

## **ITEM 1**

### **Approval of reserved matters for 150 dwellings of CHE/18/00532/OUT - ( Re-submission of CHE/16/00614/OUT (Outline application for proposed housing development with all matters reserved except the access) on land to the north of Northmoor View, Brimington, Chesterfield for Vistry Yorkshire.**

Local Plan: Not allocated, within the built framework

Ward: Brimington South

Committee Date: 23.08.2021

#### **1.0 CONSULTATIONS**

**Derbyshire Fire and Rescue** - Recommend the Installation of a Domestic Sprinklers System or a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out in the future.

**CBC Conservation Officer** – This reserved matters application shows a buffer zone between Manor House and the new development. This grassland area would provide a fairly significant amount of open space to mitigate any impact on the setting of the grade II listed building. Consideration of the boundary treatments to the west of Manor House is required.

**DCC Archaeology** – The archaeological contractors had initially submitted a version of the WSI which had not been agreed, they have now submitted the original agreed version, therefore no further comments at this stage.

**Chesterfield and District Civic Society** – Wish to comment on the archaeological elements of the proposal. The trial excavations have made discoveries and we support the County Archaeologist's representations for further investigation. It appears to us that there are two main questions which further excavation might answer: (1) the nature and extent of Romano-British settlement on or near the site of the later village of Brimington. (2) the nature and extent of ironmaking on the site, revealed by the slag found in the trial excavations. This is a chance to advance knowledge which will not recur once houses are built on the site. The excavation need not delay the development by more than a few months and could yield genuinely useful results.

**The Coal Authority** – The site does not fall within the defined Development High Risk Area, therefore there is no requirements under the risk-based approach for a

coal mining risk assessment to be submitted. Refer to standing advice as an informative note.

**CBC Design Services** – No objection. The surface water drainage system is designed to accommodate a 1 in 100 year rainfall event including a 40% climate change allowance. The use of soakaways would not be feasible here. The sewer connections to the public sewers will require Yorkshire Water approval and the developer will require an agreement with YW for any adoption of the public sewers. The outfall to the watercourse may require approval from Derbyshire County Council flood risk team.

**Environment Agency** – The site is in Flood Zone 1, refer to standing advice and consult the LLFA.

**Lead Local Flood Authority** – No objections subject to conditions and footnote.

**Yorkshire Water** – No objection to the proposed foul water details to discharge to the 150mm diameter public foul sewer in Chesterfield Road. It has been agreed that the surface water discharge for Catchment A shall be restricted to a max rate of 10 L per second to the 300mm diameter surface water sewer in Chesterfield Road. Catchment B is to discharge into the watercourse. We fully endorse this.

**CBC Housing Services** – The proposal to provide 30% / 45 units of on-site affordable housing is welcome. The mix of these properties proposed as two- and three-bedroom houses and two-bedroom bungalows will meet demand from the Councils Housing register. The application does not currently state the proposed mix of affordable housing tenure and a discussion to ensure this mix provides a significant proportion of affordable rented properties would be welcome.

**DCC Policy** –

Cllr comment: The footpaths needs to feel as if in countryside rather than tarmacked streets. What roads will be adopted by DCC and when? Is the Ash tree to be removed? What about water run off, is attenuation planned? Separation distances to existing dwellings are of concern.

Officer comment: With regard to education, under the CIL system Derbyshire County Council work closely with Chesterfield Borough Council to identify the most cost effective and proportionate bids for funding to support education infrastructure to ensure that sufficient local school places are available in all localities across the borough.

Further comments following amendments – There is a need for older persons housing. Note that 5% of the suggested houses are bungalows which meet M4(2)

compliant dwellings. We would welcome a greater percentage of the proposed housing meeting M4(2) or Lifetime Homes standards in order to ensure future adaptations which will allow older people to continue living independently.

**CBC Strategic Planning Team** – The principle is established through the outline permission. Although policy CLP4 seeks 10% affordable housing, in line with the outline 30% is being provided. Policy CLP4 normally requires a 90/10 split between affordable rent and affordable home ownership. The applicant is suggesting a 50/50 split between rent and intermediate tenure. As applicant is proposing a higher proportion of affordable units overall, the proposed split is acceptable. Policy CLP4 also requires that 25% of units should be constructed to the M4(2) Adaptable and Accessible Building Regulations Standard. The need to secure a net gain in biodiversity is covered by the S106 agreement and condition 10 of the outline permission. The water efficiency condition is required in line with CLP13.

Whilst the Council has not formally adopted the National Space standards, they remain a material consideration. The applicant's Planning Statement highlights that a number of house types fall below this standard. When checked against the schedule of house type this totals 55 dwellings, over a third of the total and half of the affordable units.

The site is within the 'medium' CIL zone, chargeable (at the current rate) at £57.81 per sqm GIA. Exemptions exist for affordable housing, although these must be sought prior to commencement on site.

**Brimington Parish Council** – The public footpath Northmoor View Brimington Common to Chesterfield Road. This is shown along the main estate road and needs to be kept in its natural state so people can enjoy countryside walks. The footpaths are part of our village heritage. The Parish Council resolved to fully support the residents in wanting the footpath to be retained along the existing route and in its natural state.

Further comments following the amendments – concern about the impacts from two storey dwellings at plots; 24, 2537, 38, 39, 40, 41, 42 and 44. There is still concern over the loss of the natural state of the existing ancient footpath and concerns over the loss of green space and wildlife that this development will result in. Remain concerned about traffic, congestion and air quality.

**Chesterfield and North Derbyshire Royal Hospital** – Section 106 impact on health to be considered. Please advise of the appropriate process to follow.

**NHS Derby and Derbyshire Clinical Commissioning Group** – As this is for reserved matters and the number of houses has not changed for the original

application it is not considered we can make a request for S106 contribution at this point.

**CBC Urban Design Officer** – The application has been revised following negotiation. Further amendments required are the provision of estate railings to plots 1 and 12 to provide public/private edge. Separation of the southern loop path and the drives serving plots 59-62, 66-70, 81-89, 44-45, 56-58 to provide public/private edge. Side gardens need to have the better-quality treatment to public spaces. Street trees will need to be specified to have a clear stem height of at least 2m to the underside of the canopy to ensure visibility is maintained. Tree root protection measures may also be required to prevent root spread into adjoining roads and pavements. The southern path is close to plot 59 this plot could be set back. A boundary fence is needed between plot 59 and the path. Consideration of materials at nodal points.

**CBC Tree Officer** - The amendments are acceptable and enhance the landscaping scheme on the site.

**CBC Economic Development** - Given the scale of the proposal there will be significant employment, training and supply chain opportunities created during the construction phase. It is recommended that a local labour/ supply chain planning condition is recommended to encourage local employment, training and supply chain opportunities during the construction phase to promote the opportunities to local businesses and local people.

**Derbyshire Constabulary Designing Out Crime Officer** – The amendments tackle initial concerns and the shared accesses have been removed. Lockable garden gates should be secured. In terms of the paths and public private space agree with the urban Design officer comments. No lighting to the southern path.

### **Highway Authority** –

Access for this site has already been established as part of the outline approval. Layout: The internal estate street layout should adhere to principles within national guidance (National Design Guide and Manual for Streets) as well as local design guidance, in the form of the County Council's own residential design guide - Delivering Streets and Places (should the developer wish to pursue adoption of the estate streets at a future date). Whilst the proposals are generally acceptable from a highway safety viewpoint there are some issues to address:

- Visibility splays and road widths to corners within the development.
- Consideration needs to be given to parking areas in the vicinity of bends, to ensure adequate visibility is available for entering / emerging / manoeuvring vehicles.
- The street layout contains some long straight sections, speed suppression, through horizontal changes in the street alignment, should be considered.

- Swept paths, based on a large refuse vehicle, should be provided (11.6m long) and need to ensure collection on private drives.
- Design and location of visitor spaces.
- The pedestrian / cycle route could take ‘priority’ through the development to encourage active travel.
- The Highway Authority would always encourage footways to be provided on both sides of the street.
- Garages should have minimum internal dimension of 3m x 6m for single garages and 6m x 6m for double garages.
- A wide pedestrian / cycleway route is shown through the development, consideration will need to be given as to how this may be protected from parked vehicles, and driveway access to ensure it remains available for its intended purpose.
- Parking spaces should be 5.5m long x 2.5m
- 2m x 2m x 45 degree pedestrian intervisibility splays should be provided at all driveway access points to the new streets.
- All shared driveways should be laid out a minimum of 5.5m wide with 45 degree splays.
- A pedestrian connection from the end of the cul-de-sac adjacent plot 43 to the main pedestrian / cycle route should be provided to improve permeability.
- Street trees would be the subject of a commuted sum payment (if adoption of them and the streets are pursued).

Further comments on amended scheme:

Travel plan comment:

The following should be considered at each property; cycle storage, high speed broadband, electric vehicle charging.

Walking routes to be to appropriate standards, public rights of way to be upgraded to an all weather surface, upgrading of bus stops on Chesterfield Road.

A baseline travel survey to be undertaken on occupation with the results presented as a monitoring report with a target of reducing single occupancy vehicle journeys of 10% over 5 years.

Travel vouchers to be included along with sustainable travel information packs and taster tickets.

- Derbyshire County Council do not approve ramps in the carriageways
- We will accept shared surfaces on small cul-de-sacs only – they are currently in abeyance with the Department of Transport
- Shared surfaces should be 7.5m wide

- The traffic calming adjacent to Plots 3 /4 not accepted by Derbyshire County Council
- Would suggest that areas of red blocks used on the carriageway and to be flat with the surfacing material either side.
- Statement that regarding widening on bends not accepted, the bends should be extended by 0.6m on 90 degree bends.
- Our comments state that Visitors parking accepted, I am led to believe this is not DCC policy as they are currently abused by residents and they form no function for the highway authority ie providing parking at public open spaces etc. therefore these should be removed in all cases.
- Road to Plots 113 – 108 does not provide a walking facility i.e. footway for residents, appears they need to walk on the road or a reduced service strip. This also applies to other areas.
- There are straight roads on this site which would encourage more than the required 20 mph target, these will have to be revisited to achieve the required speed limit to be catered for by vertical alignment / horizontal layout.

Conditions recommended.

**Derbyshire Wildlife Trust** – I previously reviewed (15th March 2021) the Biodiversity Enhancement Strategy prepared by ECUS November 2021. In that response I raised concerns the plans for grassland habitats across the public open space areas were very disappointing. Much of the POS will be sown as amenity grassland using a mix that does not include any herbaceous species and will be of very low benefit for biodiversity. Subsequent management of these amenity areas is not sympathetic to the needs of wildlife and will further restrict the opportunities for wildlife to benefit from these areas. The BES specifically states under section 2.2.2 that enhancements include, Creation of species-rich grassland with a low intensity management regime within the POS areas to benefit invertebrates, bats and birds, reptiles and hedgehogs. Regrettably, the amended landscape plan has not taken any of my earlier suggestions on board regarding the use of more diverse species mixes for the POS grassland areas. At present only a tiny area of species rich grassland is identified on the plan.

I advise the LPA to request changes to the BEP and the landscape plan so that the areas of more diverse wildflower grassland are extended and the area of amenity grassland is reduced. This could be done using a wildflower species rich mix such as N1, N2, N4, N5 or N14 mixes from Naturescape or EM2 or EM4 from Emorsgate or a mix of equivalent diversity. The proposed management needs to be more specifically tailored to ensure that more areas of grassland are sympathetically cut in a way that benefits plants and insects as well as other species that depend on insects for food such as some birds and mammals.

These changes could still leave areas of shorter amenity grassland and would not result in a significant increase in costs. In fact, some savings could be made on management costs if the frequency of grass cuts is reduced. If these changes are made, we consider that the landscape proposals and the Biodiversity Enhancement Plan can be aligned satisfactorily, and the Council can be confident that there is no net loss of biodiversity as a result of the development.  
**Representations** – Detailed in section 6.0 of the report below.

## 2.0 THE SITE

2.1 The application site is an open field which is largely bound to the north, east and west by existing housing. The housing to the northern boundary is a mix of bungalows and two storey housing. To the immediate west is a commercial vehicle yard. Access is to be gained from Chesterfield Road in the west. To the east of the site there is a listed building (Manor House) just above the location of Northmoor View and fronting onto Manor Road. Two public footpaths cross the site; footpath 16 runs from the north of the site to the south western corner and footpath 17 runs east west across the site. The two paths meet at the corner adjacent to the vehicle scrap yard. The site generally inclines the north.

2.2 Google image of the area, the routes of the footpaths can be seen:



2.3 Site Photographs:

Views from the site to the south:



View from the site looking north west and north:





Listed building:



Northern Boundary:







Site access:



### **3.0 SITE HISTORY**

3.1 CHE/18/00532/OUT Outline Application for residential development (of up to 150 dwellings) and associated access works - Re-submission of CHE/16/00614/OUT (Outline application for proposed housing development with all matters reserved except the means of access - additional information received - heritage impact assessment and geophysical survey rec'd on 19/04/2017; and transport assessment addendum rec'd on 02/05/2017) – Refused, Appeal allowed subject to conditions and S106 agreement: 5<sup>th</sup> August 2019

The S106 agreement required the following obligations:

- 30% affordable housing which is to be split 50/50 by tenure of affordable rent and affordable ownership,
- A ground nesting bird mitigation strategy
- Public open space and SUD's maintenance and management through a management company
- Up to 1% provision for Art (which is under negotiation see the developer contribution section below)
- Contribution towards the NHS of £57,060

### **4.0 THE PROPOSAL**

4.1 The application being considered is for the remaining reserved matters following the approval of the outline planning permission which considered access as an outline matter. The reserved matters to be considered under this application are; appearance, landscaping, layout and scale.

4.2 The application has been amended on a number of occasions since the initial submission. The application is now considering the following detailed proposals:

- 105 open market dwellings consisting of; 16 x Elmslie 3 bed, 16 x Ash 3 bed, 15 x Juniper 4 bed, 17 x Chestnut 4 bed, 18 x Aspen 4 bed 13 x Alder 4 bed and 10 x Birch 5 bed.
- 45 affordable dwellings consisting of; 8 x Juneberry 2 bed, 23 x A20 2 bed, 14 x Apple 3 bed.

The designs of each unit are set out below:

### Ash/Elmslie



### Apple

### A20 two block and three block



### Alder

### Aspen



## Birch



## Chestnut



## Juneberry



## Juniper



4.3 The designs of the house types are of a traditional and relatively simple form with the smaller dwellings appearing in blocks of two and three forming traditional terraces. The larger dwellings following a similar theme in terms of the design with some units having integral garages and/or bay window and gable details. There are 8 bungalows included in the scheme.

4.4 The layout of the development has been changed through the application process to now show a scheme which is of a simple form with perimeter blocks. The housing to the front of the site nearest to Chesterfield Road is laid out in a simple row. The SUD's attenuation basin is then at the front of the site and to be landscaped. Houses front this area. The road layout now allows for vistas through the housing to the landscape beyond the site to the south. The housing to the east is laid out towards a green area which forms the setting of the listed building. To the south the housing will front the open fields.

- 4.5 The layout of the scheme protects the routes of the public footpaths having combined walking and cycle route from Chesterfield Road to Northmoor View following the original alignment. The footpath route running from the north to the south western corner of the site is maintained between the new housing with space provided to define the area of public space then running along the route adjacent to the attenuation basin forming part of the public open space. An informal footpath is created to the southern end of the built-up area to provide the public with the opportunity to use routes that are adjacent to the countryside.

Proposed layout:



## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy**

- 5.1.1 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.

5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

CLP1 Spatial Strategy (Strategic Policy)  
CLP2 Principles for Location of Development (Strategic Policy)  
CLP3 Flexibility in Delivery of Housing (Strategic Policy)  
CLP4 Range of Housing  
CLP6 Economic Growth (Strategic Policy)  
CLP11 Infrastructure Delivery  
CLP13 Managing the Water Cycle  
CLP14 A Healthy Environment  
CLP15 Green Infrastructure  
CLP16 Biodiversity, Geodiversity and the Ecological Network  
CLP17 Open Space, Play Provision, Sports Facilities and Allotments  
CLP20 Design  
CLP21 Historic Environment  
CLP22 Influencing the Demand for Travel

## 5.2 **Other Relevant Policy and Documents**

### **National planning Policy Framework 2021**

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 5. Delivering a sufficient supply of homes
- Part 6. Building a strong, competitive economy
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 10. Supporting high quality communications
- Part 11. Making effective use of land
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment National Planning Policy Framework (NPPF)

# Successful Places' Residential Design Guide

## Historic Environment

### 5.4 Key Issues

- Principle of development:
- Reserved matter - Design and appearance
- Reserved matter - Layout
- Reserved matter - Scale
- Reserved matter - Trees and landscaping
  
- Impact on the setting of the listed building
- Archaeology
- Residential amenity
- Northern boundary and boundary treatments to the site
- Biodiversity
- Highway safety
- Drainage and flooding
- Climate change and air quality
- Developer contributions

### 5.5 Principle of Development

5.5.1 The principle of the development is established by the outline planning permission. The site is considered to be a sustainable location for housing growth with good access to services and facilities. This remains in line with the policies of the Adopted Local Plan in terms of the location of housing as established by policies CLP1 and 2. Whilst concerns have been raised regarding the principle of the development, as this is an application considering the reserved matters only it is not appropriate at this stage to now re-consider any principle matters.

5.5.2 The reserved matters in this case are: appearance, layout, scale and landscaping and these matters are considered below:

### 5.6 Reserved Matter - Design and Appearance

5.6.1 Local Plan Policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context 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.

5.6.2 The housing in the locality of the site is mixed with mainly later 20<sup>th</sup> Century housing surrounding the site generally of a traditional form. The housing proposed as part of this application seeks to follow that theme with the housing being of a simple and traditional form with an appropriate ratio of walling to window, window hierarchy and details. The integral garages, bay window and gable details are all reflective of the more recent housing development in the area and are considered to be appropriate to the site context.

5.6.3 The Outline permission sought to condition materials relating to the housing development. In this regard the applicant has submitted a materials plan that the site will have a mix of brick finishes, however, all of the facing materials will need to be agreed through the discharge of condition when specific materials are known. The bricks suggested are a buff brick, a more orange/red brick and a darker brick. Other than the buff brick where a better-quality brick in terms of its appearance is required, the bricks are generally acceptable. However, how these are used throughout the site needs more detailed consideration in terms of the materials of the surrounding housing and the creation of nodal points of interest through the site. The roofing material suggested is not considered to be appropriate in terms of scale and detailing, and a better-quality concrete tile with finer leading edge would be more appropriate which can be agreed through the condition. Given the landscape wide views of the site and the relative consistency of colour to the surrounding roofscape, the roofing material to be agreed should be consistent throughout the development.

5.6.4 To ensure the whole development is of a higher quality finish it is also important to agree the hard surfacing materials of the site through a condition. The comments raised regarding the surfacing of the footpath to the south of the site, the private drives and central cycle/path route are noted and a condition to agree the details of these surfaces is considered appropriate.

## 5.7 **Reserved Matter - Layout**

5.7.1 Policy CLP20 is also relevant in terms of layout. The layout of the development has been changed through the application process to now show a simple layout of perimeter blocks with vistas maintained

through the development to the wider landscape views to the south. The layout maintains the definitive route of the public footpaths through the site with landscaping to the north south route and the east west route becoming the main road through the site with pavement and cycle route. This main road through the site will become a tree lined street in accordance with the latest Government advice.

5.7.2 It is noted in the representations that some would like the definitive path to move to the south, others do not want any path to the south. The proposal retains the route of the definitive footpath through the centre of the site on its existing alignment avoiding the need for any formal diversion and integrates this with a cycle route and the road to follow the latest government guidance on the provision of tree lined streets. (see 5.9.1 below) This is considered appropriate and will encourage walking and cycling in line with the aims of the local plan in policies CLP1 and 2. Based on some of the public comments which wanted to ensure a walking route connected to the countryside to the south of the site, a southern footpath route, which is informal and will not be a definitive footpath, has been provided as a part of the scheme. Whilst the Crime Prevention advisor has commented this that route will not be lit, this is considered acceptable in this case given the rural edge to the site, where lighting would be intrusive and the need to protect wildlife habitat, particularly on the southern area of land (see 5.14.3 below).

5.7.3 Overall, the layout is considered to accord with the requirements of Policy CLP20 of the Adopted Local Plan. (Matters of amenity are addressed in 5.12 below)

## **5.8 Reserved Matter - Scale**

5.8.1 The scale of the development is for a maximum of two storey development. There are 8 single storey bungalows proposed to the northern boundary of the site adjacent to existing bungalows on Top Pingle Close and Upper Croft Close. This is considered to be appropriate to the site and wider context of this area where there is a similar mix of single storey and two storey developments. The application details include the finished floor levels of the proposed dwellings and these have been demonstrated on plan, however the floor levels have not been provided relative to existing dwellings and land levels and therefore what has been submitted has limited value. Given the proximity of neighbouring properties, particularly the bungalows to the north, along with the slope of the site it is considered

necessary for these details to be considered in more detail via condition so that the nearest dwellings to existing properties are not unnecessarily elevated from the ground levels to an unacceptable degree.

5.8.2 Whilst the levels strategy has been submitted with annotation of 1m and 2m high retaining walls through the site it is not considered there is sufficient detail here to fully understand the level changes and how these will be detailed. Whilst this has minimal implications on neighbouring residents it does have an impact on the overall finish of the development and as such it is considered reasonable to impose a condition for these details to be agreed.

5.8.3 Overall, subject to conditions the scale of the development is considered to accord with the requirements of Policy CLP20 of the Adopted Local Plan.

## **5.9 Reserved matter - Landscaping**

5.9.1 The recently updated NPPF 2021 puts an emphasis on providing street trees as part of housing developments. Para 131 states; Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users. This is in line with the design quality requirements of Policy CLP20 of the Adopted Local Plan.

5.9.2 The proposed development has a tree lined street running through the centre of the site which will form the main vehicle, cycle and pedestrian route. Trees are also shown around the attenuation basin area, to the eastern end near to the listed building and to the southern route of the site leading to the west and back to the open space adjacent the attenuation area. The trees adjacent to where the north south footpath arrives into the site are not specified.

- 5.9.3 The trees in these areas are proposed to be a mix of; *Acer campestre* 'Elsrijk' (Field Maple), *Pyrus calleryana* 'Chanticleer' (Pear), *Liquidambar styraciflua* 'Worplesdon' (American Sweetgum (Red)), *Carpinus betulus* (Hornbeam), *Sorbus* 'Joseph Rock' (Rowan or Mountain Ash), *Prunus avium* 'Plena' (Flowering Cherry), *Prunus padus* (Bird Cherry), *Quercus robur* (Oak), *Crataegus laevigata* 'Paul's Scarlet' (Hawthorn). The tree species specified are considered to be acceptable.
- 5.9.4 The planting to the central cycle route is set out on plan with trees, amenity grassland and blocks of bulb planting. Additional planting plans have been provided for the wider open areas of the site and for plots. Whilst the general details of these are acceptable, it is considered that the landscaping could be improved for biodiversity with greater areas of planting in the open spaces and changing amenity grassland, which is of low biodiversity value, for meadow grass or similar which provides better biodiversity in line with the comments from Derbyshire Wildlife Trust. The mixed hedge detail to the boundaries of the site is welcomed, although the northern boundary is not so straight forward (see 5.13 below). In addition, the vehicle yard to the west of the site could also be better screened with additional planting to minimise any adverse effects. In view of the need to secure appropriate biodiversity and screening, a landscape condition is required to ensure improved biodiversity in line with Condition 10 of the outline permission.
- 5.9.4 The tree protection plan submitted shows that trees will be removed as necessary to create the access road into the site and one tree to the northern boundary roughly to the rear of 8 Headland Close. The remainder of the trees to the boundaries of the site will be subject to appropriate tree protection. This is considered to be acceptable.
- 5.9.5 It is noted that the public open space planting plan includes a public feature but no information is provided in relation to this, again this detail needs to be secured via condition.

## **5.10 Impact on the Setting of the Listed Building**

- 5.10.1 In considering the impacts on development upon heritage assets it is important to set out the legislative and policy requirements. As the application would have the potential to affect the significance of designated heritage assets, namely the nearby listed building the statutory requirement is to have special regard to the desirability of

preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (sections 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account when determining this application.

- 5.10.2 The NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets (paragraph 197 NPPF). The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (paragraph 199). The more important the asset the greater the weight should be given (paragraph 199). The significance of a heritage asset derives not only from its physical presence, but also from its setting. Where harm is identified that harm is less than substantial harm should be weighed against the public benefits of the proposed development (paragraph 202).
- 5.10.3 Policy CLP21 of the Adopted Plan reiterates the legislative and national policy stance; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:
- b) protect the significance of designated heritage assets and their settings including Conservation Areas, Listed Buildings
- 5.10.4 In this case the heritage asset under consideration is the Grade II listed Manor House which dates from the 17<sup>th</sup> and 18<sup>th</sup> centuries and the associated and Grade II listed Street Boundary wall and gatepiers to the Manor House dating from the 17<sup>th</sup> Century.



There are other listed buildings in the wider area of Brimington which are not considered to be affected by the proposed development.

Proposed layout in relation to the listed building:



5.10.5 The setting of the listed building in this case has a remaining association with the open fields to the rear of the building. However, this setting has been compromised by the housing development which surrounds the building in close proximity. The proposed development leaves an area of open space and an area of undeveloped land to the rear of the listed building which then retains the connection with the open land to the south of the site. The Conservation Officer noted that; This grassland area would provide a fairly significant amount of open space to mitigate any impact on the setting of the grade II listed building. On this basis the impact on the setting of the listed building is considered to be at the lower end of less than substantial harm.

5.10.6 In line with para 202 of the NPPF 2021 such harm has to be weighed against the public benefits of the development. Furthermore, the site has been accepted for the development of 150 dwellings on appeal. Given the low-level harm in this case it is considered that the public benefits arising from the development including affordable housing and the economic benefits associated with the development are sufficient to outweigh the low level harm identified in this case. The proposal therefore accords with policy CLP21 and Part 16 of the NPPF 2021.

## 5.11 Archaeology

- 5.11.1 Policy CLP21 states; In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will: d) identify and, where appropriate, protect important archaeological sites and historic environment features. This is reiterated in the NPPF 2021 where para 203 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Para 205 states: Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. (69 Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.)
- 5.11.2 In 2016 the original application for the development of this site was submitted, and based on the HER records and the submitted Heritage Impact Assessment it was considered that the site is likely to fall partly within the medieval core of settlement at Brimington. Given the site of the former Brimington Hall to the north, the Grade II Listed building known as 'the Manor House' to the east and 'Manor Farm', to the south, this evidence suggests that the medieval settlement may have been organised along the line of Manor Road between the early chapel (on the site of the modern Church of St Michael and All Saints) and the hall, and the site of Manor Farm at the southern end. Therefore, further information was required to establish the history and any impacts.
- 5.11.2 In the 2018 submission it was considered based on the earlier application details that; given the vast majority of the site has been in stable agricultural use throughout the post-medieval period, there is medium-to-high potential for buried archaeology relating to historic coal extraction, and to the mid 19th century Brimington Colliery. There is low-medium potential for buried archaeology relating to the medieval village of Brimington, towards the northern edge of the site. There is low (though not negligible) potential of hitherto unknown archaeology of prehistoric, Romano-British or other date anywhere in the site.

- 5.11.3 The submitted Geophysical report (survey undertaken in 2017) noted a number of potentially archaeological geophysical anomalies which occurred across the proposed development area. The scheme of trial trenching carried out revealed archaeological remains dating from the Romano-British (2nd century AD), medieval and industrial periods. At least two phases of a Romano-British field system were identified. These were represented by a surviving complex of ditches and pits in which artefacts and environmental remains were preserved. A medieval field system was also identified which was represented a complex of ditches on a slightly different alignment from the Romano British features. Evidence of ridge and furrow ploughing was associated with this field system. Evidence of industrial activity was also recovered which comprised extensive deposits of slag, and the remains of the base of a kiln or furnace.
- 5.11.4 The report on the above archaeological field evaluation was sent to DCC Archaeology for comment; whilst the report is still in draft form, the information within it was sufficient to make archaeological recommendations on the existing planning application (2018). The archaeological evaluation identified extensive and well preserved remains and features, including environmental and industrial deposits. Taking this into account DCC Archaeology recommended that a further phase of targeted, detailed excavation be undertaken in advance of development of this site. On this basis a condition was recommended.
- 5.11.5 The Inspector considered this information during the appeal and as a result the outline planning permission included condition 8, relating to Archaeology stating; *No development shall commence until a written scheme of archaeological investigation / resource management; that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved scheme.*
- 5.11.6 Under this reserved matters application DCC Archaeology have noted; The correct version of the WSI has been submitted and has been agreed in December 2019 (Version b – Vers.b.12.12.19). It is recommended that the applicants be requested to commission the required archaeological investigations as soon as possible as it is vital that sufficient time is available to complete this work in advance of the commencement of any development on site. No other ground works

shall be permitted until the archaeological fieldwork is completed due to the potential damage that may be done to unknown archaeology.

5.11.7 Whilst it has been suggested by the applicant in discussion with DCC Archaeology that the investigative works could be carried out in phases this is not in line with condition 8 of the outline and cannot be agreed unless through the variation of that condition.

5.11.8 The Civic Society comments on the application in regard to Archaeology noting: The trial excavations have made discoveries and we support the County Archaeologist's representations for further investigation. It appears to us that there are two main questions which further excavation might answer: (1) the nature and extent of Romano-British settlement on or near the site of the later village of Brimington. (2) the nature and extent of ironmaking on the site, revealed by the slag found in the trial excavations. This is a chance to advance knowledge which will not recur once houses are built on the site. The excavation need not delay the development by more than a few months and could yield genuinely useful results. As set out above and in line with the comments of the Civic Society, the matter of archaeological impact, including investigation and recording is covered by condition 8 of the outline permission therefore there is no need for any further conditions being imposed at this reserved matters stage. As such the proposal is acceptable in terms of condition CLP21 and Part 16 of the NPPF 2021.

## **5.12 Residential amenity**

5.12.1 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. This is reiterated in para 130 of the NPPF 2021.

5.12.2 Substantial concern has been raised by local residents regarding the proposed development in terms of amenity impacts. It is acknowledged that many of the existing surrounding dwellings are single storey and/or have short gardens facing towards the application site which results in potential for amenity impacts. In amending the layout of the proposed development the applicant has been made aware of the need to provide the separation distances between properties as set out in the Council's Residential SPD. The concerns

of local residents have been taken into consideration in establishing a revised layout, although it is acknowledged that residents are still not satisfied with the proposals. The applicant has submitted a 'separation distances review' plan showing the separation distances in particular to the northern boundary. This plan clearly shows that the required separation distances have been met in the majority of cases and in the main exceeded.

5.12.3 The SPD clearly sets out that where properties are back-to-back that 21m separation distances should ideally be met, although flexibility below this is allowed in the consideration of impacts. Where properties are not back-to-back but are at a slight angle a distance of 16m would be acceptable and where the relationship is rear to side elevation then 12m would be acceptable. In this case the separation distances have been met and exceeded. There are specific property relationships to note in line with the SPD:

Plot 44 is 14.3m from the nearest property on Manor Road but plot 44 is side facing to the neighbour where a lesser distance of 12m would normally be acceptable in line with the SPD.

Plot 38 is 18.2m from the nearest property on Upper Croft Close, this is due to that property being set at an angle to the proposed dwelling where a separation distance of 12m would normally be accepted in line with the SPD.

Plot 36 is 16.1m from the neighbour on Upper Croft Close, this is acceptable as plot 36 is a bungalow that is side on to the neighbour where again a distance of 12m is normally acceptable in line with the SPD. This is a similar situation to plot 35 where again the bungalow is side onto the neighbouring property where the separation of 12.9m and therefore acceptable in line with the SPD. As is plot 15 where the side facing bungalow is between 16.3m and 14.9m to the neighbour dwelling on Top Pingle Close.

The only other reduced separation distance is plot 1 at 19.1m where the properties will be at an angle where a lesser distance of 16m would have been acceptable in line with the SPD.

Therefore, whilst there are concerns in regard to the separation distances, these are within guidance and mainly exceed the acceptable limits.

5.12.4 Concern has been raised by a number of local residents that there are two storey properties to the north boundary particularly plots 24 and 25. Whilst the hope for bungalows to be in this location is understood, given that the separation distances here are 27.7m and 28.1m, there is no reason to resist the proposal on the grounds of amenity concerns. It

is understood from the submission that at some point there has been a reference to bungalows only to this boundary. However, the application has to be considered on its merits and the construction of a two-storey property with appropriate and generous separation distances does not provide sufficient reason to resist the development.

- 5.12.5 Within the scheme itself the neighbour-to-neighbour relationships between the new dwellings are considered to be acceptable overall whilst acknowledging that some gardens are restricted, for example where there are triangular gardens to corner plots.
- 5.12.6 In considering the scheme and future works that could be carried out under permitted development, it is considered reasonable and necessary in this case to restrict the permitted development rights of the proposed dwellings to the northern boundary in terms of boundary treatments, extensions and outbuildings. Where there are side facing elevations to neighbours it is reasonable to restrict future windows being inserted.
- 5.12.7 On this basis it is considered that the proposal results in acceptable amenity impacts in line with policy CLP14 of the Adopted Local Plan and para 130 of the NPPF 2021. (Concerns regarding the northern boundary are considered under 5.13 below)
- 5.12.8 The comments regarding the desired space standards of the dwellings are noted. The two house types that fall under the required standards are the Elmslie noted as being a 3 bed 5 person unit which is an open market dwelling and the A20 noted as being a 2 bed 4 person unit which is an affordable dwelling. Whilst meeting the national space standards is desirable on all developments it is not a policy requirement. Given that these dwellings are all two storey houses with separate living, kitchen and bedroom spaces and which have their own external private garden space, it is not considered that the minor reduction in the size of some of the units below the space standard is significant. It should also be noted that the space standards would be fully met should the smaller bedroom/s be for single rather than double occupancy. This is not a negative of the scheme that is sufficient to warrant refusal of the application.

## **5.13 Northern Boundary and Boundary Treatments to the Site**

- 5.13.1 As set out in policy CLP14 above it is important to consider the amenity impacts of the neighbouring residents in considering the

application and in line with Policy CLP20 the appearance of these boundary treatments. The short gardens to the application site and the various boundary treatments existing along the northern boundary therefore need to be carefully considered.

- 5.13.2 The northern boundary as existing is largely formed of low boundary hedges with some properties having fencing and towards the west of the site there are stone walls which form the boundary. The submitted northern boundary plan details the planting of a native hedge to the rear of plots 1 to 11. To the rear of plots 12 to 14 the existing hedge would form the boundary with a new hedge proposed again from plot 15 to 22, plot 23 would maintain the existing hedge and plot 24 would have newly planting hedge. Plots 25 onwards to the east would utilise the existing hedge. To the side of plot 44 a new area of hedge would be planted. It is noted on the submitted plans that where gaps are present native hedgerow will be planted and close boarded fencing is to be installed if existing boundaries do not provide adequate security. It is considered that more detail is required here in terms of where close boarded fencing is proposed and how this will sit in regard to any existing and proposed hedgerow planting and the stone walls to allow these to be maintained.
- 5.13.3 Whilst a hedge along this boundary is welcomed not least in terms of biodiversity, a number of residents have raised concern that the proposed boundary of a hedge can easily be removed and will provide no certainty or security to existing residents. This is considered to be a legitimate concern in this case. It is therefore necessary to impose a condition to ensure that a secure boundary is installed to the northern edge of the site, this is likely to be agreed via condition in the form of a 1.8 high close boarded fence which is in line with many of the public comments received. Ideally the boundary should also include additional planting, possibly in the form of infilling the existing gaps in the hedges and allowing space for these hedges to grow. The condition therefore will have to also secure when any such planting takes place to allow the additional hedgerow to establish.
- 5.13.4 It has also been noted in the representations that the construction of fencing may be within the root protection areas of retained trees, this is considered to be acceptable as the insertion of fence posts will have limited impact on the overall health of the tree. A footnote can be added to ensure the applicant is aware of the need to consult with their arboriculturist before carrying out any works within the root protection areas.

5.13.3 In general terms the boundary details shown on plan 8881-L-110 Rev H are acceptable keeping the close boarded fencing to rear gardens and having a brick wall or mixture of brick walls and timber fence panel infill facing the public realm. However, the boundary treatments to the sides of plots; 65, 80, 81 need to be the brick and timber wall type rather than a close boarded fence where this is adjacent to the public realm. The estate or post and rail fencing needs to define the public and private spaces more fully to plots 1, 11 and 12 and near the southern path at plots 59 to 62, 66 to 70, 81, 89 and near the listed building at plots 56 to 44. This change can be secured via condition. Subject to conditions the boundary treatments are considered to be acceptable in line with policies CLP14 and CLP20 of the Adopted Local Plan.

## **5.14 Biodiversity**

5.14.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.14.2 Ecology matters were considered under the outline permission with conditions 9 and 10 requiring a pre commencement badger survey to be submitted and a biodiversity enhancement strategy to be agreed. Since the approval of the outline permission the Local Plan was Adopted which whilst not changing the position of the outline has given greater importance to matters such as biodiversity. In line with the comments on the landscaping scheme above and the condition relating to an enhancement strategy it is considered that general biodiversity enhancement is appropriately covered by the existing conditions and the condition recommended in this report. The submitted details in the enhancement plan have not been submitted for condition discharge as yet and therefore have not been accepted by Derbyshire Wildlife Trust. However, it is considered this could be improved by ensuring bat and bird boxes are integrated into the dwellings and bird boxes installed within the landscaped areas. The hedgehog friendly fencing is only proposed to part of the site and this needs to be expanded throughout the site where levels allow. This

along with the changes to the landscaping as noted in the reserved matters section above and as recommended by the Trust, will ensure appropriate consideration of biodiversity.

- 5.14.3 The agreed outline was also subject to a S106 agreement which required a bird mitigation strategy to be agreed. Whilst this is not fully resolved at this stage this is a requirement secured by the legal agreement and discussion will continue regarding this and which has to be provided and maintained on land to the south of the site and will need to be agreed before development commences.

## **5.15 Highway safety**

- 5.15.1 Access to the site was agreed through the outline permission. Therefore, this application considers the detail of parking and access through the site. Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

- 5.15.2 The Highway Authority initially raised some concern relating to the detail of the roads within the layout and visibility splays. The amended plans were then considered to which the Highway Authority raised further issues regarding the layout. However, it is considered and agreed with the Highway Authority that these final amendments to the road layout can be resolved via condition including measures such as; the removal of visitor parking spaces, ramps and traffic calming measures from within the highway, widening the 90 degree bends and the introduction of measures to address the design of the elongated length of highway.

- 5.15.3 On the basis of these changes and a condition to control this along with the conditions on the outline permission it is considered that the proposal is acceptable in terms of highway safety.

- 5.15.4 Whilst the travel plan comments within the highway response refer to the upgrading of existing bus stops this was not a requirement of the outline permission which conditioned a travel plan, and therefore such off site matters site cannot be re-considered at this reserved matters stage.

## **5.16 Drainage and Flooding**

- 5.16.1 Policy CLP13 of the Local Plan advises 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. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. In addition, the policy notes that; Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

- 5.16.2 The submitted drainage information notes that; The surface water from the development is to be split into 2 catchments (Catchment A and B): Catchment A is to discharge to the existing surface water sewer located in Chesterfield Road, with a restricted discharge of 10l/s; Catchment B is to discharge to Tinker Sick watercourse located to the south of the site, with a restricted discharge of 25.4l/s. The attenuation basin will accommodate additional surface water in the event of heavy rainfall to ensure that the discharge of water does not exceed the limits stated. The surface water drainage is to be designed such that there is no external flooding for the 1 in 30 year event and all flows retained on site for up to the 1 in 100 year plus 40 % climate change event. It is proposed to discharge the foul water flows from the development to the existing 150mm diameter public foul sewer located in Chesterfield Road at the site access.
- 5.16.3 The outline permission considered the issues of drainage and imposed a condition to secure an appropriate drainage strategy for the site. However, the Lead Local Flood Authority has considered the detail submitted and has recommend a further set of conditions to ensure an appropriate drainage strategy. The LLFA has been made aware of the comments from residents and whilst the drainage ditch to the north is noted the drainage of the whole site needs to be reconsidered in line with expert guidance of consultees through the discharge of the conditions.
- 5.16.4 The policy situation has changed since the approval of the outline permission with the adoption of the Local Plan and therefore it is considered reasonable to impose a water efficiency condition to ensure the scheme complies with policy CLP13 above.
- 5.16.5 On the basis of these additional conditions the proposal is considered to be acceptable in terms of drainage and flooding and in line with the requirements of policy CLP13.

## **5.17 Climate change and air quality**

- 5.17.1 Policy CLP14 of the Adopted Local Plan requires in part that; The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account ... air quality and other environmental impacts.
- 5.17.2 There is an air quality management zone in Brimington and it is recognised that new development will introduce additional potential air quality impacts overall. This was considered at the outline application stage and the Inspector included a condition to ensure electric vehicle charging for the proposed dwellings to seek to improve air quality over time. A further condition imposed by the Inspector was to ensure that construction times would be limited to minimise the impacts of the construction works on site. However, the permission did not include any measures to control dust on site through the construction process and therefore it is considered reasonable to add such a condition to minimise the impacts of dust to neighbouring residents. Subject to this condition it is considered the development is generally acceptable in terms of air quality impacts.
- 5.17.3 Whilst there are no specific policy considerations for tackling climate change the Adopted Local Plan overall seeks to secure this through the provision of sustainable development with an emphasis on walking and cycling and easy access to services and facilities. The site is in a suitably sustainable location as established through the outline permission.

## **5.18 Developer Contributions**

- 5.18.1 The outline permission considered the necessary developer contributions which in this case secured via S106 agreement; 30% affordable housing which is to be split 50/50 by tenure of affordable rent and affordable ownership, although plot by plot details of the tenure need to be submitted via condition, a ground nesting bird mitigation strategy, public open space and SUD's maintenance and management through a management company, up to 1% provision for Art, which following negotiation and the submission of a viability appraisal has now been agreed to be a figure of £50,000 and a contribution towards the NHS of £57,060. Such matters are

established by the outline permission and it is not possible to re-consider them at this reserved matters stage.

- 5.18.2 The proposal will also be CIL liable as follows:  
The site is within the Medium CIL charging zone at £50 per sq m.

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential	16,082	0	16,082	£50 (Medium Zone)	333	288	£929,740.63

Calculation:

$$\frac{\text{Net Area (A)} \times \text{CIL rate (B)} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of Charging schedule) (D)}} = \text{CIL Charge (E)}$$

- 5.18.3 Policy CLP4 requires that; On sites totalling 10 or more dwellings, 25% of dwellings should be built to building regulations standard M4(2) (where a site includes affordable housing this should normally be proportionately split between tenures). In accordance with the submitted compliance plan the required 25% of units to meet the higher building regulations standard for accessible and adaptable homes has been exceeded with compliance in 44% of the units. It is also welcomed that this scheme includes bungalows to provide for the needs of those with mobility issues.

**6.0 REPRESENTATIONS**

- 6.1 A total of 70 representations received from 49 parties, who are generally local residents in the following areas:  
Manor Road, Headland Road and Close, Chesterfield Road, Briar View, Nether Croft Road, Ringwood Road, Top Pingle Close, Cemetery Terrace and Brimington Road.

The comments received to both rounds of consultation are summarized into sections below:

### Principle:

- Loss of valuable farm land. Since leaving the EU agricultural land is more important for the UK to be self-sufficient, this is valuable farming land.
- Loss of wildlife, including endangered nesting birds
- Over stretched services in Brimington, already difficult to get a medical appointment, this will be worse.
- Schools are at capacity
- Chesterfield will become a city rather than a town with all this development.
- The Council should be fighting for the community.

### Traffic:

- Increase traffic will bring to gridlock in the area, which is already congested
- Access is on a heavily trafficked road with no consideration for further traffic management. This will be a danger to residents.
- Traffic will block local roads with builders vehicles once construction starts.
- Traffic monitoring was during lockdown, so is inaccurate.
- Increased traffic and increased risk to all road users including pedestrians.
- Existing development has already added to the congestion Brimington, this will make it worse
- Single access to A619 is dangerous.
- The entrance road should be turned through 90 degrees, this would slow down traffic on entry.
- The Travel Plan is merely tokenistic and will not alleviate the traffic concerns.
- This could lead to an increase of 225 vehicles.
- Pollution levels in the area are high, these will worsen.

### Drainage:

- The proposed drainage strategy disregards water quality, an offline determination basin will only treat flows over and above 25.4l/s and will fail to treat any crucial first flush event leaving pollutants to flow into the watercourse. An offline attenuation basin also fails to provide the opportunity for any further treatment measures such as sediment forebay. The basin would fail to meet the standards set out to be considered for adoption by a water company.

- Concerns regarding the field drain which may be blocked through building works which could be for up to 5 years and may cause localised flooding. The intention in regard to this are unclear as they say 'no problems are anticipated with the existing ditch drainage/flooding after the development is constructed.
- Increased pressure on the sewerage system.
- Water run-off will be massively increased compared to a green field.
- The site of the attenuation basin should be reconsidered and moved the north. There is no reasonable justification for not moving this as suggested, this should be assessed by an independent drainage expert.
- Loss of the drainage ditch is not acceptable.

#### Boundary treatments:

- Query boundary treatments? More details on the location of the boundary in relation to the drainage ditch and existing boundary treatments. Query location of retaining wall at the interface with a drystone wall and within a tree protection area at plots 4 and 5.
- The existing northern boundary has a countryside feel with shrubs trees and dry stone walling, which will be lost.
- Boundary treatments may encroach onto existing properties if not maintained.
- The planting of shrubs is not sufficient, new owners might remove them and then there will be no boundary.
- The original outline was for a fence along the northern boundary, this must be reinstated on the southern side of the drainage ditch.
- The tree protection plan is insufficient and plans show boundary works within the protection area.

#### Residential amenity:

- There were supposed to be bungalows here.
- It is stated that the building line for plots 4-9/10 running behind Headland Close and Headland Road has been moved "southward away from the site boundary" but there is no evidence of this.
- All the houses on headland road side of the development not only have dwellings in close proximity to our properties but also large detached garages which are even closer than the dwellings.

- Move the green area to the boundaries of our gardens.
- Object to plots 5, 7, 23, 24, 25, 36, 37 and 38, these should be bungalows to reduce the adverse impacts on existing residents in terms of loss of light, loss of privacy and overlooking. We were told these would be bungalows.
- Plot 1 is too close to the boundary
- Houses and car parking near 28 and 30 Top Pingle Close are too near existing- would be overshadowed by existing.
- No consideration of existing residents.
- Back to back housing will feel claustrophobic.
- New housing will be dominating on the existing.
- Noise and disturbance from the new housing, diminishing the quality of our homes and our living conditions contrary to policy CLP14.
- The minimal separation distances are not adequate.
- Developer consultation with the community has failed.
- Their planning commitment was to maintain a generous separation distance from existing properties.
- There should be a buffer zone to the rear of existing properties.
- What type of affordable housing is proposed?
- Space between the properties is limited
- The front gardens are very small.
- The revised plans show a garage moved from 2/3m from my boundary to 5m from the boundary – this is still too close.
- The separation distances are not consistent.
- The separation distances recommended are woefully inadequate in this situation, given the adverse impacts
- They promised greater green gaps to the northern boundary in the outline application.
- Some amendments have made matters worse.
- The amendments should have included an open green space to the north.

#### Appearance:

- Two-storey houses are not in keeping with the area.
- Poor design, the houses are bland and ugly.
- Two storey dwellings are completely unsympathetic with the surrounding built environment.
- The comment in the submission about the negativity of blank gables facing the road shows these are unacceptable when facing other dwellings.

#### Impact on the landscape:

- Brownfield sites should be developed first
- Loss of open space which is valued locally
- No requirement to build in open countryside or green spaces
- Due to climate change nature should be preserved and brownfield sites developed.
- Contrary to the 2011 core strategy.
- There is a 5 year housing land supply and therefore this development is not needed
- The development is not within table 4 of policy CLP3.
- The proposal does not meet the 7 criteria for adding the site to table 4.
- The open character of strategic gaps will be protected from development between Brimington and Tapton. Policy CLP15 requires that development should not harm the character and function of the green wedges and strategic gap.
- No need for more houses.

#### Health and footpaths:

- Harmful to this beautiful open countryside, which is beneficial for the health and wellbeing of the community.
- The paths across the field are used by locals and will be destroyed.
- This green outlook with panoramic views across Derbyshire will be lost to local people.
- Green spaces are vital for good mental health
- The proposed path through the development should be a pleasant open path away from traffic, this should be moved to the south of the site. Natural surveillance is not a justification for the proposed location.
- Public footpaths should be in a countryside setting.
- Total disregard for wildlife.
- Why is there a shared cycle/path on the original route, the path to the south should be the public footpath.
- How will cycles and pedestrians share a path?
- Ancient paths should not be covered by tarmac.
- Diverting the footpath to the south is out of the question, resulting in anti-social behaviour and vandalism.

#### Representation of community:

- The value of the land to the community was underrepresented at the appeal.
- The Council fell short in their response to the appeal.
- Alternative ideas for proposals have been put forward but ignored by the developer.
- Concerned about security to the back of existing houses throughout the construction process.
- Due to the economic downturn by the time the properties are built no one will be able to afford them.
- The proposal will limit the possibility of having solar panels on the property.
- Due to Covid 19 decision making on this matter should be delayed, not everyone has access to online services.

#### Local services overwhelmed:

- The Design and Access Statement says “Brimington Centre, which includes several convenience shops, a post office, banks, doctors, dentists, pharmacy, etc., is”. When in reality there are NO banks and a single dentist, this shows how little the developer understands the locality.

#### Heritage:

- Impact on the listed Manor Farmhouse. Other heritage characteristics such as ancient public footpaths will be harmed.
- Given the archaeological interest in the land the site should be preserved.

The comments raised have been addressed in the report above.

## **7.0 HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

## **9.0 CONCLUSION**

9.1 The outline permission established the principle of the development. The proposed reserved matters are considered to be appropriate and will result in a form of development that will assimilate well into the wider context of the site in terms of scale, appearance, landscaping and layout. Subject to a number of conditions matters of biodiversity, landscaping and highway safety can be satisfactorily resolved.

9.2 Whilst there remain public concerns regarding the proposal particularly in terms of separation distances the scheme demonstrates appropriate and in many cases separation distances that exceed those recommended in the SPD. Permitted development rights are to be removed via condition to secure amenity values in the long term.

- 9.3 The heritage impacts are acceptable given the buffer of land between the development and the listed building. The archaeological work required to take place on site is secured by condition on the outline permission.
- 9.4 The layout will secure existing footpath routes and will create a shared cycle and pedestrian route in line with the aims of the Adopted local plan. The scheme also proposes an informal footpath to the south of the site for residents to enjoy the connectivity with the adjacent countryside.
- 9.5 The proposal meets the requirements of Adopted Plan Policy and Supplementary Planning Guidance along with the National Planning Policy Framework 2021 and is therefore recommended for approval.

## **10.0 RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions and the original outline permission and the S016 agreement and including the negotiated £50,000 towards a scheme of public artwork:

### **Conditions:**

1. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of specified conditions within this decision and any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
  - All received 18.12.20:
  - Site location plan 1010-003-01-01
  - Proposed materials layout 110-003-02-04
  - Land transfer plan 1010-003-02-05 Rev A
  - Tree Impact assessment BA10077AIA-E Rev B
  - Tree Impact assessment BA10077AIA-W Rev B
  - Tree Protection plan BA10077TPP-E Rev C
  - Tree Protection plan BA10077TPP-W Rev C
  - Tree survey and constraints BA10077TS-E Rev A
  - Tree survey and constraints BA10077TS-W Rev A
  - Juniper house type floor plans and elevations 1010-003-02-HT03, HT04, HT05, HT06 Rev A

- Chestnut house type floor plans and elevations 110-003-02-HT07, HT08, HT09, HT10 Rev A
- Aspen house type floor plans and elevations 110-003-02-HT11, HT13, HT14 Rev A
- Alder house type floor plans and elevations 1010-003-02-HT15, HT16, HT17 Rev A
- Birch house type floor plans and elevations 1010-003-02-HT18, HT19 , HT20 1 of 2 and 2 of 2 Rev A
  
- All received 24.06.2021
- Site Layout plan 1010-003-02-01 Rev G
- Visibility Splays and Forward visibility 20030-IN-01 Rev B
- Separation distances review 1010-003-02-09
- Apple house type floor plan and elevation 1010-003-02HT29 1 of 2 and 2 of 2
- Ash/Elmslie house type floor plans and elevations 1010-003-02-HT 27 (Rev A) and HT28 1 of 2 and 2 of 2
- A20 house type 2 block floor plans and elevations 1010-003-02-HT31 Rev A
- A20 house type 3 block floor plans and elevations 1010-003-02-HT23 Rev D 1 of 2 and 2 of 2.
- Juneberry house type floor plan and elevations 1010-003-02-HT30 Rev A, 1 of 2 and 2 of 2
- POS landscaping proposals (sheets 1 and 2) 8881-L-101 Rev G
- Detail on plot planting plans 8881-L-103, 104, 105, 106, 107, 108, 109 Rev F
  
- Boundary treatment plan 8881-L-110 Rev H
- M4(2) Compliance layout 1010-003-02-08 Rev A
- Elevational treatment plan 1010-003-02-10

Other documents:

- WSI – Targeted archaeological excavation Vers.b-12.12.19
- Travel plan November 2020 Rev 2 (mosodi)
- Transport statement October 2020 Rev 1 (mosodi)
- Proposed levels strategy 1092-005 Rev A
- Proposed drainage strategy November 2020
- Planning Statement December 2020
- Lithos soakaway results 30.04.2020
- Lithos Geoenvironmental Appraisal Report no. 3569/1
- Landscape Strategy November 2020
- Design and access statement 1010-003-DAS01 November 2020
- Biodiversity enhancement strategy November 2020

- Arboricultural impact assessment 04.11.2020 ref: BA10077AIA
- Pre development Tree Survey 07.10.2020 Ref: BA10077TS

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.

2. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a. The Drainage Strategy Revision 4 dated 14/11/2020 "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

3. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

4. The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line

with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.

5. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

6. 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 protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 153 of the National Planning Policy Framework.

7. Notwithstanding the submitted boundary treatment plans a revised boundary plan shall be submitted to and agreed in writing prior to groundworks commencing on individual plots to better define the public and private spaces to plots 1, 11, 12, 59 to 62, 66 to 70, 81, 89 and 56 to 44 and to provide a secure and robust fence line to the northern boundary. Works shall be completed in accordance with the agreed details prior to the occupation of each new dwelling.

Reason: To ensure an appropriate finished form of development and protect the amenity of residents in accordance with policies CLP14 and 20 of the Adopted Local Plan.

8. In line with condition 10 of the outline permission and notwithstanding the submitted landscaping scheme and levels strategy plan, a revised scheme of hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the commencement of development, the details of which shall include :-
- a) all plant species to improve biodiversity, planting sizes, planting densities, the number of each species to be planted including supplementary planting to the northern boundary and how this will sit with a proposed fence line, and additional planting to the western boundary as a buffer to the vehicle yard and additional planting in the area between plots 11 and 12;
  - b) grass/meadow seed mixes and sowing rates to improve biodiversity;
  - c) finished site and plot levels in relation to existing development/land levels;
  - d) hard surfacing materials, including details of the cycle/path to the main street and any crossing details associated with this, the footpath to the southern boundary and all roads;
  - e) minor artefacts and structures, furniture, signs and lighting;
  - f) details of the street tree planting, including any agreement with the highway authority.
  - g) details including sections of all retaining boundary features and their facing materials,
  - h) a schedule of when the various areas of planting are proposed to take place which to the northern boundary needs to be as soon as possible.

Reason: To ensure a satisfactory landscaped setting for the development in accordance with policy CLP20 of the Adopted Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, fences, gates, walls or other means of enclosure shall be erected within the curtilage of, and no windows shall be inserted into the side or rear elevations of plots 1- 15, 22 – 27, 36 – 42 and 44, and no extensions formed to the rear of plots 1 – 14, 22 – 27, 36 – 38 and 40 – 42 and the side or rear of plots 15, 35, 39 and 44, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To safeguard the amenity impacts from such development in accordance with policy CLP14 of the Adopted Local Plan.

10. Throughout the construction process measures to minimise the spread of airborne dust from the site during the construction period including hosing of the site in dry weather and wheel washing facilities shall be provided and retained throughout the construction works.

Reason: In the interests of residential amenity in accordance with policy CLP14 of the Adopted Local Plan.

11. The development shall have a minimum 32mm water supply capable of delivering the required volumes for a domestic sprinkler system.

Reason: For future proofing the development should sprinkler systems need to be installed in line with policy CLP14 of the Adopted Local Plan.

12. Prior to the transfer of any affordable units to a registered social landlord details of the plot by plot tenure shall be submitted to and agreed in writing by the Local Planning Authority. Should this need to be amended on a needs basis any such amendment shall also be likewise agreed.

Reason: To ensure an appropriate tenure mix in accordance with Policy CLP4 of the Adopted Local Plan.

13. Plots 11, 80, 81, 104, 108 shall have a side windows to the ground or upper floor as set out in the house type variants to overlook the public areas of the site.

Reason: To ensure natural surveillance for site safety in accordance with policy CLP14 of the Adopted Local plan.

14. Unless otherwise approved in writing by the Local Planning Authority, the site compound, the subject of Condition 17 of the outline permission, shall not be brought into use until a details scheme of highway improvement works for the provision of a new junction with Chesterfield Road, together with a programme for the implementation and completion of the works has been submitted and approved, in writing, by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

For the avoidance of doubt, this will include improved pedestrian facilities for crossing the A619 and the developer will be required to enter in an Agreement under Section 278 of the Highways Act 1980 with the Highway Authority in order to comply with the requirements of this condition.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

15. Notwithstanding the submitted details, prior to any works commencing a revised layout shall be submitted and approved to address the Highway Authority comments dated the 11<sup>th</sup> August 2021.

Reason: To ensure a safe layout in terms of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

16. The carriageways and footways of the proposed estate roads shall be constructed in accordance with Condition 16 of the outline permission above up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footway and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate surfacing in the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) there shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve visibility splays, parking spaces and ensure sufficient pull off space from the highway in the interests of highway

safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

18. The proposed drives to the new estate street shall be no steeper than 1:10 for the first 6m from the nearside highway boundary and 1:14 thereafter.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

19. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purpose at all times thereafter.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

20. Prior to the developing commencing on the construction of any driveways to serve individual dwellings, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the existing and proposed highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

21. No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways 1980 or a private management and maintenance company has been established.

### **Informative Notes**

1. 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.
2. Coal Authority Standing Advice: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
3. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
4. A footnote will be added to ensure the applicant is aware of the need to consult with their arboriculturist before carrying out any works within the rot protection areas.
5. Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):
  - A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
  - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- G. The applicant should provide a flood evacuation plan which outlines:
- The flood warning procedure
  - A safe point of extraction
  - How users can safely evacuate the site upon receipt of a flood warning
  - The areas of responsibility for those participating in the plan
  - The procedures for implementing the plan
  - How users will be made aware of flood risk
  - How users will be made aware of flood resilience
  - Who will be responsible for the update of the flood evacuation plan
- H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- I. Surface water drainage plans should include the following:
- Rainwater pipes, gullies and drainage channels including cover levels.

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

#### J. On Site Surface Water Management;

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

#### Peak Flow Control:

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

exceed the rate of discharge from the development, prior to redevelopment for that event.

#### Volume Control:

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

6. The Highway Authority recommends that the first 6m of the proposed access/driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

7. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway / new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
9. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
10. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
11. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director of Place at County Hall, Matlock (telephone 01629 538578).
12. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their Agent), Highway Authority or Environment Agency respectively.

The use of soakaways for highway purposes is generally not sanctioned.

13. The application site is affected by a Public Right of Way (Footpaths 15, 16 and 17 on the Derbyshire Definitive Map). The routes must remain unobstructed on their legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
- Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.

14. Under the provisions of the New Roads and Streetworks Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require three months notice. Developer's works will generally require a three months notice. Developers and Utilities (for

associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the co-ordination, noticing and licensing process. This will require Utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highways Noticing Section at the earliest stage possible and this includes prior to final planning consents.

15. The applicant is advised that the discharge Condition 14 that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
16. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -  
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)
17. The application proposals are affected by a Prescribed Building Line under the Road Improvements Act 1925. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line. The applicant is advised to write to the Executive Director - Place at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works requesting that the line(s) be removed and confirming that they will meet the Authority's administrative / legal costs if the removal is approved. For further advice, please contact Mr I Turkington at [ian.turkington@derbyshire.gov.uk](mailto:ian.turkington@derbyshire.gov.uk)
18. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a

cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

19. Effective monitoring is an essential requirement of a successful Travel Plan. The Highway Authority recommends the use of the STARS For Travel plan toolkit: <https://www.starsfor.org> , although other monitoring methods are available. Use of this system ensures a consistency of quality and puts in place a straightforward system for subsequent updating and monitoring. Fees are levied for the use of this system. Contact: [sustainable.travel@derbyshire.gov.uk](mailto:sustainable.travel@derbyshire.gov.uk) for more details.