

Case Officer: Paul Staniforth

File No: CHE/20/00305/FUL

Plot No: 2/2410

Ctite Date: 14th September 2020

ITEM 2

ERECTION OF 153 DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND OPEN SPACE ON LAND AT WALTON HOSPITAL OFF WHITECOTES LANE AND HAREHILL ROAD, CHESTERFIELD, DERBYSHIRE FOR VISTRY PARTNERSHIPS AND HOMES ENGLAND

Local Plan: Site for residential development

Ward: Walton

1.0 **CONSULTATIONS**

DCC Highways	Comments received – see report
DCC Planning (Strategic Infrastructure)	Comments received 29/06/2020 – see report
DCC Local Flood Authority	No comments received
CBC Strategic Planning Team	Comments received – see report
CBC Design Services	Comments received 21/08/2020 – see report
CBC Housing	No comments received
CBC Leisure Services	No comments received
CBC Environmental Services	Comments received 02/07/2020 – see report
Environment Agency	Comments received 26/06/2020 see report
Yorkshire Water Services	Comments received 16/07/2020 – see report
Derbyshire Constabulary	Comments received 17/06/2020 – see report
Coal Authority	Comments received 25/06/2020 – see report

CBC Tree Officer	Comments received 25/07/2020 – see report
CBC Urban Design Officer	Comments received 21/08/2020 – see report
C/Field Cycle Campaign	No comments received
NHS PCT	Comments received 12/06/2020 see report
Derbyshire Wildlife Trust	Comments received 22/07/2020 – see report
Ward Members	Comments received from Cllrs Kellman, Snowden and Redihough
Neighbour / Site Notice	10 representation received

2.0 **THE SITE**

- 2.1 The site the subject of the application is an area to the south and western side of the Walton Hospital complex. The land is currently unused and is comprised of overgrown grassland and former hardsurfaced areas and foundations from buildings which were demolished a number of years ago.
- 2.2 The site is approximately 4.24 hectares in area and is served by accesses taken from Whitecotes Lane at the western end of the road frontage and from Harehill Road at the north end of the road frontage.
- 2.3 As can be seen from the aerial photograph below the western boundaries of the application site are adjoined by open land comprised largely of Chesterfield Golf Club. To the east is the remainder of the Whitecotes Lane hospital complex with a new car park area on the Whitecotes Lane frontage of the site. Residential properties lining the northern edge of Whitecotes Lane face the site to the north with residential properties and the Trumpeter site being situated around the Harehill Road side of the application site.

2.4 Both parts of the site slope from north to south and from east to west.



2.5 There are a number of protected trees on the site including a row of limes along the Harehill Road frontage.





General view of the Harehill Road site



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0192/0045 - Outline application for residential development. Withdrawn 11/06/1996.
- 3.2 CHE/05/00219/OUT - Outline application for residential development. Withdrawn on 28/08/2005.
- 3.3 CHE/06/00655/OUT - Outline residential development. Withdrawn on 22/11/2006.
- 3.4 CHE/15/00108/OUT - Proposed demolition of the western wing of Walton Hospital and redevelopment of the site to comprise up to 90 residential units and associated works (Whitecotes Lane). Approved on 19/08/2015.
- 3.5 CHE/15/00109/FUL - Proposed extension of southern car park at walton hospital for 62 no. additional car parking spaces. Approved on 23/06/2015.
- 3.6 CHE/15/00110/FUL - Application for the construction of a new northern car park and an access from Whitecotes Lane. Approved on 23/06/2015.

- 3.7 CHE/15/00562/DEM – Demolition of Wards at Whitecotes Lane Hospital – Approved 08/10/2015.
- 3.8 CHE/15/00598/OUT – Residential Development of land off Harehill Road to comprise up to 60 dwellings – approved 31/03/2016.
- 3.9 CHE/15/00632/DOC – Discharge of conditions of CHE/15/00109/FUL
- 3.10 CHE/16/00237/DOC – Discharge of conditions of CHE/15/00109/FUL
- 3.11 CHE/16/00738/FUL – Alterations to agreed car park – Approved 21/12/2016.

4.0 **THE PROPOSAL**

- 4.1 The application seeks full planning permission for the erection of 153 dwellings on site.

Whitecotes Lane part:

- 4.2 Access is proposed by reusing the existing access point at the western end of the site frontage and providing a new cul de sac serving 103 new dwelling units. The mix of units shown includes 2, 3 and 4 bed units all of which are 2 and 2.5 storey and which comprises of a mix of detached and semi detached. The split comprises 26 x 2 bed, 60 x 3 bed and 17 x 4 bed.
- 4.3 The landscaping which exists to the Whitecotes Lane frontage is shown to be retained and a secondary access driveway runs parallel to Whitecotes Lane which serves the 9 residential units fronting towards Whitecotes Lane. The stand of trees within the site are to be retained as an area of public open space.



Proposed Layout / Whitecotes Lane

4.4 46 affordable housing units including affordable rent, shared ownership and rent to buy units are to be pepper potted around the scheme. 57 units are to be open market houses.

Harehill Road part:

4.5 Access is proposed by creating a new access point from Harehill Road through the line of protected lime trees. The scheme results in the loss of 4 no trees. A new cul de sac spur is proposed and which will serve 50 new dwelling units. The mix of units shown includes 2, 3 and 4 bed units all of which are 2 and 2.5 storey and

which comprises of a mix of detached and semi detached. The split comprises 24 x 2 bed; 24 x 3 bed and 2 x 4 bed.



- 4.6 Behind the line of trees fronting Harehill Road is to be an open area designed as an on site flood storage basin but which would only contain water when flood situations arise. The application site includes a narrow linked corridor between the two components of the site and this will incorporate a 450mm surface water drainage system which allows surface water from the whole site to be

drained down to the basin attenuation area to be controlled before being released to the surface water sewer system in Harehill Road.

4.7 All 50 units are to be affordable housing units including affordable rent, shared ownership and rent to buy.

4.8 The application is accompanied by the following documentation:

- Design and Access Statement;
- Visual Assessment;
- Phase I and II Ground Investigation;
- Phase II Geo-Environmental Report;
- Transport Assessment;
- Travel Plan;
- Flood Risk and Surface Water Drainage Strategy;
- Tree Survey and Arboricultural Impact Assessment;
- Phase 1 Ecological Appraisal;
- Building for life report;

5.0 **CONSIDERATIONS**

Planning Policy

5.1 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'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP3 Flexibility in Delivery of Housing
- CLP4 Range of Housing
- CLP13 Managing the water cycle

- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)
- ‘Successful Places’ Supplementary Planning Document

5.4 **Key Issues**

- Principle of development;
- Design and appearance;
- Impact on neighbouring residential amenity;
- Highways safety, parking provision and air quality
- Flood Risk and drainage;
- Land contamination/stability;
- Trees
- Ecology and Biodiversity;
- Community Infrastructure Levy;

5.5 **Principle of Development**

Relevant Policies

5.5.1 Policy CLP1 states that *‘The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas.’*

5.5.2 Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
a) deliver the council’s Spatial Strategy (policy CLP1);

b) are on previously developed land that is not of high environmental value;
c) deliver wider regeneration and sustainability benefits to the area;
d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;
f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;
g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;
h) are not on the best and most versatile agricultural land;'

5.5.3 Policy CLP3 states that: *“planning permission will be granted for residential development on the sites allocated on the policies map and as set out in table 4 provided they accord with other relevant policies of the local plan.”*

Table 4 –

H27 – Walton Hospital (Land at) Harehill Road – anticipated capacity 60 units.

H28 – Walton Hospital (Land at) Whitecotes Lane – anticipated capacity 90 units.

5.5.4 Policy CLP6 states *“For all major development proposals, , the Council will seek to negotiate agreements with developers and occupiers covering recruitment, training and procurement to benefit the local economy and supply chain, so as to contribute to the sustainability of the borough and the surrounding area, both during construction and on a long term basis.”*

5.5.5 Policy CLP4 states that affordable housing will be required in line with the charging zones set in the Councils most recently adopted CIL charging schedule – High CIL zone = 20% affordable housing.

Considerations

- 5.5.6 The development plan for Chesterfield consists of the adopted Chesterfield Borough Local Plan 2018-2035 (adopted 15th July 2020). The application site is allocated in the Local Plan for housing under policy CLP3 (as sites H27 and H28). The amount of development over the two sites is in line with the expected capacity and the principle of the development is therefore in accordance with the newly adopted Local Plan. The approval of the development is therefore required to meet the Council's aspirations for new housing in the Borough over the plan period.
- 5.5.7 The proposed level of affordable housing exceeds that required by policy CLP4 and is accepted. As the site is being brought forwards in contract with the Homes and Community Agency (Homes England) as landowner, this already provides a mechanism to ensure that the level of affordable housing is provided. It is usually the case where the affordable element is secured through a S106 planning obligation. Policy CLP4 also requires that 25% of units should be constructed to the M4(2) Adaptable and Accessible standard, split proportionately between tenures. This should be secured by condition of any approval granted.
- 5.5.8 The development would be CIL liable. The site falls within the 'High' charging zone which is charged at £80 psqm (subject to index linking). The developer will be aware however of the ability to apply for any affordable housing exemption prior to commencement of the development.
- 5.5.9 An agreement covering recruitment, training and procurement should be secured by condition to meet the requirement of policy CLP6.

5.6 **Design & Appearance**

Relevant Policies

5.6.1

Local Plan policy CLP20 states ‘ All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context. The Council will support outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, provided that they complement the character and appearance of their surroundings.

All development will be expected to:

- a) promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;*
- b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials;*
- c) be at a density appropriate to the character of the area whilst not excluding higher densities in and close to designated local, district and town centre.*
- d) contribute to the vitality of its setting through the arrangement of active frontages, accesses, and functions, including servicing;*
- e) ensure that the interface between building plots and streets and also the boundaries of development sites and their surroundings are attractive and take account of the relationship between public and private spaces;*
- f) provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings;*
- g) provide adequate and safe vehicle access and parking;*
- h) provide safe, convenient and attractive environment for pedestrians and cyclists;*
- i) preserve or enhance the landscape character and biodiversity assets of the borough;*
- j) be designed to be adaptable and accessible for all;*
- k) have an acceptable impact on the amenity of users and neighbours;*
- l) be designed to be safe and secure and to create environments which reduce the potential for crime;*

- m) minimise the impact of light pollution;*
- n) be able to withstand any long-term impacts of climate change.*

Considerations

5.6.2 The design of the layout has been informed by the regular and linear shape of the site. This form allows for long vistas to be generated along the length of roads, requiring strong building lines to be generated by the street elevations. Dwellings have been located to create firm building lines which channel views and which terminate in the creation of focal points on strategically located points throughout the site.



- 5.6.3 The layout has been designed to maintain a strong balance between hard and soft landscaping, through the inclusion of a number of green pockets of planting to break up the street scenes and which in turn further enhances internal views within the development.
- 5.6.4 The opportunity has also been taken to utilise the basin feature to enhance it's use for the benefit of the potential residents of the site. A tiered approach has been taken along the embankment of the basin to allow perimeter footpaths to be provided and associated seating areas. Planting has also been incorporated into the banking to provide further interest for the users of the space. Frontage parking was identified as a suitable approach to maintain building lines while improve the overall density of the development.
- 5.6.5 Across both parts of the site the inclusion of key focal points at the termination of roads and at junctions has been important to ensure that strong desire lines are promoted when moving through the roads and pathways. Housetype designs generates interest across front elevations, adopting a variety of brick patterns and banding styles to generate further interest and a more contemporary design. This patterning is utilised throughout the development yet the positioning of these more prominent house type designs allows for the proposed building work, alongside soft landscape planting, to uplift the journey through the scheme.
- 5.6.6 Public open space has been provided across both of the sites to ensure that sufficient landscaping is accommodated to reflect the volume of new residential properties to be provided. The form and purpose of the individual POS areas does however differ between the two sites. The Harehills Road area of open greenspace is utilised in the form of an attenuation basin, and designed as a series of plateaus to accommodate seating and footpaths. The Whitecotes Lane site adopts a more standard design approach, yet is influenced significantly by the existing band of trees to the north of the designated open space. The proposed position of this public open space is carefully located on the area of the former hospital buildings and as such, utilises the level plateau which is still present.



5.6.7 The local area around the site comprises of a wide range of styles and materials used across the elevations and which would not necessary set a requirement for this development. As there is no clear precedent in the area the scheme is to incorporate a unique style of it's own and which include:

- red brick elevations with patterning as required;
- dual pitch roofs, both parallel and perpendicular to frontages;
- enhanced fenestration design with contemporary style frames;
- consistent steep roof pitches with a range of colour tiles;
- flat and contemporary canopies to front entrance;
- alternative colour brickwork to enhance characteristics;
- dark coloured window frames, doors and guttering.

This has generated the variations and style presented within the scheme and which is considered to be appropriate.



- 5.6.8 The proposal has also been designed with the requirements of Secured by Design in mind with the intention of attaining a Secured by Design accreditation with a high level of security to the buildings and their immediate surroundings. Matters such as overlooking, concealed areas and lighting have all been considered during the design stages. Opportunities have been taken to ensure that an active frontage has been provided to highways routes or social spaces to maintain good surveillance and ensure users of the spaces feel safe and welcome. Building components such as windows and doors will be provided to achieve SbD accreditation and additionally, boundary treatments have been designed with this in mind especially alongside the public open space areas. Corner plots are provided with a dual primary elevation for an outlook over the road and public space.
- 5.6.9 Derbyshire Constabulary comment that there is general support for the layout proposed but with some reservations regarding the connectivity of semi-private drives connecting to Whitecotes Lane for the larger site, and to public open space for the smaller site. For the larger site there is a shared drive to the Whitecotes Lane edge with two links through to the highway beyond. I appreciate that these are probably primarily intended for refuse access to the bin collections areas on the shared driveway, to negate the need for refuse collection vehicles to move off the adopted road, but there is

a danger here that the links will become desire lines, taking general foot access along the semi-private drive, compromising space hierarchy in the process. The rail provided to define the corner boundary for plot 100 is noted, but this will only serve to define the initial private frontage of plot 100, not the remainder of the drive. Derbyshire Constabulary suggest that the addition of a formal surfaced path along the outer edge of the private drive would help in taking foot movement to the side of the driveway furthest from private curtilages, and accommodate pedestrian movement away from the road edge whilst still providing some protection for the territoriality of frontages for plots 92-100. In respect of house treatment for the larger site, whilst the Mountford type forms a strong corner plot in many areas, the Bloomfield type at Plots 82 and 89, the A40 type at plot 27 and Everleigh type at plot 90 present blank outer facing elevations weakening supervision of the street. Similar to the larger site, there are some plots in key locations with blank outer facing house elevations on plots 104, 151, 133, 146 and 119.

- 5.6.10 The suggestion of a path along the outer edge of the drive to plots 92 – 100 would encroach into the root protection area of the frontage protected trees and would be retrograde in so far as the trees are concerned. The opportunity to introduce openings on the side gables of plots 82 and 89 arise however in most cases there is already good surveillance of the street and public places from other properties which front the space.
- 5.6.11 The development has also been designed to achieve the standards declared within Building Regulations as a minimum to ensure that each property's external envelope will comply with current legislation and ensure a good level of performance is provided to each individual dwelling. A fabric first approach is adopted to ensure that the further mechanical and electrical equipment which is to be installed within the properties means that the capacity required to heat and service the individual units is minimised and thereby allowing for a reduction of energy from the local grid.

5.6.12 The Council's Urban Design Officer has commented that the proposed access relates well to Whitecotes Lane and provides a characterful staggered entry into the development with a wooded gateway. The retention of the existing frontage tree group is appropriate with a shared access drive behind and houses fronting onto Whitecotes Lane. This gives glimpsed views and a sense of presence within the streetscene in order to relate to other housing developments. The shared access drive is slightly sinuous, a design technique that I would have expected in the semi-rural location and reflects the informality of the woodland edge and the trees adjoining it. Areas of the scheme show side and frontage parking which is an appropriate response to reducing the impact of car dominated street frontages however more occasional street tree planting would help reduce the continuous run along houses 3 and 14 also. Termination of vistas with focal houses works well within the design and is generally well conceived. The proposed house types are contemporary and distinctive with a good character mix, with steep roof slopes, frontage gables, large front windows and variety of decorative brick and cladding. The style and character of the houses compliments the differing styles of the surrounding developments and I think a good choice in relationship to the hospital, houses on Whitecotes Lane and the housing areas off Harehill Road. The part of the scheme located off Harehill Road with access and frontage open space showing the retention of the existing tree group, is also an appropriate contextual response to the adjoining housing estate and public house opposite. Nearly all parking in the Harehill Road part of the scheme is frontage parking, however a greater effort has been made to include more incidental open space and street-tree planting which softens this parking and is therefore more acceptable. The Urban Design Officer recommends approval of the scheme on the basis it is well conceived and delivers a characterful design.

5.6.13 The applicant has considered the issue of the runs of car parking along the frontage of the site and in particular plots 51 to 60 and has amended the scheme to maintain parking numbers but increase the meaningful landscaped spaces and which will assist in breaking up this area.

5.6.14 Policy CLP17, in combination with the standards set out in appendix B of the Local Plan, sets out the open space requirements for new development. Applying the standards, the development would generate a need for equipped and casual play space on site (0.10ha) and Natural and Semi-Natural greenspace (1.06ha). 0.58ha is set aside for POS on site. This is considered reasonable, provided semi-informal or natural play provision can be provided in the POS on the Whitecotes Lane site. The Harehill Road site already has access to play equipment within walking distance. The remaining balance of Natural and Semi Natural greenspace provision, along with other off-site requirements, would need to be addressed through the use of CIL contributions.

5.6.15 Policy CLP20 encourages provision of public art in a scheme and given the scale of development it is considered that the developer should be encouraged to include a scheme, which could be secured by condition. The applicant has responded confirming that no allowance has been made for % for Art and no spare funds are available due to the viability of the scheme.

5.7 Neighbour Amenity Impact

Relevant Policies

5.7.1 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'*

5.7.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*

Considerations

5.7.3 The site is faced by neighbouring properties which front onto Whitecotes Lane however having regard to acceptable separation

distances set by the Councils Successful Places SPD the development site will not result in the introduction of any adverse degree of overlooking, overbearing or overshadowing to these nearest neighbouring properties. The dwellings on Whitecotes Lane are set back on a building line of approximately 18 metres and the nearest dwellings are some 49 metres apart (front to front). The dwellings fronting Whitecotes Lane would also be separated by the frontage landscaping and the intervening public highway.

- 5.7.4 At the Harehill Road side of the scheme the separation from property on the east of Harehill Road is maximised by the proposed flood basin and the retained protected trees along the site frontage. The closest separation to the properties on the east of Harehill Road is 34 metres at an angle to the gable of plot 141.
- 5.7.5 The nearest adjacent dwellings are to the north on the west side of Harehill Road on Harperhill Close Devizes Close and Harehill Court. The neighbouring properties are set at a 45 degree angle to the boundary with the nearest corner of 43 Harehill Road and 8 Haperhill Close at 24 metres separation with landscaping and a statutory footpath route running between.
- 5.7.6 The degree of separation and/or the arrangement of buildings on the layout is appropriate to ensure that an acceptable standard of amenity is to be achieved and which reflects the requirements of the Successful Places SPD. The layout also achieves an acceptable separation and relationship between the proposed new dwellings.
- 5.7.7 The development is considered to be appropriate in so far as the requirements of policy CLP20 of the local plan and the standards advocated in the adopted Successful Places SPD.

5.5 **Highways / Demand for Travel**

Relevant Policies

- 5.8.1 Local Plan policy CLP20 expects development to ‘g) *provide adequate and safe vehicle access and parking;*’ and Local Plan policy CLP22 details the requirements for vehicle parking and seeks ‘e) *provision of opportunities for charging electric vehicles where appropriate.*’

Considerations

- 5.8.2 The application submission is supported by a detailed Transport Assessment (TA) and Travel Plan (TP). The Highways Authority offered comments on the scheme confirming:

“General advice is that proposed access points and internal road layouts for new developments should comply with the recommendations contained within the Delivering Streets and Places design guide i.e. junctions/ roads of adequate width demonstrated as being suitable for use by a Large Refuse Vehicle of 11.6m length with appropriate visibility sightlines provided based on existing 85%ile vehicle approach speeds or proposed design speed of the new estate streets (normally 20mph or below) as applicable. Similar exit visibility should be available from any private driveways/ parking spaces/ etc. these being demonstrated where areas in advance of the sightlines fall behind the proposed highway boundary to be secured to be maintained in future clear of obstruction. 2.0m width footways/ margins should be provided to either side of the carriageway for roads to be offered for adoption. All dwellings should be located within the maximum mancarry distance of 25m from a turning facility demonstrated as being suitable for use by a typical supermarket delivery type vehicle. Conveniently located off-street parking should be provided in accordance with your own Authority’s standards, each space being of 2.4m x 5.5m minimum dimension (2.4m x 6.5m where in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. Garages should be of 3.0m x 6.0m or 6.0m x 6.0m minimum internal dimension to be included as part of off-street parking provision. Areas adjacent to, but clear of, the proposed highway should be provided for the

standing of waste bins on refuse collection days. Measures to prevent surface water run-off from entering the highway should be demonstrated where adjacent land is at a higher level than the existing/ proposed highway e.g. dished channel discharging into a drain/ soakaway within the site curtilages. An appropriate level of secure cycle storage should be provided based on the size of dwelling served.

5.8.3

With regard to the Whitecotes Lane layout the highway authority explored the option of introducing a second access point to provide an alternative means of access/egress however they agreed that the affect on operation of the public highway by introducing a second junction with Whitecotes Lane is likely to be greater than the likelihood of incidents occurring to prevent access to the wider site via a single access point.

Furthermore, the development of this site for housing utilising the single access point at the west of the site frontage has already been accepted on the outline permission granted in 2015. The scheme delivers an access with good 2.4 metre by 54 metre visibility splays in both directions and which takes advantage of the existing right turn harbourage which is set within the Whitecotes Lane carriageway.





5.8.4 The internal road layout is designed to DCC highway standards and which is to be put forward for adoption as part of the scheme. The internal layout has been tracked for use by Delivery Vehicle, Refuse wagon and Fire Tender and which demonstrates a compliant layout.

5.8.5 In so far as the Harehill Road layout, the access is to be provided with 2.4 metre by 43 metre visibility splays in both directions and which is appropriate for the standard of road to which it joins. Again this part of the layout has been tracked by all large vehicles and the layout has been designed to comply with DCC adoption standards.



The scheme also shows a footway is to be provided across the site frontage to link with the existing provision and bus stop to the south end of the frontage.



- 5.8.6 The scheme delivers car parking at the rate of 1.5 spaces for 2 bed units, 2 spaces for 3 bed units and 3 spaces for 4 bed units and which is considered to be appropriate. The development will also need to include a minimum of one Electric Vehicle charging point for every property that has a dedicated off-road parking space to meet CLP22 and this can be secured by condition on any consent granted. This requirement is supported by the Councils Environmental Health Officer who refers to the government target for all new vehicles in the UK to be zero emission at source by 2040.
- 5.8.7 The conclusions of the Transport Assessment confirm that the development would not have a significant adverse effect on capacity or safety of the local road network. It is clear that there is

no data or evidence to suggest that any impacts would result in any severe harm on the highway network.

5.8.8 Policy CLP22 also seeks to prioritise walking and cycling in connection with new development and the applicant has submitted a travel plan. The provision contained in the Travel Plan should be firmly and specifically secured by condition since this commits to including one covered, long term easily accessible cycle parking space per residential dwelling (para 9.4.1). The site is considered to be sustainably located with easy access to local centres but also by means other than by the private car. Easy access is available to public transport links which operate on a frequent basis and which justify the site allocations as new housing sites.

5.9 **Flood Risk / Drainage**

Relevant Policies

5.9.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.*

Development proposals and site allocations will:

a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;

b) be directed to locations with the lowest impact on water resources;

c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.

Considerations

5.9.2 Policy CLP13 requires all new development proposals to consider flood risk and incorporate, measures to ensure the maximum possible reduction in surface water run off rates are achieved commensurate with the development being proposed.

- 5.9.3 In accordance with the policy and wider advice contained within the NPPF the application submission is supported by a Flood Risk and Surface Water Drainage Assessment which has been reviewed by DCC as Lead Local Flood Authority (LLFA), Yorkshire Water Services (YWS), The Environment Agency and the Councils Design Services (DS) team.
- 5.9.4 The FRA complies with the NPPF and demonstrates that flood risk from all sources has been considered. The site lies in flood zone 1 and therefore has a chance of flooding of less than 1 in 1000 in any year. The NPPF sequential test states that preference should be given to development within flood zone 1 and as the site is situated in flood zone 1 the test is satisfied. This was taken account of when the site was allocated for new housing purposes. The risks identified from surface water run off, ground water and sewers are all low. The private sewer from the hospital is to be realigned as part of the scheme and will be adequately sized to accommodate the flows from the hospital and residential development to which it drains.
- 5.9.5 Surface water from the development is to be managed ensuring flood risk elsewhere is not increased by limiting off site run off rates to no more than greenfield run off rates. Surface water from the development will be attenuated on site and discharged at a lower rate than existing to off site sewers. There will be a betterment. A variety of SUD opportunities are to be used in the scheme including the drainage basin and hydrobrake. This will allow storage of water for a 1 in 100 year event and takes account of changes expected as a result of climate change.
- 5.9.6 The Councils drainage engineers questioned the soakaway testing and the applicants engineer commented that four soakaway tests (TPSA1 to TPSA4) were undertaken at the site within both natural strata and Made Ground. The results of the soakaway tests have been presented in Appendix D. The soakaway tests have indicated soil infiltration rates in the order of 1.46×10^{-5} m/s to 7.16×10^{-7} m/s. In the engineers view, soakaway drainage is unlikely to be

suitable for this site and alternative methods of surface water drainage should be considered. It should also be noted that discharging into the Made Ground/opencast backfill is not recommended due to the risks associated with inundation settlement. The Council's drainage engineer confirms she is happy if the tests have been carried out in accordance with BRE 365 but we do usually ask for calculations to accompany the statements declared by designers/developers. The applicant confirms that the tests have been completed to the relevant BRE standard and are being obtained from WYG consultants. This resolves the questions regarding the drainage scheme however the committee will be updated with any further response received in this respect.

5.9.7 It is considered that the drainage scheme and flood risk have been appropriately designed and appropriate planning conditions can be imposed to meet the requirements with policy CLP13 of the Local Plan.

5.10 **Land Condition / Contamination**

Relevant Policies

5.10.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
- c) a strategy for any necessary mitigation and/or remediation and final validation.*

A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.

- 5.10.2 Paragraph 178 of the NPPF states that *‘Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.’*

Considerations

- 5.10.3 The site the subject of the application is part previously developed and in part undeveloped therefore 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.
- 5.10.4 In accordance with policy CLP14 of the Core Strategy and wider advice contained in the NPPF the application submission is accompanied by a Coal Report and Coal Mining Risk Assessment which has been reviewed alongside the application submission by the Coal Authority.
- 5.9.3 The Coal Authority comment that the Harehill Road site has been the subject of underground coal mining at shallow depth and that further historic unrecorded shallow coal mining is likely to have taken place. The submitted reports consider the results of intrusive investigations carried out at site and conclude that a programme of proof drilling and grouting should be carried out across the site, prior to the commencement of development, in order to stabilise former mine workings present. The reports also recommend that investigations should be carried out to ascertain whether an adit is

present within the site and to ensure that the development layout is amended to avoid the affected area. The Coal Authority considers that it is unlikely that the adit will be present within the application site and in any event the layout includes a large area of landscaping/open space adjacent to the position of the adit. As such, any future failure/collapse of the adit is highly unlikely to extend to the proposed built development. The Coal Authority considers that the potential risks posed by recorded mine entries have been satisfactorily addressed and that an appropriate approach to the remediation of shallow coal mining legacy within this part of the application site has been outlined.

In so far as the Whiotecotes Lane part of the site the Coal Authority's records indicate that underground coal and fireclay mining has taken place beneath the Whitecotes Lane site at shallow depth and that further historic unrecorded shallow coal mining is likely to have taken place. In addition, the site falls within the boundaries of a wider site from which coal has been extracted by surface (opencast) methods.

The submitted reports consider the results of intrusive site investigations and highlight that past opencast operations associated with the mining of the shallow Piper Coal have taken place within site, which have resulted in the presence of buried highwalls and where the development is designed to avoid these features in order to prevent possible future damage to structures posed by differential settlement. The Coal Authority comment that it is appreciated that the depth of opencast fill is shallowest at the western extent of the excavation, a highwall is still shown on Drawing '03 running roughly parallel with the western site boundary. However, Drawing '04 does not propose a no build zone over this feature.

The Phase I and Phase II Ground Investigation and Test Report indicates that a borehole investigation (5 boreholes to maximum depths of 40.0m bgl) was undertaken to assess ground conditions and to investigate past shallow mining activity. The borehole investigation encountered three coal seams of potentially workable thickness (Piper Coal, Cocckleshell Coal and Low Tupton Coal). It established that the shallowest seam, the Piper Coal, was present

at very shallow depth within the western part of the site, beyond the western extent of the opencast pit. Based on the drilling results, the report considered that insufficient rock cover was present over the coal seams/workings to prevent instability at the site surface. The report recommends the undertaking of a program of drilling and grouting of seams/workings present beneath the base of the former opencast and also outside this area and that a further phase of rotary drilling works should be carried out to better understand the mining geology beneath the site and to inform the proof drilling and grouting exercise.

Due to the amount of overlying rock cover, the latter report concludes that the risk of ground instability caused by any mine workings present in the two deeper coal seams (Cockleshell Coal and Low Tupton Coal) is low and drilling and grouting of these seams should not be required. It does, however, acknowledge that there exists a possibility of unrecorded shallow mine workings being present beneath the northern section of the site in the Piper seam and drilling and grouting stabilisation works are recommended across this area. The Coal Authority has welcomed the works carried out to-date to investigate coal mining legacy affecting the site and acknowledge the intention of the applicant to undertake remedial works. However, The Coal Authority raise the following concerns regarding the information presented in respect of the Whitecotes Lane site:

- The built development will be sited over the western opencast highwall and clarification should be provided as to how the risk posed by the highwall is to be addressed;
- The Phase 2 Geo-Environmental Interpretative Report considers that the risk of ground instability posed by mine workings present in the two deeper coal seams to be low. In coming to this conclusion, the report has relied upon thicknesses of coal (and associated workings) of 0.7m for the Cockleshell Coal and 1.6m for the Low Tupton Coal. However, we note that the Low Tupton Coal was considered by GIP Ltd to be c.2.10m thick in borehole R3, i.e. 0.5m thicker than the figure used by WYG. Taking account of the maximum seam thicknesses identified by GIP, the potential exists for a 2.8m thickness of coal to be present within these seams. As

such, it would appear that there may be insufficient rock cover to prevent void migration affecting surface stability across the site should both of these seams have been worked to the thicknesses mentioned above.

□ Only five boreholes were drilled to sufficient depths to intersect the two deeper coal seams (Cockleshell Coal and Low Tupton Coal). The CA consider that this limited number of boreholes does not provide sufficient information to demonstrate that these seams have not been worked beneath the site.

□ The Phase 2 Geo-Environmental Interpretative Report acknowledges that the Piper Coal is likely to be present at very shallow depth and may have been worked in the western part of the site, beyond the area of opencast excavation. Given the potential for ground instability in this part of the site, it is unclear why grouting stabilisation works are not proposed across this area (as originally recommended by GIP Ltd).

Until the above bullet points are addressed the Coal Authority object.

5.9.4 The applicant acknowledges the issues raised by the Coal Authority and has sought a permit from the Coal Authority under their fast track procedure to undertake 5 weeks of site investigations to satisfy these concerns. The Coal Authority agreed the permit on 18th August 2020. On this basis it is considered appropriate to impose a pre-commencement condition requiring the detail sought by the Coal Authority and any consequential amendments to the scheme to be agreed prior to the start of any development on the Whitecotes Lane part of the site.

5.9.5 Specifically in relation to land condition, the Councils Environmental Services team has offered further comment advising that they have no objections to the principle of development but seeks appropriate planning conditions on any subsequent approval to address land contamination and potential for ground gas. A condition is also recommended regarding

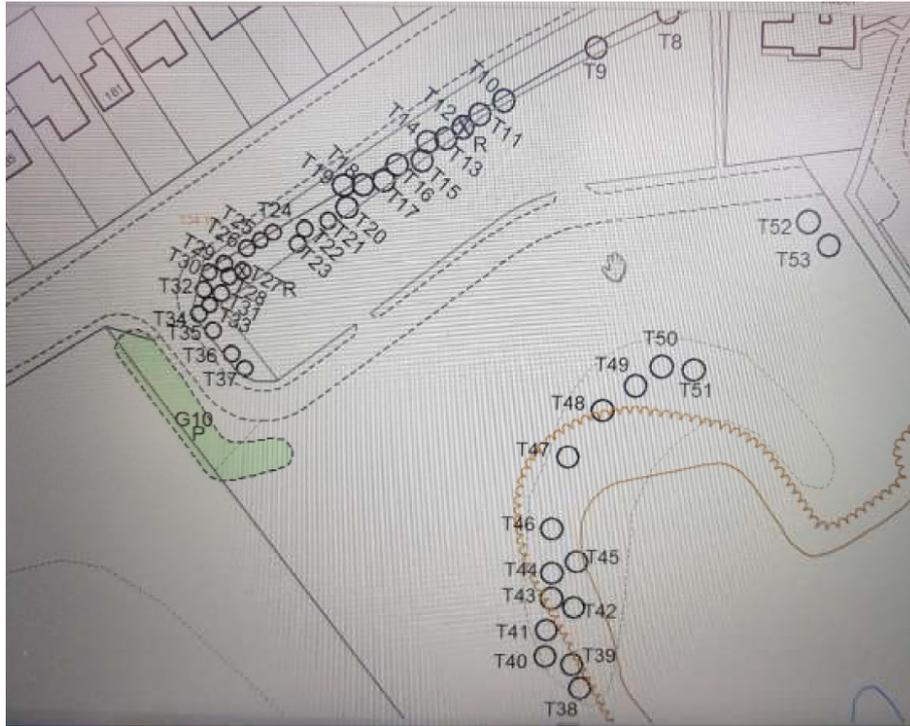
construction hours noise due to the proximity of neighbouring residents.

5.11 **Trees**

- 5.11.1 Policy CLP15 Green Infrastructure states that “*Chesterfield borough’s green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting enhancing, linking and managing the network, and creating new green infrastructure where necessary. Development proposals should demonstrate that they will not adversely affect, or result in the loss of, green infrastructure, unless suitable mitigation measures or compensatory provision are provided. Development proposals should, where relevant:*
-f) protect or enhance Landscape Character; and*
 -g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality.*

Considerations

- 5.11.2 There are 46 individual trees and two groups of trees on the site that are protected by the above mentioned Tree Preservation Orders. 30 of the individual trees and one group consisting of 10 Whitebeam are located to the frontage of the site off Whitecotes Lane with a further 16 individual trees further into the site in the northern section of the development to the south of Whitecotes Lane as shown on the plan below.



There is also a large group of trees in a row consisting of 20 Limes on the southernmost section of the development and site boundary off Harehill Road.

- 5.11.3 The scheme proposes to retain most of the trees off Whitecotes Lane and the row of Limes to the south off Harehill Road. The belt of trees off the site along the west boundary are also to be retained. Four Lime trees within G1 fronting Harehill Road are proposed for removal to facilitate the new roadway and access. It is also proposed that 4 trees are removed including T36 Crab Apple and T37 Cherry near the Whitecotes Lane entrance and T52 Maple and T53 Beech on the north east side of the site near to the boundary with Walton Hospital. Due to their condition and size the Council Tree Officer considers there is no objection to these trees being removed if new suitable replacement trees are proposed in the landscaping scheme to mitigate their loss.
- 5.11.4 A further 6 trees are shown to be removed on the proposed site in the centre of the north section of the development. Five of these trees reference T38 Beech, T39 Hawthorn, T40 Beech, T41 Birch and T42 Beech are included in the TPO. The Tree Report,

Arboricultural Impact Assessment, Method Statement and Tree Protection Plan states that 3 individual trees (T32, T61 and T65) were unsuitable for retention due to their condition. The Tree Officer recommends that this group is removed in the interest of safety and good arboricultural management'. There is no objection to these trees being removed which are not protected by the Preservation Orders.

- 5.11.5 The submitted report also considers new areas of hard surfacing which encroach into the RPAs of two trees which are not protected by an Order and referred to as T28 and T43 in the Arboricultural report. The report recommends that the highlighted areas on the Tree Protection Plan are constructed as a 'no-dig' type of hard surface to minimise impacts to the tree root systems. The protection details shown are acceptable and should therefore be carried out as described to protect the retained trees. Furthermore, it is also considered that the existing sub base of the hard surfacing within the RPAs of two trees referred to as T25 and T26 are retained during the construction to ease the encroachment into the RPA and the tree protection measures should be used in those areas.
- 5.11.6 The site plan indicates that two new footpaths are constructed off Whitecotes Lane through the protected belt of trees along the frontage but only one has been considered in the Arboricultural report. These footpaths should avoid any excavations in the trees rooting environment. An approved above ground construction method should therefore be used and further details provided which should include levels and scaled cross sectional drawings in relation to the retained trees to show that these footpaths can be achieved without damaging the rooting system of the retained trees. Furthermore, and because only one new path is shown on the tree protection plan (TPP) between TPO trees T8 & T9 Silver Birch (T26 & T27 on arb plan) a revised TPP should be submitted to show both paths, any impact and the protection measures to be used. It is also proposed that a footpath is constructed through the group of trees in the centre of the northern section of the

development in the location of the open space. Again, the footpath should be constructed using a 'no dig' method to reduce any impact on the retained trees rooting environment and further details provides using scaled sectional drawings with existing and proposed levels to demonstrate how this will be achieved.

- 5.11.7 To the frontage of plot 1 it is proposed to construct a driveway to the property. This is located next to protected Group 10. Any excavations for the driveway including edgings should be outside the tree Root Protection Area (RPA) or an above ground construction method used to avoid any root severance. Further details are required.
- 5.11.8 The Preliminary Ecological Appraisal Report refers to the two green spaces proposed within the development, one to the north-west and the other to the south-east. The boundary vegetation is to be retained along the northern, western and southern boundaries. It is recommended that the boundary vegetation is enhanced with native planting. It is welcomed that the existing boundary vegetation on the western boundary is to be retained however there will be pressure added to have these trees pruned back away from the boundary or even removed in some cases due to overshadowing and lack of sun light in the rear gardens. The tree protection fencing along this boundary is shown on the development boundary line and should be relocated further into the site to protect their rooting environment. The fencing should then be retained in situ for the duration of the development until access is required for the final landscaping. The landscaping should be then be carried out by hand or ground protection used to avoid any compaction by heavy machinery and a revised TPP should therefore be submitted to show this and the protection measures to be used.
- 5.11.9 It is considered that the development scheme adequately takes account of the protected trees on the site and subject to conditions can be accepted. The scheme therefore satisfies the requirements of policy CLP15 of the Local Plan.

5.12 **Ecology**

Relevant Policies

5.12.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*

- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- *provide a net measurable gain in biodiversity'*

5.12.2 Para. 170(d) of the NPPF also requires a Biodiversity Net Gain in connection with development proposals.

Considerations

5.12.3 Derbyshire Wildlife Trust has reviewed the Preliminary Ecological Appraisal Report together with earlier ecological reports undertaken in 2014 and 2015. They consider the PEAR submitted with this application to provide an acceptable assessment of the site and DWT broadly agree with the conclusions and recommendations that the report makes in relation to habitats and species. The application site does not have any statutory or non-statutory nature conservation designation. The site does support hedgerows that are considered habitats of principal importance and there is no habitat types within the site which is considered to be of high nature conservation value. On this basis DWT consider the impact on biodiversity as a result of the proposed development to be fairly low with much of the site composed of species poor grassland of low value. However, DWT comment that there is a loss of hedgerow and potential impacts on the woodland between the two parts of the sites where a connecting road seems likely and potentially along the boundaries of the site where it adjoins existing woodland.

5.12.4 The connecting link between the two sites is currently hard surfaced as a car park area and the landscaping along the western boundary is to be retained. The suggestion by DWT that this

appears to be a road is noted however it is clear from the submissions that this is a drainage route and not a roadway and that there will be no consequential impact on the adjacent woodland.

5.12.5 In general DWT consider that the proposed mitigation measures are acceptable, but require quantification for items like bird and bat boxes. The proposed green space and SUDS within the development offers opportunities to create new habitats of biodiversity value. DWT welcome the retention of existing stands of trees within the site and their incorporation into proposed green space. In relation to bird and bat boxes many developments now include boxes on around 25 – 35% of new dwellings. For this development this would equate to around 50 boxes and DWT recommend that this is comprised of 35 swift bricks 10 other bird nest boxes and 5 bat boxes based on the type of boxes outlined in section 6.2 of the PEAR. DWT support the recommendations relating to hedgehog access and for insect boxes within the development as described in section 6.2 of the PEAR. They recommend below that these enhancement measures to achieve biodiversity gains are incorporated into a LEMP as a condition of the development.

5.12.6 DWT identified a number of outstanding issues that we consider need to be clarified or resolved prior to determination of the application as set out below:-

- The location of hedgerows identified within the PEAR H1 to H4 are not shown on the Phase I habitat map. They note that H4 will be lost as a result of the development, but the length of hedgerow that will be lost is not provided. It is therefore difficult to know what the impact is and to be confident that the proposed mitigation will fully mitigate for this loss.
- It is not clear whether any impact on the woodland resulting from the connecting link between the two sites has been fully incorporated into the assessment.
- Section 1.2 defines the zone of influence for badgers as being 30 – 50 m from the site boundary, but it is unclear

whether all of the boundary habitat within this 30 – 50m border to the site were accessible and included in the survey. Given that badger foraging activity has been confirmed on part of the site it is important to know that these areas were thoroughly searched for any signs of badger setts.

5.12.7 DWT comment that notwithstanding the comments above they consider that the likely impacts from the proposed development are relatively low and that it should be possible to ensure that losses are fully addressed. They recommend that if the LPA is minded to grant permission for the development the mitigation and enhancement measures set out in the PEAR should be incorporated into the relevant documents for the discharge of the conditions listed below:-

“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.”

Due to the presence of badger activity we would advise the LA to attach a condition requiring that *a survey for any recently excavated badger setts within the site or within 30 metres of the site boundary should be undertaken prior to the commencement of any groundworks on the site and submitted to the LA for approval.*

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” including all relevant habitats and species*

- 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 and should include badger, reptiles, bats, other protected species as necessary).*
- 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.*

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of rhododendron and Cotoneaster species on site. The measures shall be carried out strictly in accordance with the approved scheme.

NOTE It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. The submission of a method statement, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of these plants is considered and thereafter implemented to prevent further spread of these plants which would have a negative impact on biodiversity and existing or proposed landscape features.

A landscape and biodiversity enhancement and management plan (LBEMP) shall be submitted to, and be approved in writing by, the

LPA prior to the commencement of the development. The LBEMP should combine both the ecology and landscape disciplines and include the following:-

- a) Description and location of features to be created, planted, enhanced and managed to include native trees and shrubs, new hedgerow (to replace losses) areas of wild flower grassland, marsh and wetland associated with the SUDS.*
 - b) Details including location of 5 bat boxes, 35 swift bricks and 10 other bird boxes, hedgehog access and habitat piles and/or insect boxes (as specified in section 6.2 of the PEAR Ramm Sanderson, April 2020)*
 - c) Aims and objectives of habitat and species management.*
 - d) Appropriate management methods and practices to achieve 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 a ten-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 plan are not being met.*
- The LBEMP 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.*

Details of a wildlife friendly lighting scheme including measures identified in section 5.3.3 (iv) of the Preliminary Ecological Appraisal Report by Ramm Sanderson April 2020, shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development.

- 5.12.8 It is considered in this instance, and in the circumstances of the application, that conditions to achieve the measures sought by DWT would be a reasonable approach to securing a measurable net gain and satisfying the requirements of policy CLP16.

5.13 **Other Considerations**

- 5.13.1 The NHS CCG has responded to the development proposals in so far as the impact of the development on GP practices and has used their calculator to establish the number of occupants and to assess the demand for GP services. They comment that it is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that a health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practice to this development is the Royal Primary Care site at Grangewood, and the practice has two further sites at Inkersall and Staveley. Patients access all three sites dependant on their own location and the availability of appointments and the NHS CCG comment that any funding secured would need to be used to increase clinical capacity at one or more of these sites. The calculation includes a standard area m² / person based on the current list and a cost per m² to build an extension and results in a contribution for this development of £73,536. This is considered reasonable and necessary as a result of the development and can be secured through a s106 agreement.
- 5.13.2 The County Council Infrastructure Officer has also considered the impact of the development on matters such as education. The proposed development falls within and directly relates to the normal area of Whitecotes Primary Academy. The proposed development of 153 dwellings would generate the need to provide for an additional 31 primary pupils. Whitecotes Primary Academy has a net capacity for 352 pupils, with 169 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 132. There are no recently approved residential developments of 11 or above units or over 1,000 square metres of floorspace within the normal area of Whitecotes Primary Academy. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications

shows that the normal area primary school would have sufficient capacity to accommodate the 31 primary pupils arising from the proposed development.

From a secondary level perspective the proposed development falls within and directly relates to the normal area of Parkside Community School. The proposed development of 153 dwellings would generate the need to provide for an additional 23 secondary and 9 post 16 pupils. Parkside Community School has a net capacity for 600 pupils with 482 pupils currently on roll. The number of pupils on roll is projected to increase to 537 during the next five years. There are no recently approved residential developments of 11 or above units or over 1,000 square metres of floorspace within the normal area of Parkside Community School. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 23 secondary and 9 post 16 pupils arising from the proposed development.

- 5.13.3 Current pupil numbers, projections and an analysis of recently approved planning applications as shown above, indicate the relevant normal area primary and secondary schools would have sufficient capacity within the next five years to accommodate the additional pupils arising from this development and no contribution is required from the development.
- 5.13.4 The County Infrastructure Officer also states that currently access to the internet is mainly through the national telephone network infrastructure. Broadband service quality varies across Derbyshire and access to superfast broadband speeds in the County is limited. Improvement to broadband connectivity is identified as a key priority in the County Council's Council Plan 2014 – 2017. The County Council aims to broaden Derbyshire's economic base and improve economic performance and broadband plays an essential role. The Digital Derbyshire programme is providing access to high speed broadband services for residential and business users. The roll-out applies to existing households and businesses. This is

supported by Part R of the Building Regulations which took effect on 1st January 2017 which requires that new buildings and buildings subject to major renovation works accommodate the physical infrastructure required to connect to high speed electronic communication networks. The County Council requests that an advisory note be attached to any planning permission that encourages the developer to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable.

- 5.13.5 A s106 agreement will also be required to ensure that the policy requirements concerning affordable housing provision are delivered and maintained as part of the scheme.
- 5.13.6 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and is therefore CIL Liable.
- 5.13.7 The site the subject of the application lies within the high CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked). It is clear however that affordable housing is exempt subject to application by the developer and this will have a significant reduction on the CIL charge shown.

	A		B	C	D	E
Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge

	in Sq.m)					
12,677	0	12,677	£80.00 (High Zone)	334	288	£1,176,143

6.0 **REPRESENTATIONS**

6.1 The application has been publicised in accordance with the GDPO with site notices being posted on 08/06/2020; advertisement placed in the local press on 18/06/2020; and 65 neighbours notified by letter on 09/06/2020.

6.2 As a result of the application publicity ten representations against the scheme have been received from the following:

6.2.1 **Fenland Way – no number**

Received a card through the door about two years ago from Derbyshire Community Health Services regarding 90 houses planned for the top site but we were unaware of a further 50 plus houses to be built on the bottom site coming out onto Harehill Road until walked along Whitecotes Road at the end of July and read a notice. Objector makes reference to a road joining both the top and bottom sites coming out onto Whitecotes Lane.

The council have certainly not gone out of their way to inform us of the situation which will impact on those who live on Fenland Way. Whitecotes is already a very busy road, with the fatality which in the end prompted the pedestrian refuge outside Walton Hospital. The rat run/service road joining the two sites will obviously prompt even further traffic on Whitecotes which is really not good for the community/environment.

Also understand from Walton Golf Club members that the golf club may also sell off their land for housing which runs adjacent to this site. We have lived here over 20 years and the traffic has certainly got worse, when the traffic does come to a halt, some staff based at Walton Hospital turn left out of the new entrance/exit road and

then first right into Fenland Way so they then race along the road to exit from Holbeach Drive to join the queue nearer to the mini roundabout. Can you imagine therefore how much worse it will be trying to join the traffic stream once the new houses are built. New traffic signs have been erected but cars do park along the road outside of Walton Hospital which makes it even more dangerous as there is a dip in the road. Further along the road toward the top of Walton Road the pedestrian refuge was demolished by a car which ran into several other vehicles.

I understand from one local councillor that the traffic sign which used to flash the speed limit which is situated just before the turn into Fenland Drive before you reach Walton Hospital, has been turned off, and has not been in use for over a year or more as the police do not have sufficient staff to analyse the information. What a pity that all residents are not made aware of the situation regarding planning especially as the road I live on is half way between the Walton hospital entrance/exit and the new housing development road and has now had the bus stop moved directly opposite the entrance to Fenland Way.

Comment – See section 5.8 above regarding highway issues. The objector appears to have misunderstood the separation between the two sites and no connecting road is proposed. It is clear therefore that there is to be no vehicular route from Harehill Road through to Whitecotes Lane.

The Council has undertaken the necessary publicity and consultations as part of the application. Reference to Walton Golf Club and any decision for them regarding sale of land is hearsay and not relevant to the application before the Council. Indeed the golf club land is not allocated for development and is unlikely to be acceptable for additional housing.

6.2.2 131A Whitecotes Lane

Not against the development but concerned for the following reasons:

1. Nature of development is not appropriate for area. The density is far too great for this area. Walton has traditionally been

considered a desirable area of Chesterfield due to the quality of the housing and relatively low housing density. This development does not complement existing housing in both style and density. The development will devalue existing properties in the vicinity.

2. Safety considerations due to enhanced traffic on Whitecotes Lane. The proposal to build 103 houses whose only sole access is onto Whitecotes Lane will cause significant issues with increased traffic in the area. Likely to increase the traffic on Whitecotes Lane significantly during rush-hour periods, at times when the road is already suffering significant congestion. The traffic lights at the top of Whitecotes Lane and the crossing/mini roundabout at the bottom end restrict the flow of traffic in the area and make the issue worse. The entrance to the site is situated in dip in the road and offers limited visibility of traffic approaching from the east. This development will increase the risk of accidents occurring. Whitecotes Lane is a major artery for emergency traffic heading for the Royal Hospital at Calow and increase congestion on this road will cause delays in the response of emergency services. The additional traffic will adversely impact Whitecotes Primary School which is located at the bottom of the road as school children will need to cross this road to get school.
3. Environmental factors - significant increases in greenhouse gasses as a result of the increased traffic in the area and directly/indirectly due to the energy usage for heating. Will also be an increase in noise and atmospheric pollution due to the increased traffic which may adversely affect vulnerable elderly residents and children living the area.
4. Destruction of existing wildlife habitats. Whilst the site may be considered as a brown field site, records will show that the former hospital building only occupied a very small proportion of the site (probably less than 10%), the rest on the site being NHS managed grounds hosting a number of ancient trees and shrubs which provide an essential habitat for the wildlife in the area. Since the demolition of the building, the site has transformed into a green field site and now provides a small pond/lake supporting additional wildlife. The proposed development will destroy much of this

habitat and will concrete over a much larger area than was initially occupied by the former buildings. A more sympathetic development of say 10 luxury 4 /5 bedroom properties built around this lake and preserving much of the existing green field habitat would be an acceptable alternative and would actually enhance the area.

5. The impact of development on the existing physical infrastructure. Increased demand on the utility services such as electricity, water supply, sewerage provision, surface water drainage and communications (broadband) services. These could all be adversely affected by this development. The increase in population will place additional demands on services such as schools, dentists, medical (doctors and hospitals), transport (bus services) and I do not think this has been addressed. I note that the site does include a very small green play area which hardly appears adequate for the number of proposed dwellings. There is no provision for additional shopping and entertainment / social developments (pubs & community centres).
6. Justification for development. This proposed large development is in addition to a number of substantial developments that have already been approved or are under construction in the Chesterfield area. Over the last few years there have been or ongoing major developments at Wingerworth, Clay Cross and Tupton which have/will provide thousands of houses. Approval for such a large development should only be given where there is a justifiable need. The increase in housing has not been matched a similar increase in employment opportunities in the area. This will result in the need for residents to commute to work, further exacerbating the problem of traffic on Derby Road and further increasing pollution.

Comment

The proposed density for the scheme is very much what was expected and is referred to in the allocation of the site for housing in the new local plan. The allocation refers to a total of 150 dwellings. The proposed scheme is for 153 dwellings.

The additional dwellings are insignificant on so far as an impact created.

See section 5.8 above regarding highway issues. Pollution arising from vehicles is considered and mitigation is offered in the form of an electric vehicle charging point for each dwelling.

Ecology and Biodiversity are also considered in the report at section 5.12 and Derbyshire Wildlife Trust have agreed the development can be granted with a series of conditions to be imposed.

Infrastructure requirements are also considered at section 5.13.

Reference is also made to developments outside Chesterfield Borough at Derby Road Wingerworth, Clay Cross and Tupton however these are in NEDDC and not relevant to Chesterfields requirement to develop new housing. The site is allocated for new housing in the Borough as it has been for many years.

6.2.3 229 Whitecotes Lane

Concerns that traffic on Whitecotes Lane is already atrocious, speeding vehicles, noise, lorries, already very busy so that this development will just add more traffic to the road with the impact of extra vehicles. How will the infrastructure, schools and doctors, cope with so many new residents?

Comments - See section 5.8 above regarding highway issues. Infrastructure requirements are also considered at section 5.13.

6.2.4 191 Whitecotes Lane

Have lived on Whitecotes Lane with partner daughters for the past 5 years. Whilst don't oppose the development, concerned about the increase of traffic on the road. Could mean an extra 200+ cars travelling along the road each day. The lack of public transport serving the road means that occupants on the site will need to travel by car. Currently only one bus route passes this way and only on a half hour frequency. Real safety concern as cars and

lorries often speed down the road from the traffic lights and there was a fatal collision near Walton Hospital in recent years. Worried about the rise in pollution and noise levels.

We live close to the turning for Davian Way and the proposed entrance to the new development is very close to this junction. Worried that traffic queuing to turn and cars coming down the hill at speed is a dangerous combination. In addition, when there are traffic jams along Derby Road this often follows all the way back to past Walton Hospital gridlocking the whole road in that direction. There is a lack of places on the road where it is safe to cross. Concern regarding availability of school places. It is already fiercely competitive to get children into schools in the area and this side of Walton is already poorly served with good performing primary and secondary schools. A housing development of this size is only going to increase demand for places in the already limited schools.

Comments - See section 5.8 above regarding highway issues. Pollution arising from vehicles is considered and mitigation is offered in the form of an electric vehicle charging point for each dwelling. Infrastructure requirements are also considered at section 5.13.

6.2.5

135 Whitecotes Lane

Increase traffic and risk of accidents. Reference to a recent fatality as a result of a speeding motorist. Road already a hazard.

Over last 2 years there has been an increase in mobile speed cameras as it is a prime location for speeding.

Difficulties in crossing the road especially for the elderly and those attending the hospital. Some central reservations have been installed to help but are not effective when traffic is queuing.

The existing entrance is inadequate as it is on a bend and a dip preventing clear visibility.

The previous scheme was for 90 houses, the current scheme is 153 which will result in more congestion. A few individually built houses in keeping with the character of the area would possibly be acceptable.

Pulling out of drive to go towards Matlock is difficult because of the lack of clear visibility due to the dip in the road. Extra traffic would make this more dangerous. It is sometimes impossible to get out. The primary school at the bottom of the road is dangerous and congested at prime times due to parked cars and children getting into cars on the road side rather than pavement side.

Risk of igniting underground coal seam and releasing coal related gases.

Increased vehicle fume smells and road noise with increased hazard for residents.

Walton has suffered with excessive building developments which has had an impact on wildlife and habitat. We regularly see foxes, badgers, hawks, bats and owls in their garden clearly indicating the loss of their natural habitat. Building will result in loss of trees, plants and wildlife ruining the ethos of Walton. Tree roots will be affected by construction.

Walton has expanded over the years with no increased facilities. Additional development will impact further on such residential amenities. Development at Coking Plant and at Tupton/Wingerworth – how many more are needed in the area. Impact on schools.

Impact on quality of life for existing residents.

The development will not be in character with houses in the area which are individually built with large gardens. The development will be a brick jungle with no attempt to blend with current character. The development is to build as many as possible crammed onto the site. A few substantial individually built properties with large gardens would be more in keeping and be more acceptable. This would mean the well established trees and hedges could be retained.

Reference to the Human Rights Act which states that a person has the right to peaceful enjoyment of their possessions including their home and land.

Comment - The proposed density for the scheme is very much what was expected and is referred to in the allocation of the site for housing in the new local plan. The allocation refers to

a total of 150 dwellings. The proposed scheme is for 153 dwellings. The additional dwellings are insignificant on so far as an impact created.

Reference is also made to developments outside Chesterfield Borough at Derby Road Wingerworth, Clay Cross and Tupton however these are in NEDDC and not relevant to Chesterfields requirement to develop new housing. The site is allocated for new housing in the Borough as it has been for many years. See section 5.8 above regarding highway issues.

Pollution arising from vehicles is considered and mitigation is offered in the form of an electric vehicle charging point for each dwelling.

Infrastructure requirements are also considered at section 5.13.

The impact of the underground coal mining legacy is considered in the report at section 5.10 and the relationship with trees at section 5.11. The consideration of how the scheme reflects the character and appearance of the locality os also considered at section 5.6.

6.2.6 185 Whitecotes Lane

Concerns regarding noise, impact on residential amenity, traffic and highways, visual and light pollution to adjacent properties and noise, character of hedge line will be destroyed.

Comment – The impacts referred to are included in the considerations section of the report

6.2.7 99 Whitecotes Lane

Traffic concerns. TA based on wrong data. There are peak times when the Whitecotes Lane / Walton Road/ Matlock Road junction is at capacity that is exacerbated by the proposed development traffic. However, the applicant is seeking permission for 2-3 car parking spaces per unit and 318 car parking spaces associated

with the development. Suggest therefore that the TA trip estimates are being under-represented in the assessment. The TA indicates it was prepared on the basis of a travel plan for 103 dwellings. The volume of traffic on Whitecotes Lane, while potentially within theoretical capacity, means that exiting existing driveways and the relocated hospital car park entrance is increasingly difficult and leading to safety risk. The addition of another circa 100 vehicle movements will exacerbate this issue. Drivers are increasingly having to take risks to join the flow of traffic which isn't being held or slowed anywhere apart from at the Whitecotes Lane / Walton Road/ Matlock Road junction, but by the time the traffic reaches the hospital the gap between traffic flows is usually eroded. Coupled with users exiting the hospital car park entrance this safety risk will increase.

Based on the traffic numbers and the existing traffic flows, if planning permission is to be granted strongly recommend the requirement to include a signalised junction to access the new estate. This would alleviate the continual flow of traffic along Whitecotes Lane and create space for users of the hospital car park and residents driveways to safely join the carriageway. Note that there may be the need for removal of contaminated spoils from the site during construction. I haven't seen any information from the applicant regarding how this would be managed or what volume of material is required to be removed but would request that a Construction Environmental Management Plan be required as a planning condition to safeguard air quality and manage HGV traffic during any such removal of contaminated material.

Comments - See section 5.8 above regarding highway issues. The highway authority consider a standard T junction is sufficient and a signalised junction is not necessary. The reference to contaminated materials being removed is an unknown but is to be covered in a condition which requires a construction management plan

Increase in cars (approx. 306) on already busy and dangerous road. Lived on Whitecotes Lane for 7 years and had near misses when attempting to get on and off drive. The development will increase accidents. There are no sufficient crossings for people. Some people have died as a result of speeding vehicles and too many cars on the road. The road needs more speed cameras not houses.

Are there enough doctors and school places to accommodate the additional population.

New houses are being built all over Chesterfield. Do we really need more when houses prices are having to be reduced to get sales. Currently have a low crime rate in the area but more affordable housing will increase these numbers.

Impact on property values which will be devalued if affordable houses are built on the site. Two totally different areas and classes are going to be joined together (Grangewood and Walton).

Comments - See section 5.8 above regarding highway issues. Infrastructure requirements are also considered at section 5.13.

Reference is also made to developments outside Chesterfield Borough at Derby Road Wingerworth, Clay Cross and Tupton however these are in NEDDC and not relevant to Chesterfields requirement to develop new housing. The site is allocated for new housing in the Borough as it has been for many years. It is also the case that impact on property values is not a material planning consideration.

6.2.9 **1 x no address**

Object to the proposed development on the grounds that the traffic and pollution situation on Walton Road is already becoming unbearable. I am very concerned that this situation will become even worse. It is like living on a motorway and is not pleasant. If it goes ahead then traffic solutions need to be implemented like functioning cameras for speeding, electronic speed display signs or making Walton Rd one-way. Something needs to be done please. Currently since non-essential shops reopened it is just crazy the

volume of traffic. Please can something be done and the development stopped. I will not stop trying to get something done about the traffic and am in contact with the Lib Dem councillors in Walton.

Comment - See section 5.8 above regarding highway issues.

6.2.10

1 x no address

- 1) That there is **no** access from the new proposed Whitecotes Lane development to the new proposed Harehill Road development by either road or footpath.
- 2) That the trees lining the lead up and the entrance of the new proposed Whitecotes Lane development are 100% preserved. See attached images taken earlier this spring.
- 3) Whitecotes Lane is a speed trap at the best of times! There has to be something done to slow down the traffic full stop! It will reduce the risk of accidents and noise. Would a mini roundabout be a suitable option?
- 4) That **all** properties include solar panels and water storage. It might cost the homeowner more initially but their outgoings will be low and therefore just as attractive to purchase.
- 5) That the properties are future proofed and heated by heat pumps and not gas boilers. Although they aren't due to be banned until 2025 do it earlier and set a precedent!
- 6) That the drives are finished in block work and not tarmac which will help any excess water to drain away, something that is generally in abundance in new developments.
- 7) That there is a mixture of fences and hedges to separate the properties which will encourage wildlife. And that it is written into their deeds that they must be maintained and not removed or replaced by fences.
- 8) That a number of oxygenating trees are planted and maintained until established.
- 9) That this could be Chesterfield's first housing development of the future and for it to lead the way for ALL future developments (residential or commercial), As a council this should be the

absolute minimum that you require for any development to be passed. You will find many of the comments above outlined in the Chesterfield Climate Change Working Group proposals.

Comments – The comments are noted. There is to be no connection between the two sites in vehicle terms. The trees at the entrance are to be retained.

The highway authority consider a standard T junction is sufficient and a roundabout access is not necessary. Whilst the addition of renewables is desirable this cannot be made a mandatory requirement. The developer is proposing a fabric first solution and to create energy efficient dwellings through timber frame construction with the aim of reducing householder bills. Drainage requirements are referred to in the report at section 5.9 and which ensure the water leaving the site is less than the current run off rate – a betterment. Trees on the site are to be retained where appropriate and new landscaping opportunities arise and which can be secured by condition of any planning permission granted.

6.3

Councillor Mihaly welcomes the development however he has made comment regarding highway impacts which DCC have been forwarded to Highways Development Control for their consideration. Councillor Mihaly also commented “I know that some developers when they start the development try to negotiate the mix of properties ie because the scheme has become "unprofitable". I would like the committee to build in some safeguards so this doesn't occur. I would also like the CIL charges if possible to be used in the locality and not generally in the borough.”

Comment – See section 5.8 for consideration of highways impact. It is appreciated that issues of viability are very much a part of the planning and development process and it is hoped that the development being considered is the development which is built. It is the case however that a developer has a right to consider alternatives through the

process and the local planning authority has to be involved in that process. It is not possible to prevent such a prospect through building in safeguards.

CIL funds are paid into a single pot for use on infrastructure schemes in the Borough. There is no requirement that the fund collected from Walton would be used in the Walton area.

6.4

Ward Councillors Kellman, Snowden and Redihough have made the following comments as ward members.

Welcome the building of additional homes but wish to log a number of comments regarding this particular development in addition to the issues raised by local residents.

- The additional traffic from the housing development will add to congestion on both Whitecotes Lane and Walton Road. This is a main road into Chesterfield from Matlock and already experiences a high volume of traffic at peak times. This is compounded by traffic to and from the school towards the bottom of Whitecotes Lane.
- Traffic turning right from the development onto Whitecotes Lane will be at risk of accidents due to speeding traffic travelling West. We are aware that speeding is a long standing problem on this road and draw your attention to the fatality last year.
- The existing junction provides an obvious entrance to the proposed housing site on Whitecotes Lane but raises several issues. This entrance is situated in a dip in the road and there is limited visibility of traffic approaching from the east. If this is to be the main entrance to the estate we feel a mini roundabout or similar traffic calming infrastructure is essential, to slow the flow of traffic and promote road safety.
- In considering the house specifications we are disappointed to see the low level of environmental considerations. In view of the Climate Emergency declared by the Council there needs to be more climate change mitigation provision, in particular the option of solar panels, installation of heat pumps rather than gas boilers for heating systems, rain water collection, and where possible grey water reclamation systems. Whilst we accept these features

will affect purchase price, they are important future proofing features which will add value to these properties.

- Similarly in terms of environment we would prefer to see use of block paving rather than tarmac to promote water drainage and a greater use of hedges to mark boundaries rather than fences to provide habitats for wildlife.
- We note that a Travel Plan has been provided and that this is recognised as a document which sets out how a residential development will promote and facilitate sustainable travel for residents and encourage more active travel choices.
- The pavement footpaths on the Southern side of Whitecotes Lane are not wide enough. The Travel Plan states that Whitecotes Lane benefits from Pedestrian footways on both the north and south side of the carriageway, of which measure a minimum of 2.0 metres in width. This is incorrect. Whilst there are footpaths on both sides of Whitecotes Lane they do not measure 2m in width.
- The Travel Plan states that the public bus stops on Whitecotes Lane are serviced by the X17 Gold Service and X18, operated by Stagecoach Buses. The X17 Gold service provides access towards Matlock and Sheffield City Centre, whilst the X18 service provides connections towards Buxton. The X17 Gold service has an hourly frequency, whilst the X18 Service operates on school days only. It should be noted that these are express services which operate a limited stop service. It is difficult to see therefore that this promotes sustainable or active travel.
- We also support Cllr Mihalys request that the CIL charges if possible to be used in the locality and not generally in the borough. We consider it is only appropriate that the community infrastructure levy raised through this project is used to provide facilities in the immediate area for the benefit of existing and new residents.

Comment - See section 5.8 for consideration of highways impact.

The highway authority consider a standard T junction is sufficient and a mini roundabout access is not considered necessary.

Whilst the addition of renewables is desirable this cannot be made a mandatory requirement. The developer is proposing a fabric first solution and to create energy efficient dwellings through timber frame construction with the aim of reducing householder bills. Drainage requirements are referred to in the report at section 5.9 and which ensure the water leaving the site is less than the current run off rate – a betterment.

The footpath to the south of Whitecotes Lane along the frontage of the application site has been measured and varies from 1.5 metres wide at the eastern end to 1.8 metres at the western end (all be it overgrassed with verge from kerb).

CIL funds are paid into a single pot for use on infrastructure schemes in the Borough. There is no requirement that the fund collected from Walton would be used in the Walton area.

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 objectors, the development affects highway safety, their amenities and the character of the area, 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 paragraphs 186 and 187 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 A copy of the report will be available to the applicant / agent and any objector informing them of the application considerations and recommendation / conclusions.

9.0 **CONCLUSION**

9.1 The site comprises of two allocated housing sites on the newly adopted Chesterfield Local Plan and which identified the sites for a housing development of the scale proposed. The development is completely in accord with the new local plan in this respect and completely acceptable in principle. In allocating the site for development consideration was given to the ability to achieve the

development in terms of access, ecology and density for example and it would be perverse now to suggest that the development is not appropriate.

- 9.2 The proposed development is able to demonstrate its compliance with policies CLP1, CLP2, CLP3 and CLP4 of the Local Plan in so far as its ability to provide connection (and where necessary improvement) to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development. The application submission is supported by the preparation of numerous assessments and reports which illustrate the proposed developments ability to comply with the provisions of policies CLP13, CLP14, CLP15, CLP16, CLP20 and CLP22 of the Local Plan and where necessary it is considered that any outstanding issues can be addressed by appropriate planning conditions being imposed.

10.0 **ADDITIONAL RECOMMENDATION**

- 10.1 That a s106 agreement be negotiated dealing with:
- Delivery of Affordable Housing
 - The payment of a commuted sum of £73,536 for use by NHS CCG proposals to increase capacity at local GP services.

- 10.2 That a CIL Liability Notice be issued

11.0 **RECOMMENDATION**

- 10.1 That subject to signing the s106 agreement concerning matters in para 10.1 above that the application be **GRANTED subject to the following conditions:**

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

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.

3GP2-MHA-21-ZZ-DR-A-02021-S2-P2 Hardwick
3GP2-MHA-21-ZZ-DR-A-03021-S2-P2 Hardwick
3GP2-MHA-21-ZZ-DR-A-03121-S2-P2 Hardwick
3GP2-MHA-21-ZZ-DR-A-02031-S2-P2 Eveleigh
3GP2-MHA-21-ZZ-DR-A-03031-S2-P2 Eveleigh
3GP2-MHA-21-ZZ-DR-A-02032-S2-P2 Mountford
3GP2-MHA-21-ZZ-DR-A-03032-S2-P2 Mountford
3GP2-MHA-21-ZZ-DR-A-03132-S2-P2 Mountford
3GP2-MHA-21-ZZ-DR-A-02033-S2 Elliot
3GP2-MHA-21-ZZ-DR-A-03033-S2-P2 Elliot
3GP2-MHA-21-ZZ-DR-A-02034-S2 Bloomfield
3GP2-MHA-21-ZZ-DR-A-03034-S2-P2 Bloomfield
3GP2-MHA-21-ZZ-DR-A-02040-S2-P2 A40
3GP2-MHA-21-ZZ-DR-A-03040-S2-P2 A40
3GP2-MHA-21-ZZ-DR-A-03140-S2-P2 A40
3GP2-MHA-21-ZZ-DR-A-02041-S2-P2 Goodridge
3GP2-MHA-21-ZZ-DR-A-03041-S2-P2 Goodridge
3GP2-MHA-21-ZZ-DR-A-02042-S2-P2 Grainger
3GP2-MHA-21-ZZ-DR-A-03042-S2-P2 Grainger
3GP2-MHA-FS-XX-DR-A-01001-S2-P2 Location plan
3GP2-MHA-FS-XX-DR-A-01002-S2-P2 Site plan
3GP2-MHA-FS-XX-DR-A-01003-S2-P5 proposed site plan
3GP2-MHA-FS-XX-DR-A-01004-S2-P1 Constraints plan
3GP2-MHA-FS-XX-DR-A-01005-S2-P1 Opportunities plan
3GP2-MHA-S1-XX-DR-A-01101-S2-P2 Existing site plan
3GP2-MHA-S1-XX-DR-A-01102-S2-P5 Proposed site plan
3GP2-MHA-S1-XX-DR-A-01103-S2-P5 Boundarys
3GP2-MHA-S1-XX-DR-A-01104-S2-P7T Tenure plan
3GP2-MHA-S1-XX-DR-A-01105-S2 Parking plan
3GP2-MHA-S1-XX-DR-A-01201-S2-P2 Existing site plan
3GP2-MHA-S1-XX-DR-A-01202-S2-P5 Proposed site plan
3GP2-MHA-S1-XX-DR-A-01203-S2-P5 Boundarys
3GP2-MHA-S1-XX-DR-A-01204-S2-P5 Tenure plan

3GP2-MHA-S1-XX-DR-A-01205-S2-P6 Parking plan

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.

- 03 The development hereby approved shall be constructed in accordance with the Drainage Scheme detailed in the Flood Risk Assessment & Surface Water Drainage Strategy by Galliford Try PLC dated March 2020 ref 302207-R1(01)-FRA (Drawing No's 1697-102 rev A and 1697-103 rev A). No dwellings shall not be occupied until both foul and surface water drainage works have been completed in accordance with the approved plans (unless amendment to that scheme is agreed in writing with the Local Planning Authority under the provisions of this condition).

Reason - To ensure that the development can be properly drained, in the interest of satisfactory and sustainable drainage and to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

04. A. Development shall only be undertaken on site in accordance with the conclusions of the Phase I and II Ground Investigation and Test report (by Ground Investigation and Piling Ltd); and the Geo-Environmental Interpretative reports by WYG dated Sept 2018 and Jan 2019.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II

and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

05. In accordance with the RammSanderson Tree Report dated March 2020, prior to any development commencing Root Protection Areas (RPAs) shall be established and protective fencing conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012 shall be erected. Within these areas there shall be no excavation work and no storage of building materials or plant / machinery. The protective fencing shall remain in situ during site clearance and throughout the life the construction phases. Any works to take place within the defined RPAs shall be by means of an approved above ground construction method only which shall first have been approved in writing by the Local Planning Authority.

Reason – In the interest of safeguarding the protected trees, having regard to their root protection areas, and in the interest of the appearance of the surrounding area.

- 06 Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and should include details of any measures of construction and finishes to be considered such as above ground construction means.

Hard landscaping details shall include proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant.

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.

The agreed works shall be carried out as approved no later than the first planting season following completion of the development.

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

- 07 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.

- 08 Full details of the treatment of the open space block to the north west of plots 82-89 shall be submitted to the local planning authority for consideration. The detail shall include any means of enclosure together with details of how the area

can be used as a semi informal natural play area of public open space. The details which are agreed in writing by the local planning authority shall be implemented as part of the scheme in line with an agreed programme for their implementation and maintenance.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the provision of informal play and recreation on the site

09. Development shall not commence until intrusive site investigations have been carried out by the developer in line with the Coal Authority Permit dated 18th August 2020 to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site and any consequential amendments to the layout of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

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

10. 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 wider NPPF.

11. A residential charging point shall be provided for each dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of air quality.

12. 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.

13. Work shall only be carried out on site between 7:30am 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 amenities.

- 14 Prior to the commencement of any groundworks on site a survey for any recently excavated badger setts within the site or within 30 metres of the site boundary shall be undertaken and a report shall be provided to the local planning authority for consideration. The development shall only proceed on the basis of any mitigation measures which are specified in the report.

Reason - To mitigate against the loss of existing biodiversity and habitats and to safeguard protected badgers

- 15 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” including all relevant habitats and species
 - 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 and should include badger, reptiles, bats, other protected species as necessary).
 - 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.

Reason - To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit.

- 16 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of rhododendron and Cotoneaster species on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason - It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. The submission of a method statement, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of these plants is considered and thereafter implemented to prevent further spread of these plants which would have a negative impact on biodiversity and existing or proposed landscape features.

- 17 Prior to the commencement of the development a landscape and biodiversity enhancement and management plan (LBEMP) shall be submitted to the Local planning authority for consideration. Only the LBEMP agreed in writing by the local planning authority shall be implemented as a part of the development. The LBEMP should combine both the ecology and landscape disciplines and include the following:-

- a) Description and location of features to be created, planted, enhanced and managed to include native trees and shrubs, new hedgerow (to replace losses) areas of wild flower grassland, marsh and wetland associated with the SUDS.
- b) Details including location of 5 bat boxes, 35 swift bricks and 10 other bird boxes, hedgehog access and habitat piles and/or insect boxes (as specified in section 6.2 of the PEAR Ramm Sanderson, April 2020)
- c) Aims and objectives of habitat and species management.
- d) Appropriate management methods and practices to achieve 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 a ten-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 plan are not being met.

The LBEMP 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.

Reason - To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit.

- 18 Details of a wildlife friendly lighting scheme including measures identified in section 5.3.3 (iv) of the Preliminary Ecological Appraisal Report by Ramm Sanderson April 2020, shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The details agreed in writing shall be implemented as part of the development hereby agreed.

Reason - To mitigate against the impacts on existing biodiversity and habitats and provide biodiversity benefit.

- 19 Before any other operations are commenced, the access to Whitecotes Lane shall be modified in accordance with the approved drawings, laid out, constructed and provided with visibility splays of 2.4m x 54m in both directions, the area in advance of the sightlines being maintained clear of any obstructions.

Reason – In the interest of highway safety.

- 20 The access to Whitecotes Lane shall be no steeper than 1 in 30 for the first 10m from the nearside highway boundary and shall not exceed 1 in 12 thereafter.

Reason – In the interest of highway safety.

- 21 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during demolition and construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason – In the interest of highway safety.

- 22 The respective dwellings hereby approved shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, laid out in accord with the site layout plan (as amended by the revised plan received under e mail dated 25th August 2020 in respect of plots 51-60) and constructed all as agreed in writing with the Local Planning Authority and which shall thereafter be maintained throughout the life of the development free from any impediment to their designated use.

Reason – In the interest of highway safety.

- 23 The dwellings hereby agreed shall not be occupied until the measures proposed in the Travel Plan by HSP Consulting ref C3188 dated April 2020 have been implemented unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

Reason – In the interest of highway safety and to promote sustainable means of transportation.

- 24 The length of new footway joining the new access to Harehill Road along to the bus stop at the southern end of the application site as shown on drawing 3GP2-MHA-FS-ZZ-DR-A-01003-S2-P5 shall be provided and be available to use prior to the occupation of any dwelling on the Harehill Road component of the site.

Reason – In the interests of pedestrian safety and to encourage the use of public transport.

- 25 The Broomfield House type on plots 82 and 89 shall incorporate side gable windows at first and second floor

levels in accordance with the house type details provided under cover of e mail dated 2nd September 2020.

Reasons – to ensure an appropriate design in the interests of securing safety on the site.

26. Prior to the implementation of any area of public open space identified in the Open Space Scheme, a Management Plan for the future management and maintenance of the open space shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall identify the maintenance requirements including all ongoing maintenance operations, and shall be thereafter implemented in perpetuity.

Reason - To ensure the satisfactory development of open space.

27. 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.

- 28 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy CLP13 of the Chesterfield Borough Local Plan 2018-2035

- 29 Prior to any construction starting, a plan shall be submitted to and approved by the Council of the 38 units to be constructed to the optional requirement for Adaptable and Accessible dwellings in Part M4(2). No dwelling identified on the plan is to be occupied until the standard has been complied with for that dwelling.

Reason: To improve the accessibility of the dwellings in accordance with policy CLP4 of the Chesterfield Borough Local Plan 2018-2035

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 The applicant is encouraged to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable.