design proposes a two-storey building compared with the three-storey development previously approved.*

- *The ground levels are to be reduced across the site to further lower the height and presence of the building relative to neighbouring properties (the amount of levelling varies across the site – site section drawings).*
- *The building has been positioned off-centre to move it away from the eastern boundary and nearest the neighbouring dwellings and associated gardens situated on St Augustines Mount, and which sit at lower level.*
- *The two-storey element is set away from the properties on St Augustines Mount. The nearest element of the building is a single storey lounge room to reduce its scale presence relative to the adjacent neighbouring homes and gardens.*
- *The building has been set back from the site frontage and positioned behind the building line of No. 61 St Augustines Road.*
- *The pitched roof design reduces the scale and mass of the built form (relative to the previously approved 3-storey flat roof design). The roof pitch has also been kept relatively shallow and hipped roofs utilised to minimise the scale and impact of the built form.*
- *The lower building height, ground level and installation of a side boundary fence would prevent direct overlooking of the garden of No. 61.*
- *Rooms within the roof space serve functional staff and ancillary facilities. Roof windows are indicated to have a cill height of 1.7m which is sufficient to prevent casual overlooking towards neighbouring areas.*
(see site sections in application submission to illustrate relationship with neighbouring properties).

Overall, the design of the built form and layout has sought to minimise the impact of the building on the amenity of neighbouring occupants and break down its apparent scale and massing.

The two-storey element closest to St Augustines Mount includes a first-floor lounge room and corridor window in the east elevation. Although the two-storey component is set back (11.5m approx.) from the site boundary this element remains the closest point to these properties, which have smaller rear gardens and are lower than the site. This relationship would be further improved by reducing the size of the first floor east facing windows (serving Dining Room F and Corridor F4) to single casements and glazing these windows with obscured glass.

Bin storage

External bin storage is indicated on the site layout plan on the SW corner of the building.

Details of the appearance of the bin enclosures should either be provided at this stage or managed by condition.

Cycle and shower facilities

Both staff and visitor cycle facilities are proposed, although no staff showering facilities are identified on the internal plans. A staff shower facility should be provided and show on the floor plan, together with details of cycle storage enclosures. These should be both weather tight and secure. Details of any cycle storage enclosures should be provided at this stage or managed by condition.

Scale and massing

The scale and massing of the building has been moderated by reducing the grounds levels on parts of the site in order to achieve a level platform and lower the overall height of the building. Details of existing and proposed finished floor ground levels should be required by condition. It is expected that these reflect the site sections provided in the current submission in order to achieve an acceptable level of amenity.

The roof pitch and height have also been reduced from earlier pre-application designs to further moderate the scale and mass of the built form as perceived from the neighbouring properties.

Landscaping

The submitted plans indicate a landscape perimeter around the site. The Design and Access Statement identifies the inclusion of native species planting, together with measures to support wildlife, such the inclusion of hedgehog gaps (highways) within external fencing, as well as bat and bird nesting boxes. Such measures are supported in principle. However, no specific hard and soft planting details are identified at this stage. As such, detailed landscaping proposals should be required by condition, together with its implementation.

Appearance

The proposed building is intended to be faced with red brick and slate effect roof tiles to help assimilate the development into its setting in respect of materials and appearance.

The south elevation addresses the frontage with St Augustines Road well, with two feature gables and the main entrance defined with a stone porch canopy.

The elongated building form is broken down by introducing a 'step back' in the building line halfway along the length of the building, effectively splitting the building into two components, which is echoed in changes to the roof form. This assists in breaking up the buildings roofscape.

The introduction of a feature gable (east elevation) and two two-storey bays (west elevation) add elements of visual interest within the two extended side elevations. In addition, the square windows are given vertical window proportions through introduction of a central mullion and horizontal glazing bar. These elements assist in providing additional visual interest within these broad side elevations and to help mitigate the apparent scale and form of the care home.

The use of hipped roof designs also echo the roofs of some nearby houses and assist in reducing the height and present of the building as seen from the surrounding properties.

Access

The proposed access point appears to be the same as the existing entrance position. Advice from the DCC Highways Engineer should be sought regarding access, parking and servicing arrangements.

Conclusion

In light of the above comments the proposals are largely acceptable on the grounds of urban design, although the design would benefit from some modest amendments in respect of:

- The inclusion of a shower room in the staff welfare area to provide employees traveling by bicycle with a suitable shower facility.*
- The first-floor east facing windows serving Dining Room F and Corridor F4 being reduced in size to single casements and obscurely glazed. In addition, the following conditions are recommended:*
 - 1. Details of external materials details (notwithstanding stated materials) including samples if requested.*
 - 2. Landscaping details (hard and soft) together with proposals for their implementation.*

- 3. Details of all external boundary enclosures (notwithstanding submitted details), including height, appearance, location extent and finished treatment and requirement for their implementation prior to occupation.*
- 4. Details of existing ground levels and proposed finished floor levels.*
- 5. Details of any retaining structures including their location, extent, height and appearance.*
- 6. Details of the appearance of the proposed bin enclosures.*
- 7. Details of the appearance of the staff cycle store (this should be weathertight and secured (e.g. using a coded lock or key fob access for staff)).*
- 8. A requirement for the provision of an obscurely glazed screen to the east side of the balcony serving Dining Room F. Details should be provided in respect of height, extent and opacity.*
- 9. A requirement for the east facing first-windows serving Dining Room F and Corridor F4 to be obscurely glazed and remain so.*

5.3.3 The application submission was also reviewed by the **Crime Prevention Design Advisor** (CPDA) who commented on the proposals as follows:

We would concur with the principle of the application and the majority of detail.

We would recommend some minor enclosure from the front building elevation, to separate and secure private grounds from the car park and public entrance, and also to prevent higher risk residents from wandering out of the private gardens.

There is no detail of such enclosure shown on supporting plans, however 3D visualisations show an enclosure of a decorative metal rail, similar to but higher than the roadside treatment, enclosing the café courtyard to the immediate right front of the building.

Can I ask that form and securing schedule of this boundary treatment are confirmed, and that a similar provision is included to enclose and secure the opposite left hand front of the building grounds.

5.3.4 In response to the comments made by the UDO and CPDA above the applicant was invited to review and respond to their queries. They provided the following response:

UDO: comments are generally agreed with and concur with those made during pre-app process. The proposed conditions are accepted but please note that a shower had been included in the staff facilities on submitted drawing: 1902 CL(2-) 03D Loft Floor Plan.

CPDA: recommend enclosure of the private garden for the safety of vulnerable residents and note that this is indicated on the visualisation.

This is agreed and a 1.1m high decorative metal fence will be erected fully enclosing the garden along these lines;

- at the building corner on the edge of cafe patio through to the eastern boundary*
- at the building corner on the edge of garden room patio through to the eastern boundary*

These will be shown, together with type of fence, on the detailed external works layout.

5.3.5 Overall taking into account the comments of the UDO and CPDA it is considered that the development proposals are of an acceptable design, that responds to the scale and massing constraints of the surrounding area. The development will sit within the envelope of the site without harm to the amenity of adjoining neighbours, although it is accepted that they will be able to see the building and their relationship with the site (which is open) will change. Appropriate separation distance and design parameters mitigate the impacts of the development to an acceptable level. The architecture of the building is appropriate and is of a more traditional appearance to the previous approval scheme, which takes cues from the local context and streetscene. Where additional detail is required (as set out in the UDO / CPDA commentary above) these details can be required by the imposition of planning conditions, which will ensure that the finer details of the scheme are agreed (such as materials and hard / soft landscaping details and finishes).

5.3.6 The design of the building and the layout of the site have all been considered and overall it is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2 and CS18 of the Core Strategy and the wider provisions of the Housing Layout and Design Guide SPD.

5.4 **Highways Issues**

5.4.1 The application submission has been reviewed by the **Local Highways Authority (LHA)** who had the following comments to make:

The details demonstrate modifications to the existing access to the western side of the site frontage to serve the proposed development. Whilst introduction of kerbed entry/ exit radii and junction surface markings have been shown, the access will need to take the form of a dropped kerb crossing of the footway. As the modifications would also appear to indicate widening of the access to the east, it's recommended that swept paths for the largest vehicles likely to frequently visit the site are submitted demonstrating that turning manoeuvres may be made comfortably (400mm clearance) clear of the existing pedestrian refuge located within the central carriageway hatch markings on St Augustine's Road.

The existing dropped kerb access located at the eastern extremity of the site frontage made redundant by the development proposals will need to be formally closed by introduction of a permanent physical barrier and reinstatement of the kerb and footway to the appropriate level.

I trust that you will ensure that the proposed level of off-street parking satisfies the requirements of your own Authority's standards. In order to meet current recommendations, parking spaces should be of 2.4m x 5.5m minimum dimension (larger in the case of disabled parking spaces) with adequate space for manoeuvring behind each space. Without benefit of a drawing printed to scale it isn't possible to assess whether the spaces are of appropriate dimension, however, the disabled spaces do appear to be the same width as the other standard spaces. Any under-provision would be likely to result in vehicles being parked within areas dedicated to manoeuvring, thereby negating them for their designated purpose and leading to reversing to/ from St Augustine's Road, or on the fronting road/ part on its footway thereby causing obstruction, each situation considered against the best interests of safe and efficient flow of traffic on the category CIII classified public highway.

All off-street parking should be provided clear of adequate space for manoeuvring to enable the largest vehicle likely to frequently access the site to enter and exit the public highway in a forward gear. If waste collections are to be made from within the site, this should be a Large Refuse Vehicle of 11.6m length. It's recommended that the views of the local refuse collection service are sought with respect to the suitability of the proposals for their purposes. It should be noted that the presence of the aforementioned pedestrian refuge may prejudice roadside collections associated with commercial scale waste and servicing should be taken into consideration as a part of the internal site design rather than being fitted around what may be being proposed.

Specific comments with respect to the Green Travel Plan will be forwarded when received following review by this Authority's Transportation Section.

Therefore, whilst there are no highway objections to the principle of the development proposals, it's recommended that the applicant is given opportunity to submit revised details demonstrating measures to satisfactorily address the above access layout and off-street parking and manoeuvring issues as these may impact on the proposed development layout.

5.4.2

In response to the comments made above the applicant provided some additional information (11 May 2020) to clarify the LHA's point of query.

- *Access form: it is accepted that the modified existing access will require a dropped kerb arrangement to current Highway standards. We can provide a detail for approval now, or it can remain subject to a condition related to the full external works details.*
- *Access widening: this observation is correct the access is widened ~800mm to the east.*
- *Existing dropped kerb at East site corner: agree that it would be made up and footpath reinstated.*
- *Off street parking; dimensioned section of site plan of the parking is attached. All the parking bays are 2.4x4.8m with min 6m manoeuvring as per your SPD on Residential Design (extract attached) that refers back to HMG "Design for Streets". The 2 disabled parking spaces have the requisite min 1.2m side space (actually 1.8m here as the footpath access incorporates them) as*

recommended by HMG "inclusive mobility" document (extract attached).

- *Large vehicle manoeuvring: a large vehicle is able to enter, turn around within the site and exit, see swept path plot of bin-wagon attached. This is shown coming in down the road and out up the road, which keeps well away from the traffic island. The Applicant has advised they will dictate these terms with the commercial waste disposal company in their contract. There are no other regular very large vehicle deliveries to the site; food, clinical and laundry supplies being delivered in Transit van size vehicles.*

- 5.4.3 It is considered that the commentary above clarifies the points raised by the LHA and where appropriate conditions can be imposed which require the provision of additional information (the final access design for example) these can be imposed.
- 5.4.4 It is noted that there is disparity between the dimensions of car parking spaces set out in the SPD, Manual for Streets and the DCC's own guide; however given that the national guide (Manual for Streets) is likely to be the benchmark, spaces measuring 2.4m x 4.8m are readily accepted by the Local Planning Authority.
- 5.4.5 Having regard to the maximum car parking standards which are set in the adopted Core Strategy, car parking for a C2 Residential Institution should be provided based upon the following ratio:
1 space per 2 members of staff; and 1 space per 4 bed spaces.
On the basis of the above the 20 no. staff likely to be present on site at any one time (0.5 of the 40 staff proposed) would calculate the need for 10 no. spaces; whilst the 64 no. beds would generate a calculated need for 16 no. spaces. On this basis the adopted parking spaces would stipulate the site provide a maximum of 26 no. spaces overall.
- 5.4.6 The scheme provides for 23 no. on site parking spaces, inc. the provision of 10 no cycle parking spaces and a green travel plan initiative. On this basis it is considered that the level of parking proposed is acceptable.
- 5.4.7 Overall therefore, subject to the imposition of appropriate conditions there are no highway safety concerns arising from the development and it therefore meets the provisions of policies CS2, CS18 and CS20 in respect of highway safety.

5.5 Flood Risk / Drainage

5.5.1 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 runoff 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 has been reviewed by the **Lead Local Flood Authority (LLFA)**, **Yorkshire Water Services (YWS)** and the Councils **Design Services (DS)** team.

5.5.3 The **LLFA** commented as follows:
We are recommending an objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information (Detail accordingly)
As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:

- *Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)*
- *Basic calculations of the greenfield/brownfield runoff and discharge rates, (refer to Point J in the Advisory Notes)*
- *A storage estimate to show the required storage volume of surface water on site and an indication of the likely location*
- *Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep (Refer to Point J in the Advisory Notes)*
- *Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165).*

These details are required to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.
Please note the level of detail submitted should be proportionate to the size and scale of the development.

The proposed site has a very high likelihood of persistent or seasonally shallow groundwater.

From historic maps the Boythorpe Colliery appeared to have been

located less than 200 metres to the north of the proposed site. There are two separate historic records of sewer flooding 70 metres to the east of the proposed site boundary which may be a potential outfall for the proposed site and that the condition and suitability of the sewers present are suitable as a proposed destination that accords with the drainage hierarchy for surface water as set out in paragraph 80 reference

ID: 7-080-20150323 of the planning practice guidance.

• The LLFA consider that a suitably detailed drainage strategy for this proposed application is required.

5.5.4

YWS commented as follows:

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

(In the interest of satisfactory and sustainable drainage)

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

*i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.*

(To ensure that no surface water discharges take place until proper provision has been made for its disposal)

1) The developer is proposing to discharge surface water to the public sewer network, however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

2) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface

water sewer network, at a maximum rate of 5 (five) litres per second.

- 5.5.5 The Councils **DS team** commented as follows:
A small area of land is shown to be at low risk of surface water flooding, according to the Environment agency Flood Maps. We would like to see a full drainage strategy of how the developer intends to dispose of surface water and foul drainage from the site.
- 5.5.6 Having regard to the comments made above the application submission is now accompanied by a Drainage Strategy and Flood Risk Assessment which have been prepared by the applicant. All consultees have been re-consulted on these documents however at the time of writing this report their comments had not yet been received back.
- 5.5.7 Notwithstanding the above this site and the proposals are somewhat untypical due to the fact there is a previous permission in place which the applicant sought full conditional discharge on in Summer 2019. As part of this process the site was subject to site investigations that have enabled the applicant to support this latest application with site condition details tailoring solutions to drainage etc.
- 5.5.8 Despite the initial objections the case officer is satisfied that the Strategy and FRA submitted address the consultees concerns. The supporting information has examined ground conditions and concluded that main sewer connection is the only viable option for this development and the Strategy put forward includes on site attenuation that will control outflow from the site to a restricted rate which is concordant with the requirements of YWS (as set out in their consultee response). YWS will be the statutory body agreeing any main sewer connection, and therefore this is considered to be acceptable.
- 5.5.9 Therefore it is considered that appropriate details have been submitted to enable the application to be determined. Full drainage details / designs will still need to be the subject of a pre-commencement planning condition to ensure that all the details are agreed by the relevant consultees and the requirements of policy CS7 of the Core Strategy are met.

5.6 **Land Condition / Contamination / Noise / Air Quality**

- 5.6.1 Having regard to issues relating to land condition and contamination the application submission is supported a geotechnical and geo-environmental site investigation report and the full application has been reviewed by both the **Coal Authority** and the Councils own **Environmental Health Officer** (EHO) in this regard.
- 5.6.2 The Councils EHO has raised no objections to the proposals, subject to the imposition of the standard construction hour's condition if permission is granted to protect neighbouring amenity, the provision of electric vehicle charging points on site, and the recommendations of the ground investigation report being implemented as recommended. Appropriate conditions can be imposed to this effect.
- 5.6.3 Having regard to coal mining legacy / land condition the CA made the following comments:

The planning application is accompanied by a Phase 2 Geotechnical and Geo-Environmental Site Investigation report (26 February 2019, prepared by Eastwood & Partners). We note that this report was previously submitted to address Condition 8 attached to planning permission CHE/15/00611/FUL for a previous care home development proposal for the site.

The submitted report indicates that a boreholes investigation was carried out at the site. No coal seams or evidence of worked coal seams was encountered during these works. As such, the report author considers that the Deep Hard coal seam is not present beneath the site and concludes that remedial drilling and grouting works are not required.

The Coal Authority notes the conclusions of the report author and we acknowledge that we ultimately raised no objection to the LPA discharging Condition 8 of the previous permission. However, we must highlight that the Phase 2 report was produced specifically to inform the previously proposed scheme of development at the site.

In light of the above, the applicant should be requested to provide confirmation from their technical consultant that they are satisfied that the conclusions of the Phase 2 report regarding the risk posed by shallow coal mining legacy are

applicable to the revised scheme of development which is currently under consideration by the LPA.

- 5.6.4 Having regard to the comments made by the CA above the applicant has confirmed as follows:
The potential risk from shallow mine workings is noted and the Applicant's consultants are being made aware that they are to make sure they are satisfied with the intrusive SI to date.
- 5.6.5 To ensure that the comments of the CA are fully addressed, it is considered that an appropriate planning condition can be imposed on any consent issued to ensure that a suitably qualified person confirms that the SI's undertaken are adequate to address matters of coal mining legacy; or if necessary that further SI's can be undertaken in accordance with the amended scheme. This would ensure that the provisions of policy CS8 of the Core Strategy and the wider NPPF are met.
- 5.7 **Ecology / Trees**
- 5.7.1 The site the subject of the application is previously developed land, which has been cleared of all buildings but some areas of hard surfacing remain. There is a pocket of scrub land located towards the rear of the site. There is a mix of soft landscaped boundaries surrounding the site which are associated with residential gardens.
- 5.7.2 Having regard to potential tree and ecological constraints the application submission is accompanied by an Ecological Appraisal Report and follow up Ecological Walkover Survey, which have both been reviewed by **Derbyshire Wildlife Trust** (DWT) under their service level agreement with the LPA. The following comments were made:
- Sufficient information has been provided within the existing Preliminary Ecological Appraisal (Wildlife Discovery, 2016) to enable determination of the planning application. Whilst it is noted that the ecological appraisal is more than two years old, the site is of low ecological value and the likelihood that protected species would have colonised the site in the interim is low. A net biodiversity gain is considered possible and the Landscape and Ecological Management Plan (Ecus Ltd, 2019) should be updated to reflect the current proposal. Should the LPA be minded to approve the application, we advise that the following conditions are*

attached:

Nesting Birds

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

Hedgehogs

Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (gaps 130 mm x 130 mm in close-board fencing and/or railings and/or hedgerows) and submitted to the LPA for approval.

Landscape and Ecological Management Plan

The existing Landscape and Ecological Management Plan (Ecus Ltd, 2019) will be updated to reflect current proposals to ensure a net biodiversity gain is achieved. This shall be approved in writing by the LPA and implemented in full.

- 5.7.3 In respect of the advice by DWT the suggested conditions detailed in their comment could be imposed to secure appropriate measures of up to date assessment, mitigation and enhancement to the development site. It is considered the imposition of these conditions would secure an acceptable balance such that the development can be accepted in the context of policy CS9 where it relates to ecology and habitat issues.

5.8 **Other Considerations**

5.8.1 Archaeology

Having regard to heritage and archaeology there are no designated heritage assets located within the application site boundary however there are listed buildings located immediately opposite the site which are Grade II listed. Given this proximity, it is appropriate to consider whether the development proposed poses any threat to these designated assets and also the existence of associated below ground heritage interest given these building used to form the historic settlement core of Boythorpe.

The **Derby and Derbyshire Development Control Archaeologist** has reviewed the application submission providing the following comments:

The site is adjacent to the historic settlement core at Boythorpe, as shown on historic mapping. Boythorpe was a medieval settlement first attested in the Domesday Book of 1086. 19th century historic mapping shows 'Boythorpe Farm' immediately to the south and west of the proposal site: it is likely that the farm dated at least as early as the 17th century, based upon the dates of the associated listed buildings on Bacon's Lane. Sanderson's map of 1835 suggests that there may have been further buildings within the proposal site, though the detail is not clear.

Archaeological preservation on the site is likely to have been compromised to a greater or lesser degree by the 20th century buildings at the frontage (former Walton Hotel) and the hardstanding to the rear. It is also likely that the site has experienced episodes of terracing/levelling into the prevailing hillslope.

The site therefore has potential for below-ground archaeology associated with medieval settlement, although preservation is likely to be limited by subsequent use of the site. I recommend that this interest is best addressed by archaeological monitoring of the initial development groundworks, particularly with regard to any initial site strip or cut and fill operation. This work should be secured by a planning condition and would allow archaeological remains to be rapidly identified and recording in line with NPPF para 199. The following condition should therefore be attached to any planning consent:

"No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged*

until these elements have been fulfilled in accordance with the programme set out in the WSI.”

In addition with regard to the nearby listed buildings whilst the Councils **Conservation Officer** (CO) did not respond this is specific application consultation, he had commented on the previous sites redevelopment as follows:

St Augustines Road is not within a Conservation Area, nor is it an area that I would identify as having the potential for future CA status (given the uniform post-war residential character of the area). However, the proposal would be within the setting of Stables and Stud Farm Cottages (at the apex of Bacon's Lane) both of which are listed buildings. Local Planning Authorities should consider the effects new proposals will have on the settings of historic assets, including the setting of listed buildings (NPPF, para 128).

Given the distance of the two cottages from the proposal and the fact that the cottages (eighteenth century) are already something of an anomaly in the modern residential setting, my view is that there is a lack of a functional or aesthetic relationship between the proposal site and listed buildings; any new impacts on the setting of the listed buildings resulting from the proposal are likely to be minimal and peripheral (but this is subject to the proposal satisfying the Council's Local Plan design policy CS18).

Having regard to the comments received from both the County Archaeologist and the Conservation Officer above it is not considered that the development proposals are unacceptable. Clearly the County Archaeologist is satisfied that whilst the site may hold some below ground archaeological interest an appropriate planning condition imposed as a pre-commencement condition would ensure this was investigated. Thereafter any findings would be recorded in accordance with a written / prescribed scheme of investigation which would be overseen to the satisfaction of the County Archaeologist prior to any development on the site taking place.

Upon reflection of the CO's comments the scheme the subject of this application is of a much smaller scale to that he previously commented on. Furthermore the scheme is of a more traditional design and the built footprint is set back into the site with greater separation to the nearby LB's than the previous approval, and thus arguably the visual impacts of the latest proposals are far less.

On the basis of these conclusions it is not considered that the development would be contrary to the provisions of policy CS19 of the Core Strategy or the wider NPPF in respect of heritage considerations. The impact of the development proposals upon the setting of the nearby designated heritage assets would be regarded as less than substantial for the purposes of the NPPF para. 193 – 197.

5.8.2 S106 Contributions

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.

Internal consultation has therefore taken place with the Councils own **Economic Development**, as well as externally with **North Derbyshire Care Commissioning Group (CCG)** and **DCC Strategic Planning (DCC SP)** on the development proposals to ascertain what specific contributions should be sought.

The responses have been collaborated and it will be necessary to look to secure by planning condition the requirement for local labour (best endeavours) in accordance with the ED response, which is standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes. The CCG did not respond so it is assumed no GP / Health Contribution is to be sought.

As a major application, under the provisions of policy CS18 of the Core Strategy, the development proposals would be required to make a contribution to the Council's Percent for Art scheme; which is usually secured by S106 agreement as a proportioned contribution of up to 1% of the overall development costs.

5.8.3 Community Infrastructure Levy (CIL)

The proposed use of the building falls within Use Class C2 (Residential Institutions) and therefore the development is not CIL liable. CIL only applies to C3 or A1 – A5 uses.

6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice posted on 13/03/2020; by advertisement placed in the local press on 19/03/2020; and by neighbour notification letters sent on 10/03/2020.

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

Stud Farm Cottage, Bacons Lane

This is a busy road, a bus route with frequent HGVs in addition to cars and commercial vehicles. At peak times there are queues on both sides of the road so any traffic accessing this site will have to wait. Traffic from a new car home will increase congestion adding to high air and noise pollution in this residential area – not to mention high driver frustration.

Stud Farm Cottage, Bacons Lane

This is an extremely busy road, with heavy traffic and long queues at peak times. This inc. many HGVs. The development will add to this with visitor cars and service vehicles. Vehicles turning right into the site will have to cross the heavy traffic queuing down the road causing others to have to wait and blocking traffic behind. St Augustines is too narrow for cars to pass alongside cars turning. The development is also opposite Bacons Lane so will cause problems for people exiting this junction. This is a residential area and is already heavily polluted and noise levels are high.

182A Boythorpe Road

Stance: Customer objects to the Planning Application

Comment Reasons:

- Policy
- Visual

Comment: I object due to lack of privacy and light pollution as this directly backs onto my garden and home.

182 Boythorpe Road

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways
- Visual

Comment: I object to this due to the fact it is two storey and will infringe on our privacy.

6.3 Officer response: please see sections 5.3 and 5.4 above.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

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

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the

development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **CONCLUSION**

- 9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS11, CS13, CS18, CS19, CS20 and PS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

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

10.0 **RECOMMENDATION**

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

Time Limit etc

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

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

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

Location Plan – 1902

Site Plan As Existing – 1902 FL(0-)01

Site Plan As Proposed – 1902 CL(0-)02F

Block Plan – 1902 CL(0-)03

GF Plan – 1902 CL(2-)01D

FF Plan – 1902 CL(2-)02E

SF Plan – 1902 CL(2-)03E
Roof Plan – 1902 CL(27)01E
Elevations – 1902 CL(2-)04B
Street Sections – 1902 CL(2-)05A
Elevations with Overlay – 1902 CL(2-)06

Design and Access Statement
Phase I SI Desk Top Study
Coal Mining Search
Intrusive Site Investigation
Ecological Survey
Ecological Survey with Updated Walkover
Landscape & Ecological Management Plan
Drainage Layout
Green Travel Plan
Visualisation of Scheme (3D)
Site Photographs

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

Drainage

03. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The maximum foul water discharge rate shall not exceed 5 (five) litres per second.

Reason - In the interest of satisfactory and sustainable drainage.

04. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a

rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

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

Land Condition

05. Development shall not commence until the results and conclusions of the intrusive site investigations already undertaken have been considered and corroborated by a suitably qualified person to address the comments of the Coal Authority (dated 24 March 2020); and if necessary a further scheme of remediation and mitigation has been prepared and submitted to the Local Planning Authority for consideration and written approval. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason - To ensure that the site is remediated to an appropriate standard having regard to ground conditions and coal mining legacy.

Archaeology

06. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason – To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.

Highways

07. Prior to the commencement of development a detailed scheme of highway improvement works for the provision of the amended access onto St Augustines Road, together with a programme for the implementation and completion of the works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall include the creation of a dropped kerb access arrangement, the closure of any redundant access points and provision of exit visibility splays. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

Reason – In the interests of highway safety.

08. No development shall take place until a Construction Management Plan or Construction Method Statement (CMP / CMS) has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- parking of vehicles of site operatives and visitors
 - routes for construction traffic
 - swept paths for construction vehicles expected to enter the site (largest vehicle to be demonstrated)
 - hours of operation
 - method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles

Reason – In the interests of highway safety.

09. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned

before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason – In the interests of highway safety.

10. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked and for vehicles to be manoeuvred such that they may enter and leave the site in forward gear. Thereafter all spaces and dedicated manoeuvring areas shall be maintained free from any impediment to their designated use in perpetuity.

Reason - In the interests of highway safety.

11. No building or use hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason – In the interests of highway safety.

12. The development hereby permitted shall not be occupied until further details of the 10 no. cycle parking spaces have been submitted, approved in writing by the Local Planning Authority and implemented. The cycle parking facilities shall thereafter be retained for use by the staff, occupants of, and visitors to, the development at all times.

Reason – In the interests of highway safety.

Ecology

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.
The LEMP shall 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 for a period of no less than 10 years.

The scheme shall include a timetable for implementation relative to the completion of dwellings hereby approved.

Thereafter the approved ecological mitigation, compensation and enhancement scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.

The approved plan will be implemented in accordance with the approved details.

Reason - To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit, in accordance with Policy CS9 and the National Planning Policy Framework.

14. There shall be no removal of hedgerows, trees, shrubs, brambles or ground clearance take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the area for active birds' nests immediately before the work is commenced. Provided that the ecologist is satisfied that no birds will be harmed, and/or that there are appropriate measures in place to protect nesting bird interest on site and the Local Planning Authority receive written confirmation of such (which shall subsequently need to be approved in writing), works will thereafter be permitted to take place in accordance with any protection measures recommended without restriction.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the National Planning Policy Framework.

15. Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (gaps 130 mm x 130 mm in close-board fencing and/or railings and/or hedgerows) and the detail thereof shall be submitted to the Local Planning Authority for their written approval prior to any boundary treatments being implemented on site. Thereafter these details shall be retained on site throughout the lifetime of the development.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against in accordance with policy CS9 and the National Planning Policy Framework.

Landscaping

16. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

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

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

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

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

18. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority,

full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

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

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

Local Labour

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

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

Others

20. Consent hereby approved does not extend to the window openings serving Dining Room F and the F4 Corridor. Prior to commencement of development revised details shall be submitted amending these windows to single casement and detailing them as obscurely glazed. Only those details which receive written approval by the Local Planning Authority shall be implemented on site in accordance with the approved scheme and shall thereafter be maintained as approved in perpetuity.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

21. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the development hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The development shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the amenity of adjoining neighbours.

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

Reason – In the interests of residential amenity.

23. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

24. Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the approved site layout for at least 2 no. car parking spaces; and passive provision shall be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. Thereafter the EVCP's shall be retained and maintained operational for the lifetime of the development.

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp
E-mail highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.
04. The Highway Authority recommends that the first 5m of the proposed access should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous

material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

06. Lead Local Flood Authority Notes:

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan

- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate Change. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.
- Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.

- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

M. The applicant should submit a comprehensive management plan detailing how surface water shall be

managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.