

ITEM 1

Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure on land to the west of Inkersall Road, Staveley for Barratt Homes.

Local Plan: H36 allocated for 400 homes Policy CLP3

Ward: Middlecroft and Poolsbrook

Plot No: 2/3037 - 5774

Committee Date: 21st February 2022

CONSULTATIONS

Environment Agency	No comment to make
The Coal Authority	Comment made see report below
Sport England	The planned open space is informal, there are no proposals for delivering sports facilities on site. The proposed development is required to provide a CIL contribution. Active design is encouraged including walking and cycling routes.
Cycle Campaign	There needs to be a cycle and pedestrian connection to the Trans Pennine Trail. Further comment on amended plans – pleased to see the links to the TPT, a plan showing the cycle infrastructure is needed. Connections need to meet LTN1/20. The southern link does not appear user friendly. The refuge on Inkersall Road needs to be of appropriate cycle width.
Trans Pennine Trail	The development needs to connect into the TPT within links designed to a minimum of LTN1/20 standards. It is questioned why the links to the Trail are not going to be provided by the developer? Further comment: The latest revised Framework Plan details improved connections from the development for walkers and cyclists to the Trans Pennine Trail. These changes are welcomed and dramatically improve the sustainable transport offer of the site.
Highways England	No objection
Highway Authority	Comments made see report below

CBC Design Services	We have no comments to make
Lead Local Flood Authority	Comments made see report below
Derbyshire Constabulary – designing out crime	Comments made see report below
Yorkshire Water	Comment made see report below
DCC Policy	The housing is unlikely to meet M4(3) standards. The homes are unlikely to meet lifetime homes standards. Details of the links to the TPT are required along with a delivery plan. The Landscape Management Plan also indicates that an approved contractor will be responsible for removing litter and other debris. The document however does not address dog waste and this also need to be taken into account with the installation, maintaining and emptying dog bins in relevant locations within the development.
DCC Countryside services	Countryside Service has always been clear that it does not accept any responsibility for funding or delivering links to the cycle network from the development. My last correspondence informed that CBC would require the applicant to provide a scheme for effective connections, deliver and fund it. Further comments: The design plans from the applicant are a welcome step forward but they omit dimensions and specifications which would enable Countryside Service to make a reasonable assessment against. Furthermore, the two links will need to be constructed on DCC land and we are yet to be approached by the applicant on their proposals to secure access to this land and maintain it.
CBC Conservation	The proposed layout provides a significant buffer zone between the development site and the setting of the grade II listed Inkersall Farmhouse. On that basis no objections.
Derbyshire Wildlife Trust	Comments made – see report below
CBC Housing delivery Manager	The overall amount of units seem to give an adequate split. It equates to a blended average of 7%. In this location there is a need for 2 and 4 bed properties and 2 bed flats. Concern regarding unit size which in some cases do not meet the nationally described space standards.

CBC Housing	The proposed bedroom numbers and range of affordable housing is considered acceptable. Confirmation of the affordable tenures to be provided. One area of concern is the size of the proposed affordable housing when compared to DCLG's space standards.
CBC Economic Development	The EDU is supportive of the application. Recommended that a local labour/ supply chain condition is imposed.
CBC Urban Design Officer	Comments made see report below
CBC Forward Planning	Need to consider cycle priority routes, links to the TPT, street trees, biodiversity net gain. Confirmation of the typologies required taking into account biodiversity and accessibility. Some of the unit sizes are below DCLG standards. Details needed in regard to climate change. Policy CLP17 requires the provision of new multifunctional and well connected (on foot and by bicycle), good quality public open space on the site. 25% of the units should be to M4(2) standard.
CBC Tree Officer	Comment made see report below
DCC Tree Officer	Comment made see report below
CBC Leisure Services	The landscaping proposals are acceptable through woodland planting, well-designed public open spaces, suds creation and improvement of the ditch habitats using native shrub mixes along with tree and hedgerow species. The proposals show various habitats and provide structural diversity across the site for wildlife. Natural play is included. The landscaping proposals, appear well designed, with appropriate native and ornamental species selected.
CBC Environmental Health	The land contamination assessment has found no issues on the site. The noise assessment indicates that sections of the site will require mitigation measures, I agree with this. Dwellings should be fitted with EV charging infrastructure as part of the build phase. Hours of work on the site to be restricted as follows: Mon to Fri: 08:00 – 18:00, Sat: 08:00 – 13:00, Sun/BH No working.
NHS – Clinical Commissioning Group	No further comment

Representations	3 received which are summarised in section 6 of the report.
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2.0 **THE SITE**

2.1 The application site is a triangular shaped parcel of land located to the east of the TPT in Staveley which forms the western boundary of the site with Inkersall Road running along the east of the site and Inkersall Green Road to the south. The site ends at its northern tip with the TPT crosses Inkersall Road. The site is currently green field land with a central corridor forming a water course which crosses the site in a diagonal east west.

2.2 There is a Grade II listed farmhouse located to the far south and a cluster of cottages to the south-east. Poolsbrook Country Park is to the east and Poolsbrook Caravan Park.



(Google image)



(red edge site plan)

3.0 **SITE HISTORY**

3.1 CHE/19/00131/OUT Outline planning permission for up to 400 dwellings and provision of an area of public open space, with associated landscaping and access from Inkersall Road and Inkersall Green Road - Conditional Permission 28.08.2020

4.0 **THE PROPOSAL**

4.1 Reserved matters planning permission is sought for the erection of 400 dwellings and associated infrastructure following the grant of outline planning permission in 2020. Significant negotiation has been undertaken with the developer to improve the layout of the development including work to improve accessibility throughout the site, connectivity with the TPT, street hierarchy and design, provision of street trees, provision of green spaces and the creation of a sense of place.

4.2 The development is accessed from Inkersall Road to the north of the site and an access to the south from Inkersall Green Road.



4.3

The site has a hierarchy of streets with green edges to the periphery of the site and the main street being more dominant, tree lined and with defined pedestrian cycle and vehicle routes. The water course running through the centre of the site is retained and to be enhanced as open space with planting.



4.4

To the southern end of the site the land inclines to the south eastern corner where there is an existing pylon. A large swath of this area is to become open space with additional planting.



4.5

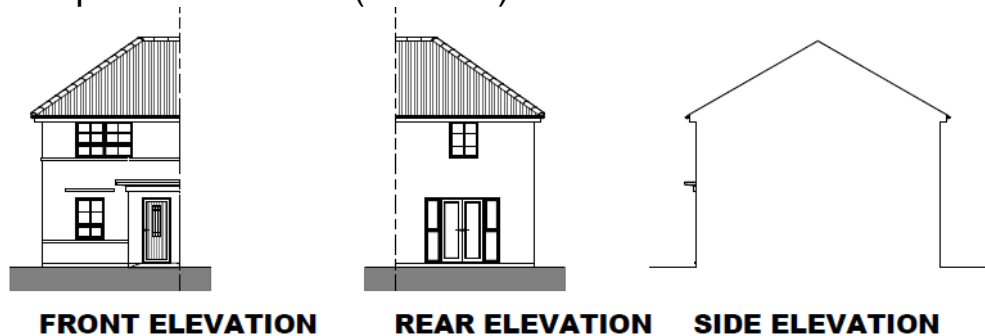
There are two local areas of play on the site and one larger equipped area for play. The whole site is interspersed with areas of new planting and public open space.

4.3 Throughout the application process significant negotiation with the developer has been undertaken to improve the design of the house types across the development. The following house types and the number of these are proposed as follows:

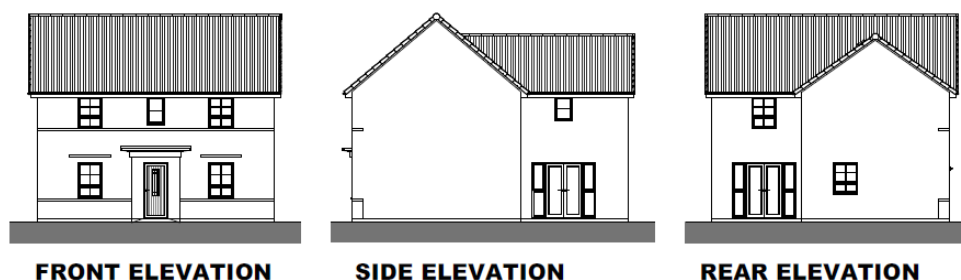
4.4 Barratts range:
Kenley – 2 bed attached unit x 21
Denford – 2 bed attached unit x 4
Moresby – 3 bed attached or detached unit x 18
Maidstone – 3 bed attached unit x 16
Ellerton – 3 bed attached unit x 14
Denby – 3 bed detached unit x 6
Lutterworth – 3 bed detached cranked unit x 3
Kingsville – 3 bed attached unit x 26
Kingsley – 4 bed detached unit x 6
Kennford – 4 bed detached unit x 10
Hemsworth – 4 bed detached unit x 6
Brentford 3 bed attached unit x 8 and Haversham 3 / 4 bed attached unit x 20
Hale – 3 bed detached unit x 14
Radleigh – 4 bed detached unit x 10
Alfreton – 3 bed detached unit x 16
Lamberton – 4 bed detached unit x 8

= 206

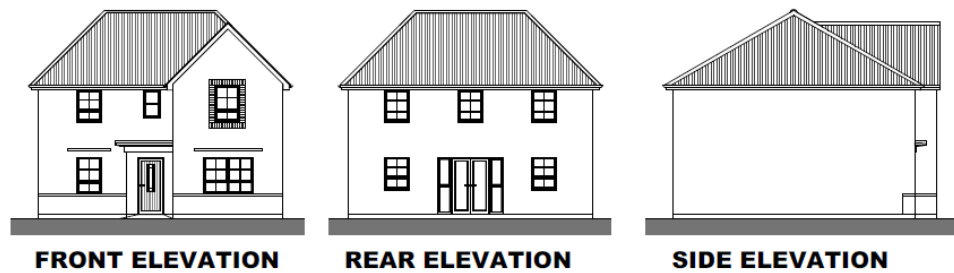
Example of 2 bed unit (Denford):



Example of 4 bed unit (Alfreton):



Example of 4 bed unit (Lamberton):



4.5

David Wilson Homes range:

P204 Wilford – 2 bed attached unit x 13

P382 Archford – 3 bed semi unit x 13

P341 E7 and D7 Hadley – 3 bed detached or attached unit x 22

H349 Abbeydale - 3 bed detached unit x 10

H403 Ingleby – 4 bed detached unit x 16

T332 Greenwood – 2.5 storey 3 bed semi unit x 18

T321 E7 Cannington – 3 bed, 3 storey semi unit x 4

H457 Ashington – 4 bed detached and cranked unit x 3

H442 Kirkdale – 4 bed detached unit x 12

H429 Meriden – 4 bed detached unit x 16

H456 Avondale – 4 bed detached unit x 3

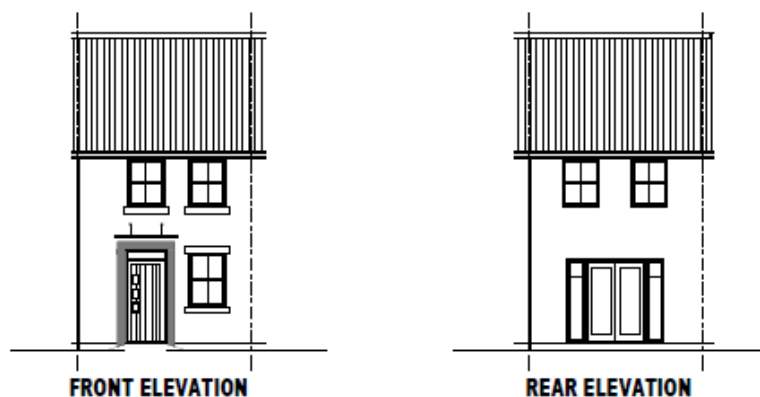
H469 Holden - 4 bed detached unit x 19

H421 Winston – 4 bed detached unit x 7

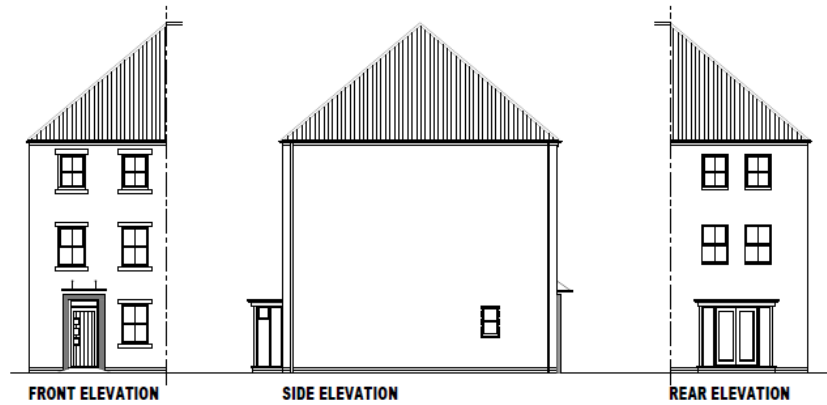
H588 Henley – 4 bed detached unit x 10

= 166

Example of 2 bed unit (Wilford):



Example of 3 bed, 3 storey unit (Cannington):



Example of 4 bed unit (Holden):



4.6

Affordable house types:

Type 38 and 39 – 1 bed flat x 2

Type 65 – 4 bed attached unit x 3

Type 67 – 2 bed attached unit x 14

Type 69 – 3 bed attached unit x 9

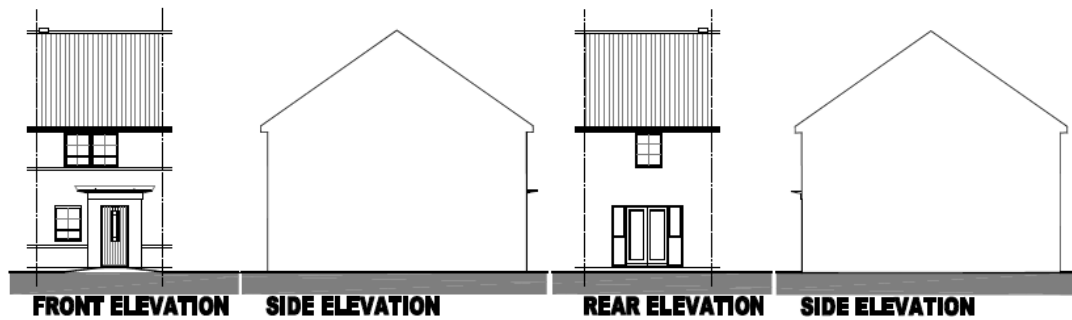
= 28

Overall total = 400

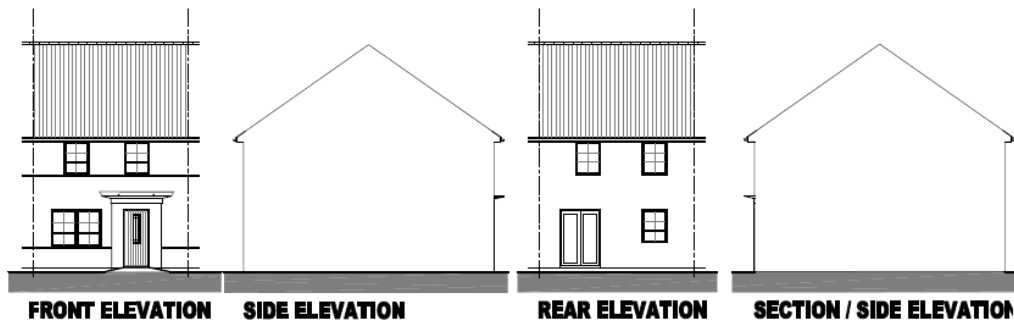
Example image of affordable 1 bed flat unit:



Example of 2 bed affordable unit:



Example of 4 bed affordable unit:



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.

5.2 **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
 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

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- Successful Places' Residential Design Guide

5.4 Key Issues

- Principle of development
- Heritage impacts
- Design and appearance of the proposal;
- Impact on residential amenity;
- Highways safety
- Biodiversity, enhancement and Trees
- Ground conditions
- Drainage
- Developer Contributions and CIL liability

5.5 Principle of Development

- 5.5.1 The principle of the development in this case is established by both the outline planning permission (CHE/19/00131/OUT) for which this application considers the reserved matters (appearance, landscaping, layout and scale), and the allocation of the land for 400 dwellings as established by Policy CLP3, under housing allocation H36. Policy CLP3 states that: "Planning permission will be granted for residential development on the sites allocated on the Policies Map and as set out in Table 4, provided they accord with other relevant policies of the Local Plan."
- 5.5.2 Access to the site was considered at the outline stage with one access onto Inkersall Green Road and one onto Inkersall Road as shown above. That outline permission considered all matters of principle. It is therefore worthwhile noting at this stage the pertinent planning conditions and obligations of that permission.
- 5.5.3 Planning obligations secured via the S106 agreement:
- Affordable housing at 7%, including a detailed scheme for phasing and details of tenure etc of the affordable units.
 - Healthcare contribution £480 per dwelling

- Contributions towards: Travel plan monitoring, Bus stop enhancement, junction modification (A619 at Troughbrook), links to the TPT, speed limit investigation.
- Management company for the landscaping of the site and any unadopted drainage infrastructure.

5.5.4

Conditions secured under the outline permission:

Phasing programme – condition 6

Detailed design for new access points, links with the TPT and works to footway on Inkersall Road north of the site – condition 8

Improvement works for signalling Inkersall/Green Roads junction – condition 10

Crossing facility Inkersall Road – condition 11.

Review of street lighting – condition 12.

Means to prevent discharge of surface water to highway – condition 14.

Future management and maintenance of streets – condition 16.

Design of surface water drainage for the site - condition 20.

Surface water hierarchy – condition 21.

Contamination investigation/remediation – condition 22.

Coal – site investigations – condition 23.

Coal – findings, remedial works – condition 24.

Construction environmental management plan – condition 26.

Landscape and ecological management plan – condition 27.

Lighting strategy – condition 28.

Landscaping of the site and 5 year maintenance – condition 29.

Tree protection plan and Arboricultural method statement - condition 30.

Management of public landscaped areas – condition 31.

Archaeological written scheme of investigation – condition 32.

Scheme to promote local supply chain, employment and training – condition 33.

Residential charging point for each dwelling – condition 34.

Construction work times – condition 35.

Materials – condition 36.

Land levels and floor levels of dwellings with cross sections – condition 37.

Noise mitigation measures to be submitted – condition 38.

5.5.5

Connectivity:

Whilst the site is allocated for 400 dwellings under policy CLP3, it is acknowledged that policies CLP1 and 2 require development to be sustainably located so that there is easy walking and cycling access to services and facilities. In this regard the proposed links into Staveley via the TPT are crucial to the sustainability of this site. It has been noted by

Sport England that active design is necessary to encourage walking and cycling. The Cycle Campaign and the TPT have both noted the need to link into the TPT. In this regard there has been considerable dialogue with DCC and the developer to ensure the location of the links to be provided are acceptable and will be delivered through the contribution to DCC as set out in the S106. The revised location of the links is considered to be achievable within the commuted sum and works appropriately linking the site via Calver Crescent and Haddon Place.



5.5.6 The comments of the cycle campaign and the TPT are noted and it has been established that the design of the links will need to be to LTN1/20 national standards for multiuser links with a surfacing anticipated to match that of the TPT. Due to the commuted sum to DCC it will be for DCC to implement the links where it is outside of the red edged area and for DCC to maintain these. On this basis it is considered that the links are appropriate and meet the requirements of policies CLP1 and 2.

5.5.7 Affordable housing:
The S106 secures the affordable housing for the site which is noted to be at 7% provision. The site is split north and south by the central green corridor with the southern part of the site being developed by Barratt's and the northern by David Wilson Homes. The split of affordable and open market has been set out across these two areas of the site.

5.5.8 Under the Barratt area of the site the proposal is for:
2 x 1 bed units
14 x 2 bed units

3 x 3 bed units

3 x 4 bed units which totals = 22 units.

The open market units = 206 resulting in 228 across the southern part of the site. The 22 affordable units proposed results in 9.64% of the units being affordable.

5.5.9 Under the David Wilson area of the site the proposal is for:

6 x 3 bed units.

The open market units = 166 resulting in 172 across the northern part of the site. The 6 affordable units proposed results in 3.48% of the units being affordable.

5.5.10 This results in over the 7% to the southern part and less than 7% to the northern part. Overall, the provision across the site is 7% (28 units) which meets the requirements of the S106 agreement.

5.5.11 M4(2) compliance:

Policy CLP4 requires that: On sites totalling 10 or more dwellings (including phases of those sites) 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).

5.5.12 In this case the developer has stated that as the Outline permission did not require the M4(2) provision it is inappropriate for this to be required at this Reserved Matters stage. They have however provided a detail of the house types which may be feasible for M4(2) compliance but for which a full assessment has not yet been made. On this basis it is considered reasonable that a condition be imposed to secure consideration of the developers best endeavours in the aim of achieving 25% of the units as M4(2) compliant and that further details are submitted for detailed consideration.

5.5.13 On this basis it is considered that the requirements of policy CLP4 have been met as far as possible within the constraints of the outline permission.

5.5.14 Climate change:

In regard to climate change Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Planning applications for major new development should be accompanied by a

statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:

- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
- ii. optimising the efficient use of natural resources;
- iii. reducing emissions through orientation and design.

5.5.15 To address this issue the applicant's agent has submitted a supporting statement which is summarised:

The developer is a Gold Leaf member of the UK Green Building Council as well as being the only major house builder to be a founder member and we take our responsibility to safeguard the environment extremely seriously. Barratt operates a comprehensive corporate environmental policy which covers house design, construction, water usage, material sourcing, pollution prevention and the use of SUDS.

The implementation of this corporate policy combined with the other features including landscaping, ecology and biodiversity will have a significant contribution towards delivering a sustainable development within Chesterfield. Our policy for reducing waste and increasing efficient use of materials mirrors the waste management hierarchy of reduce, re-use, recycle and results in significantly reduced amounts of waste produced on site, as well as excellent diversion from landfill rates.

Our new homes are designed with energy efficiency as a key design consideration. Good levels of insulation, airtightness through quality construction on site, high efficiency heating systems, energy-efficient appliances and reduced water usage help occupiers keep bills to a minimum, whilst at the same time respecting the environment by reducing CO2 emissions through a fabric approach.

The energy efficiency of new homes should now be solely driven through Approved Document Part L and current Government and industry thinking therefore strongly encourages a 'fabric first' approach, whereby CO2 emission reductions are achieved through the building fabric, before using Low & Zero Carbon technologies.

The fabric first approach has a number of clear benefits notably that they are apparent for the full lifespan of the building, ensuring the aim of reducing CO2 emissions is upheld. In comparison to renewable technologies, there is no maintenance or change in occupiers behaviour required, and it avoids the concern whether the technologies are actually being used.

Our proposed development would be constructed to the Approved Document Part L of the Building Regulations as a minimum, using a fabric

approach, which ensures that the statutory requirements for carbon reduction in new build homes are achieved:

- Higher levels of insulation*
- Higher performance windows and doors*
- Reduced air infiltration rates*
- Enhanced thermal bridging performance*
- Maximisation of passive solar and metabolic gains*
- 100% Energy efficient lighting*
- Energy efficient appliances*
- Energy efficient space and water heating systems*
- Waste Water Heat Recovery Systems*
- Hi-therm Lintels*

Part G of the Building Regulations requires water consumption in the home to be limited to 125 Litres per person per day, we are now targeting below 105 Litres per person per day.

A Site Waste Management Plan (SWMP) is in place and we prevent pollution and reduce waste on our developments. Our policy for reducing waste and increasing efficient use of materials mirrors the waste management hierarchy of reduce, re-use, recycle and results in significantly reduced amounts of waste produced on site, as well as excellent diversion from landfill rates. All of our developments are scored against the criteria of Building for a Healthy Life.

5.5.16 Whilst it is disappointing that the scheme does not include options for using renewable energy, nevertheless the comments made are noted and are considered to meet at a basic level the requirements of the outline permission and policy CLP20.

5.5.17 Conclusion:
In terms of the principle of the development this is established through the outline permission. It is considered that the parameters of the outline permission have been met. It is therefore necessary to consider the detail of the scheme now proposed.

5.6 Heritage impacts

5.6.1 The application site is within the setting of the Grade II listed Inkersall Farmhouse which is located on the south of the site on the opposite side of Inkersall Green Road. The listing description states this as being: Early C19. Ashlar; 2 storeys; 3 sash windows with rusticated heads; central stone pilaster doorcase with open pediment and semi-circular radial fanlight; stone eaves cornice; hipped slate roof.

- 5.6.2 Policy CLP21 states in regard to Heritage assets: 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. Paragraphs 202 of the NPPF 2021 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.6.3 As initially assessed on the outline application the application will lead to a loss of green fields which establish part of the setting of the listed building. However, as noted by the Council's Conservation officer, as there is a substantial buffer between the listed building and the build development it is considered that any harm to setting is at the lower end of less than substantial harm and this is therefore easily outweighed by the public benefits arising from the development of 400 homes in line with paragraph 202 of the NPPF 2021.
- 5.6.4 It is acknowledged that the outline permission secures appropriate consideration of any below ground archaeology through condition 32, and therefore no further consideration of this is required at this stage.

5.7 Design and Appearance of the Proposal

- 5.7.1 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.
- 5.7.2 Layout:
The Urban Design Officer commented on the application and the comments are briefly summarised:
More consideration of site entrances, at least one public square needed. Strengthen nodal points. Details of levels and retaining structures. Tree lined streets. Consideration of building heights. Coherent boundary treatments. Query tree belt on Inkersall/Green junction. Priority cycle routes. Consideration of use of Art contribution. Details of the bridge required.

- 5.7.3 Condition 4 of the outline permission required the submission of a detailed development framework for the site to inform the Reserved Matters. Considerable discussion has taken place through seeking the discharge of this condition. Further discussion and changes to the layout have been undertaken through the consideration of this application to address the concerns of the Urban Design Officer. The scheme now proposed is considered to have resolved the issues raised resulting in a scheme which has a suitable street hierarchy, pattern of house types, sense of place and which will create a welcoming environment for future residents. It is noted that limited information has been submitted with this application in terms of levels, however the outline permission requires the submission of detailed level information through condition 37. It is considered necessary to ensure details of any retaining features associated with level changes are submitted for consideration through a further planning condition.
- 5.7.4 The initial scheme submitted house types that were not considered to be an appropriate design response to the site. Through negotiation the house types have been altered to a more contemporary design and with more consistency of approach between the two halves of the development whilst each preserved its own appropriate character areas.
- 5.7.5 In terms of boundary treatments a detailed plan has been submitted showing the proposed boundary treatments. In strategic locations dry stone walling or mortared stone walling is proposed to provide a focal point. Screen walls are intended to match the brick of the associated dwelling. In general terms the use of close boarded fencing to rear gardens, screen walls and railings to public areas with knee rails to define the public and private spaces is acceptable.
- 5.7.6 The facing materials of the units is considered by condition 36 of the outline permission. However, this application contains details regarding the materials selection which is based on 6 brick types and 2 contrasting bricks and 3 roof tiles. There will be a grey brick with contrasting blue brick detail, a variety of mixed red/brown brick with contrasting blue brick detail, a mixed buff brick with contrasting blue or buff brick detail and a variety of red brick with contrasting buff brick detailing, which is considered to be appropriate to the context of the site. More detailed consideration of where these bricks are used throughout the site will be required when seeking the discharge of the outline condition.
- 5.7.7 The roofing tiles are considered generally appropriate being a mix of grey, brown and red. However, the red is considered to be too great a

contrast and therefore the discharge of the materials condition is likely to be for the brown and grey roof tiles only. It is intended that the roof and ridge tile colours will match. All rainwater goods are noted to be Black, Barratt Homes wall mounted meter boxes are to be white, David Wilson Homes wall mounted meter boxes are to be black, Ground gas meter boxes are to be brown. There will be a mix of white, grey and black windows, doors, soffits and fascia. For the submission of the detailed materials selection consideration should be given to darker tones for doors and garage doors.

5.7.8 In terms of hard surfacing the materials schedule details that all roadways, footways and driveways to be black tarmacadam, with exception those shown as block paving. Tarmac driveways will incorporate a block paved demarcation. All pathways and patio areas to be grey concrete paving slabs (450mm x 450mm). This approach is considered to be acceptable.

5.7.9 On the basis of the submitted details the design and appearance of the scheme is considered to be acceptable in accordance with policy CLP20 of the Adopted local plan.

5.8 Impact on Residential Amenity

5.8.1 Concern has been raised that the development will result in noise and nuisance to existing residents particularly where the signalised junction is proposed and that no assessment of this has been undertaken.

5.8.2 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts.

5.8.3 Under the outline permission it was clear that a signalised junction to Inkersall Road and Inkersall Green Road would be required to make the proposal acceptable in highway safety terms, this is an established element of the approved development. However, it is acknowledged that this may have some impact on existing residents in the properties close to the junction. Having discussed the matter with the Council's Environmental Health Officer it appears that noise impacts from such installations would be under the remit of the Highway Authority in designing the scheme and the residents may be eligible for consideration under the Noise Insulation Regulations 1975 (as amended 1988), there

is also a guide to calculating road traffic noise. It is therefore considered that at this stage of the application process the provision of the highway works cannot be reconsidered as the impacts of this have already been found to be acceptable.

5.8.4

In line with the outline permission the applicant has submitted a noise assessment to determine the impacts and any mitigation measures for the proposed dwellings. The conclusions of this report are summarised:

Noise assessment dated July 2021 ref: 25739-04-NA-01 Rev A:

The principal sources of noise affecting the site will be local road traffic, coupled with any contributions from the neighbouring commercial area to the northeast, the Springwell Community College and its Artificial Grass Pitch (AGP) to the west, and the electricity pylon in the south eastern corner of the site.

The planning layout indicates the majority of dwellings will face the road, with gardens used for amenity purposes located behind the dwellings and thereby experiencing additional distance attenuation as well as screening from the dwellings themselves. In this scenario, outdoor noise levels will satisfy the BS8233 criterion of 55 dB, as shown on the daytime LAeq 16hour site noise contour drawing 25739_04_120_01 in Appendix F.

For those garden areas with an unscreened angle of view to the roads, drawing 25739_04_120_02 in Appendix F shows that acoustic fencing of up to 3.2m in height will be required in order to enable the outdoor criterion to be met.

However, as part of the application, a 20mph reduction to the speed limit along Inkersall Road is proposed; from 60mph to 40mph. Baseline Annual Average Weekday Traffic (AAWT) flows and % heavy goods vehicles for Inkersall Road have been obtained from the schemes traffic engineers (Eddisons), and this information has been used to calculate future noise contributions from Inkersall Road with the speed reduction in place.

For the future year scenario with reduced traffic speeds along Inkersall Road, the acoustic fencing required to enable the outdoor criterion to be met will reduce to maximum height of 2.2m.

Glazing requirements will ensure appropriate mitigation for the dwellings. Background ventilation in the form of window mounted trickle vents, or through-wall ventilators acoustically attenuated must be provided in accordance with the Building Regulations.

Assessment indicates that without mitigation, internal noise criteria are exceeded at the proposed site. However, with the implementation of the recommended mitigation strategy, sound levels within habitable rooms can be attenuated to achieve the requisite criteria, and Condition 38 of the planning permission will be fully satisfied.

- 5.8.5 The Council's Environmental Health team has considered the document and the proposed scheme and have advised that: *The noise assessment indicates that sections of the site will require mitigation measures, I agree with this.* Therefore, subject to a condition for the development to be completed in accordance with the recommendations of the report the noise impacts of the scheme are considered to be appropriate in accordance with Policy CLP14 of the Adopted local plan.
- 5.8.6 The Environmental Health comments regarding construction hours and EV charging is dealt with under the conditions of the outline permission. This application considers the location of EV charging points throughout the site including where there is remote from property parking spaces. It is considered that the charging points specified are acceptable. This meets the air quality requirement of policy CLP14.
- 5.8.7 The comments of the Council's Housing and Forward Planning teams in terms of the reduced space standards of the proposed dwellings is noted. The developer has advised that despite the reduced standard there is agreement in place for the units to be taken on by a Registered Social Landlord. As the Council has not adopted the National Space Standards and has not secured this through the outline permission, although disappointing, this is not a necessary requirement of the scheme and would not warrant refusal of permission.
- 5.8.8 The Derbyshire Constabulary Designing Out Crime Officer has commented on the case: *I note that pedestrian/cycle connections onto the Trans Pennine Trail are yet to be drawn up, but the aspect for these transition points will be important to bring about safe, well viewed movement in and out of the site here. I would strongly recommend extending the adopted lighting scheme to illuminate the immediate area within the site, through the link also if possible. There are a handful of parking spaces which are positioned on the opposite side of garden fencing or wall to the associated plot, which can lead to apprehension and unplanned front of plot parking. Along the Inkersall Road edge of the site, parallel to semi private frontages hedge planting will take time to mature and provide an effective separation. It would be prudent to reinforce this hedge line with a stock fence to allow the hedge to thicken without lines of desire developing through it.*

Further comment on the amended scheme – connections to TPT Both should have at least 2 metres of mown buffer edge on both sides for

straight sections, with the landscaping of path 1 also keeping sight lines open along the route.

- 5.8.9 The concerns of the Designing Out Crime Officer are acknowledged and have in the main been addressed by the amended scheme to ensure off plot parking is to frontages and in view of properties. There are a few occasions where the parking spaces are to the rear of the plot where further consideration of the boundary treatments is required. A condition will be imposed to ensure this is revisited to secure natural surveillance and permitted development rights for works to these boundaries removed. Side windows to plots provide natural surveillance to open spaces and parking areas across the site. The comments regarding lighting and safety of the TPT links can be considered through the agreed design of the links to the TPT through the outline permission and by consideration through the submission of a lighting scheme also required by the outline conditions. It is therefore considered that in terms of designing out crime the scheme is acceptable.
- 5.8.10 The concerns raised in terms of the impacts of the electricity pylon are noted, however this is covered by other legislation which has led to the layout avoiding homes near this existing structure.
- 5.8.11 Within the site layout it is considered that amenity impacts between properties are acceptable. There is no need to restrict permitted development rights beyond the boundary treatments mentioned above. In terms of the amenity impacts the scheme is considered to be acceptable in accordance with Policy CLP14 of the Adopted local plan.

5.9 Highway Safety

- 5.9.1 Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In terms of parking the policy goes on to note that; The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:
- i. The size of any dwellings proposed.
 - ii. The type, mix and use of the development.
 - iii. The proximity of facilities such as schools, shops or employment
 - iv. The availability of and capacity for safe on-street and public car parking in the area.

- v. Proximity to and availability of public transport and other sustainable transport options.
- vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.
- vii. Local car ownership levels.

5.9.2 The proposal provides at least two spaces per dwelling, with larger houses having more space to park. This is considered to be acceptable. the development will result in changes to both Inkersall Road and Inkersall Green Road and at the junction:

As existing Inkersall Green Road:

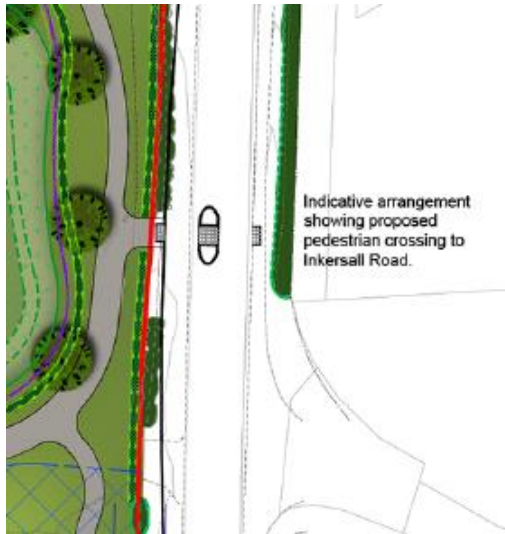


As proposed Inkersall Green Road:



Widening of Inkersall Green Road and creation of central turning lane.

Creation of crossing point to the Country Park on Inkersall Road:



Proposed access Inkersall Road: As existing Inkersall Road:



5.9.3 The Highway Authority have not provided final comments on the scheme but have made comment on the original submission. The comments below are those of the highway authority (*in italics*) with how each issue has been addressed noted below each point:

5.9.4 *Tracking:*

It has been noted that the layout has been tracked using an 11m long refuse vehicle. The developer needs to confirm that they have consulted with Chesterfield Borough Council (CBC) and that CBC have agreed that is the appropriate size of vehicle for evaluating the site layout.

Within the site there are numerous locations where the full width of the road has been used by these vehicles. Therefore, details of forward visibility splays are required at internal junctions and around bends to enable a proper assessment to be made. The existing tracking suggests that there are significant and sometimes excessive overhang and vehicle mounting on footways at numerous locations. This needs to be address by the developer, amendments made and tracking revised to suit.

Vehicle tracking of an 11.6m long vehicle has now been provided on plan ENG-101-VSTR Rev A.

5.9.5 Section 38 requirements:

1) The HA will not consider adopting vertical traffic calming measures. Speed control should be designed into the layout of the estate roads to avoid this.

2) The developer should clearly indicate on the drawings, the width of carriageways/footways and shared use paths.

The shared routes for pedestrians and cycles are show n to be 3m wide and are largely separated from the roadway by a planted verge.

3) The developer should clearly indicate on plans, how cyclists will get on and off the shared cycleways.

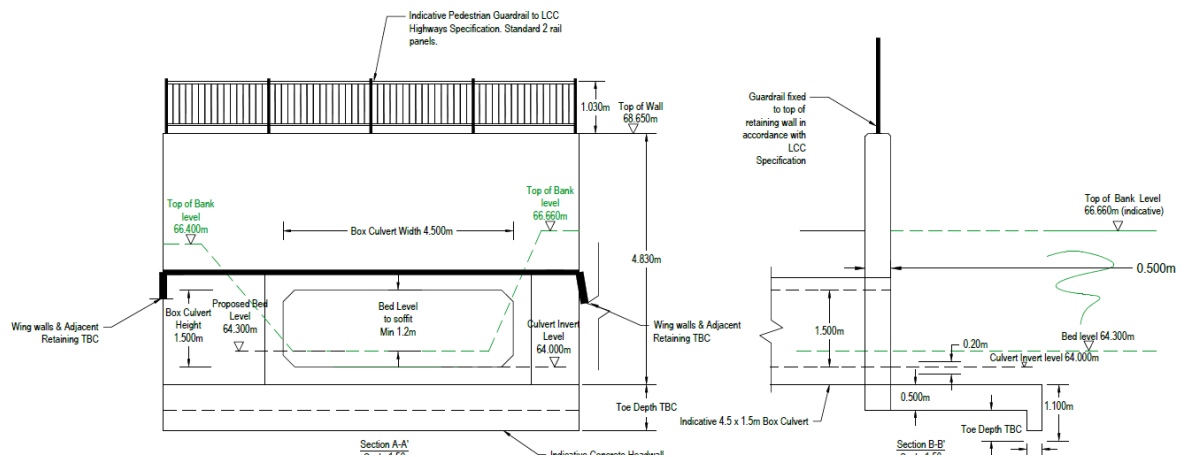
The cycle routes are now largely continuous and where they veer from the site the route is clear.

4) Details of future maintenance proposals for SUDS and open spaces will be required.

This is covered by the S106 agreement for the outline permission.

5) Can the developer please provide details of the proposals for the culverted stream under the estate roads?

Details of this have been provided, please refer to the drainage section of the report below:



6) *What investigations have been undertaken to determine the risk of flooding from the stream? Has the Lead Local Flood Authority been consulted about this application?*

These matters are covered by the conditions of the outline permission. Drainage matters are considered below.

7) *There are numerous locations where exit visibility and junction intervisibility conflicts with the layout. The layout must be revised to ensure that they comply with visibility standards and the splays redrawn to demonstrate compliance with standards.*

The layout has been altered and it appears that visibility is appropriate.

8) *Exit visibility for individual driveways would appear to be below the minimum 17m for some plots i.e. 284/365/33/363 etc, this is particularly important in the critical direction. Exit visibility splays should not be taken over neighbouring third-party land. The developer should demonstrate compliance with exit visibility standards for any affected plots.*

The scheme has been amended and this issues appears to have been resolved.

9) *Not all private drives appear to have been provided with bin dwell areas, suitable locations should be provided and included on the plans to demonstrate that bins do not obstruct footways on refuse collection day. Some that have been provided, do not appear to be of a sufficient size to accommodate all the properties accessed from the drive.*

A condition will be imposed to secure the appropriate bin dwell areas are provided.

10) I have been unable to find details of highway drainage proposals for the site, the principle of how this is intended to be achieved should be provided at this stage.

This is covered by the conditions on the outline permission.

11) The developer should be aware that street trees and verges will command a commuted sum, as will visitor parking spaces.

12) Parking should be provided based on 2 spaces for 2/3 bed properties and 3 spaces for 4/4+ bed properties, can the developer confirm that their parking provision complies with this requirement and that any garages included within this provision meet the Councils required standards for such provision?

The minimum standard size for garages needs to be 6m x 3m for a single garage and 6m x 6m for a double garage. The single garages proposed are 2.5m wide and 5.18m in length which is below the required standard. The double garages are 5.18m x 5.13m which is below the minimum standard. As the dwellings have sufficient parking without the garages it is not considered that the reduced dimensions in this case are a cause for concern. However, in case the developer wishes to address the matter in more detail a condition requiring the final details of the garaging to be agreed will be imposed.

5.9.6

Section 278:

Should the Local Planning Authority deem it appropriate to approve the application, the developer will still be required to submit a detailed scheme for the approval of the Local Planning Authority and enter into a 1980 Highway Act s278 Agreement with the Highway Authority in order to comply with the requirements of planning consent.

An independent Stage 1 & 2 safety audit will be required for all the s278 works to be undertaken.

Stage 1 must be submitted prior to planning approval. Stage 2 must be submitted prior to detail design approval.

I note that the applicant has not complied with clause 8 of the outline planning consent i.e. the developer is required to provide details of the proposed mitigation works to footways onto Inkersall Road, that is, where pedestrian access points are to be established. The original application proposed a single pedestrian point of access point from the site with a pedestrian island. The reserved matters application increase then number of pedestrian access point to four.

The southernmost pedestrian access point near the junction of Inkersall Green Road is not acceptable because of its proximity to the traffic

signals and hence we would recommend that the path from this point be removed altogether or be diverted onto Inkersall Green Road to exit near the traffic signal crossing point.

The remaining three pedestrian access points provide insufficient mitigation works to assist pedestrians to cross the road to the footways located on the opposite side of Inkersall Road.

Mitigation measures should clearly show all measures that are necessary to assist pedestrians to cross this road safely including, but not exclusively limited to, the provision of appropriate hard standing, dropped kerbs, tactile paving and verge crossings at all points where pedestrians are expected to cross Inkersall Road. These mitigation works need to be included with the extent of s278 works.

The number of access points onto Inkersall Road has been reduced to where the crossing facility is provided, thereby addressing this issue.

5.9.7 *Speed limit investigation*

The Highway Authority cannot support the proposed changes to the speed limit as set out on drawing ADC260/DR/010 P01 as it is not consistent with national guidance for setting Local Speed Limits. As part of a s106 agreement, the Highway Authority have agreed to investigate a change to the speed limit and will follow the national guidance in this respect.

Subject to the Local Highway Authority giving approval to the reserved matters application, the developer will need to contact the Highway Authority to initiate the investigation and legal processes. Further information and advice will be provided at a later date.

It is understood that the contribution secured under the S106 of the outline permission to begin this process has been passed to the Highway Authority.

5.9.8 *Traffic Signals:*

Awaiting a response from Traffic Signals team.

5.9.9 *Bus services:*

At the present time, the bus services only run southbound along Inkersall Road, providing a one-way loop serving Staveley – Duckmanton – Poolsbrook -Staveley.

Given the scale of development, the Highway Authority would anticipate a significant recast of the local bus network such as, the possibility of running bus services in both directions through the site. The developer should therefore liaise with the Public Transport Unit with respect to any

adjustments that may be required to bus service routes and for the inclusion of bus stops within the main avenue through the site. The width of the carriageway along this route should be no less than 6.75m.

Bus stops must meet current Derbyshire County Council accessibility standards. Each location will be subject to consultation with stakeholders, but all sites will require bus kerbs, hard standings areas, electrical ducting as part of the s38 agreement. Electrical connections to shelters need to be factored into the Street Lighting Design.

Shelters and bus stop signs will be provided once bus routes have been established, from fund secured as part of the s106 agreed when outline permission was granted.

The amended plan has a carriageway width of 6.75m as requested and bus stop locations are shown along the main route through the site.

5.9.10 Further comment received from the Highway Authority in regard to the signalised junction:

Whilst the installation of traffic signals at the junction of Inkersall Road and Inkersall Green Road will require detailed design approval, the developer needs to understand that the Highway Authority will not give consent to the introduction of traffic signals on Inkersall Road if it remains subject to a national speed limit. The introduction of the speed limit reduction on Inkersall Road is required for safety reasons and hence, failure to secure a reduction in the speed limit will result in the Highway Authority not being in a position to approve or implement traffic signals at this junction. Should this occur, the applicant will be required to consider alternative mitigation at the junction to address the capacity issues created by the development, which will require a revision to any previous consent for junction improvements granted by the Planning Authority. In the meantime, the Highway Authority request the following amendments to the junction layout;

- inclusion of 5m or taller primary signal poles on both arms of Inkersall Road,*
- provision of 4m advanced cycle stop lines on all arms of the junction with appropriate cycle detection to signal poles,*
- provision of antiskid surfacing,*
- the installation of a third pedestrian crossing facility across the northern arm of Inkersall Road to provide all round pedestrian facilities,*
- provision of a maintenance vehicle parking area,*

- *the secondary nearside signal for southbound traffic on Inkersall Road is in the wrong position and will lead to confusion for drivers turning right from Inkersall Green Road.*

This needs to be relocated elsewhere within the junction so that it is only visible to traffic which shares the controlling primary signal.

The first three issues above were included within earlier drawing revisions but have been removed in later revisions and from within the reserved matters application. Can an explanation be provided for their removal?

The developer must ensure that MOVA loop distances and dimensions are indicated on plans submitted at the detail design stage.

The Highway Authority still has concerns about the private access from Hill Top which exits into the centre of the junction and has no form of control. The developer will recall that this concern was raised previously with Croft and the currently plans provide no explanation as to how the developer intends to deal with this issue. For information, the Highways Authority does not normally signalise private accesses and hence the developer needs to provide a satisfactory solution prior to submitting detail design plans for approval.

Can the developer please forward electronic versions of the Linsig files to the Highway Authority so that these can be inspected and fully audited?

It is noted that the design of the highway and the signalised junction is subject to consideration under the outline permission in terms of funding, the design of the junction will be subject to detailed negotiation with the highway authority and is controlled by the Highway Authority through separate agreement. It is therefore considered that the detailed design of the road layout outside of the application site does not need to be agreed at this time.

- 5.9.11 Access to the site and the necessary mitigation and highway changes were considered at the outline stage and are largely within the adopted highway rather than the application site which means that these matters do not have to be resolved as part of this application. The highway design within the application site is considered to have addressed the concerns raised by the Highway Authority. Unfortunately, no further comment has been received from the Highway Authority to confirm they are now satisfied with the changes. Ultimately, if the highway authority is not satisfied with the layout they will not adopt the scheme which is likely to result in the scheme being amended. It is not considered reasonable to withhold determination of the scheme indefinitely awaiting a response from the Highway Authority when the concerns raised appear to have

been satisfactorily addressed. Therefore, the scheme is considered to be acceptable in terms of policy CLP22 of the Adopted local plan.

- 5.9.12 It is also important to note that the phasing of the scheme as proposed in this application includes consideration of the need to change the speed limit on Inkersall Road through negotiation with the highway authority prior to the signalised junction being installed. This restricts the number of units that can be built and occupied before the junction improvements are made. This is in line with the outline permission.

5.10 Biodiversity, Enhancement and Trees

- 5.10.1 Policy CLP16 requires that; The council will expect development proposals to:

- protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
- avoid or minimise adverse impacts on biodiversity and geodiversity; and
- provide a net measurable gain in biodiversity.

- 5.10.2 Derbyshire Wildlife Trust has considered the application and commented: *We previously commented that the outline layout retained key features of ecological value, however changes to the layout now submitted will result in greater adverse impacts to such features and overall site biodiversity, namely:*

- *the severance of the central green/blue corridor by a road,*
- *the removal of a significant length of hedgerow to the south of the central corridor, which was previously proposed to be retained, and*
- *the increased severance of a hedgerow to the north of the central corridor.*

We query the justification for these changes and encourage a layout closer to that initially proposed which safeguarded these features. Where losses are proposed to be compensated for through new planting i.e. the loss of the hedgerow, these should be set out in a quantifiable manner. We previously recognised the potential for enhancement through woodland planting, well-designed POS, SuDS creation and potential improvement of the ditch habitats. The landscape proposals do have a large focus on native species, which is welcomed. We note the different types of grassland, which will create various habitats and provide

structural diversity across the site for wildlife, providing they are managed appropriately. We also note the large variety of tree species, including many native species, along with native hedgerows and shrub mixes. The landscaping in and around the SuDS areas appear well designed, with wetland grass mixes and appropriate tree species chosen.

We noted the recommendations made in 5.2 of the Ecological Report and these do largely appear to have been factored into the scheme design, with the exception of the layout changes detailed above.

Additional information requested:

In terms of net biodiversity loss/gain, a metric was not requested at the outline stage for this application, as this was not standard practice in 2019. However, we advise that there should be some form of quantifiable measure of habitat losses and gains provided by the applicant to enable the LPA to assess the scheme against local and national policy. In its simplest form, this should comprise a table of habitats to be lost and created (m/ha).

Proposed works to the central stream corridor should be clarified. Are there any opportunities to open up and enhance the channel? What will the width of the buffer be along the stream (measured from the bank top)?

Advice in Section 5.3 of the Ecological Report should be considered.

If the information is not yet available, a condition should be attached to the reserved matters securing a sensitive lighting plan to protect the on-site and off-site green spaces and green corridors.

Details should be provided as to how the adjacent Ireland Local Wildlife Site to the east of the application area will be protected from impacts, including changes to water levels, increases in sediment and pollution events.

We assume that the CEMP and LEMP (including bat boxes, bird boxes, hedgehog gaps etc) will be provided at a later date to discharge the relevant conditions.

- 5.10.3 It is clear from the outline permission that ecological matters considered at the outline stage were not required to provide a net gain on site and no off-site provision was secured at that time. The scheme now submitted does not therefore include a biodiversity metric to secure on site net gain as this was not a matter secured at the outline stage and cannot now be reconsidered at this reserved matters stage. However, the detail of the ecological impacts and biodiversity enhancements can be considered within the scope of the outline permission.
- 5.10.4 It is noted that concerns are raised regarding the provision of a route through the entire site which cuts across part of the central green corridor. The supporting design statement notes that; *the design of the layout*

integrates with its surroundings by extending the existing highway network into the scheme. Two new points of access from Inkersall Green Road and Inkersall Road provide a north to south connection, with the main primary avenue running centrally through the site. 3m pedestrian and cycle paths are provided throughout the development and extend to the trail on the western boundary. To the east, footpaths and cycle paths are provided ensuring full permeability of the site. The need for the continuous route of the highway through the site was confirmed in the highway comments of the outline application and was requested by the Urban Design Officer. Whilst this may lead to some adverse consequences in terms of loss of features on site this minor imposition into the central corridor will ensure connectivity and the ability to provide a bus route through the site, which is considered beneficial overall.

- 5.10.5 The concerns raised regarding lighting are covered by the outline permission which requires a lighting scheme to be submitted. Habitat impacts would be considered when the lighting scheme is submitted in dialogue with DWT.
- 5.10.6 The developer has set out in a statement their approach to ecology and biodiversity. The statement sets out that: *The retention and utilisation of existing landscape features is a key factor in shaping the development proposals. The existing hedgerows have determined the locations for boundaries and key green spaces. New habitats will be created through the provision of semipermanent wetland attenuation features, as well as through structural tree and hedgerow planting. Through our proposals, we will seek to contribute to biodiversity with an emphasis on improving ecological networks and linkages through a scheme of habitat creation. Barratt David Wilson have now partnered with Europe's largest conservation charity, the RSPB, to ensure a best practice approach to landscape management, ecology and biodiversity.* *In terms of Ecological Enhancements on site we are providing a number of Bat Boxes and Bird Nest Boxes, along with Hedgehog friendly fencing to create hedgehog routes through the site. Log Piles and Beetle Banks are also proposed. Full details are provided on the submitted FPCR Ecological Enhancement Plans.* These details are shown on the submitted ecological enhancement plans which can be conditioned to ensure compliance with the suggested measures.
- 5.10.7 The amended layout has a detailed landscaping scheme for the central corridor of the site. As can be seen from the images below much of the existing planting within the central corridor is to be retained, where the

access road has to cross the corridor hedgerow will be lost. However, it is considered that the details of this corridor are sufficient to be able to determine the application at this point.



- 5.10.8 In terms of the impact of the central water course onto the adjacent wildlife site, this matter will may need to be considered as part of the overall drainage plans for the site which are conditioned under the outline permission. It is considered necessary to impose an additional condition to ensure that in line with the details submitted for the drainage strategy any impacts on habitats associated with the water course are assessed as part of that process.
- 5.10.9 Based on imposing additional conditions as set out above and compliance with the conditions of the outline permission, the proposal is considered to be acceptable in terms of ecological impacts and provides enhancement on site as far as is achievable within the constraints of the outline permission in accord with policy CLP16 of the Adopted local plan.

- 5.10.11 The comments in regard to open space typologies are noted, whilst an open space typology plan has been submitted it is considered that the proposed landscaping of the site which is intended to maximise ecological enhancement is overall an appropriate response to the development of the site. The play areas proposed are considered to be acceptable and provide satisfactory equipment for play. The additional areas of informal play scattered within the open spaces in the form of log trim trails are welcomed.
- 5.10.10 Policy CLP16 goes on to note that: Development proposals resulting in the loss or deterioration (including fragmentation) of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons and the need for, and public benefits of, the development in that location demonstrably outweigh the loss or harm, and a suitable compensation/off-setting strategy has been secured with planning conditions or obligations.
- 5.10.11 The Council's Tree Officer has commented on the proposals:
DCC TPO woodland on the Inkersall Green Road. The green gap in the centre of the site is cut through by a road and by utilities. An Arboricultural impact assessment is required to assess the impact of these works and those adjacent to the TPT. Hedgerow to the south of the central corridor is to be removed. No details of tree protection have yet been provided (condition 30 of outline). A tree protection plan and arboricultural method statement is required re: TPT and central corridor prior to determination. In general the landscaping proposals are acceptable. Also included in the landscaping proposals are different types of grassland and hedgerows, which will create various habitats and provide structural diversity across the site for wildlife. The landscaping proposals, therefore, appear well designed, with appropriate native and ornamental species selected.
- 5.10.12 Further comment on revised scheme:
Revised site layout drawings H8427/P1021E REV E, H8427/P1022E REV E & H8427/P102E REV E have been submitted. The revised drawings clarify on the legend that the Water Mains/ Surface Sewer/ Foul Sewer & Easements shown on previous submitted drawing is existing services and not proposed.
It is agreed that the Tree Protection Plans (TPP) and an Arboricultural Method Statement (AMS) can be submitted to the Council prior to commencement of development, as per condition 30, however, to consider and determine the proposed site layout in relation to the existing trees, an Arboricultural Impact Assessment is required to allow the local

authority to assess the impacts of the development site layout proposals on the existing tree population. The AIA will also assist in determining what tree protection measures are required for the TPP and AMS.

A decision on the application and site layout should therefore be deferred until an assessment (AIA) of the impacts the site layout will have on the existing trees is provided.

5.10.13 The County Tree Officer has also commented:

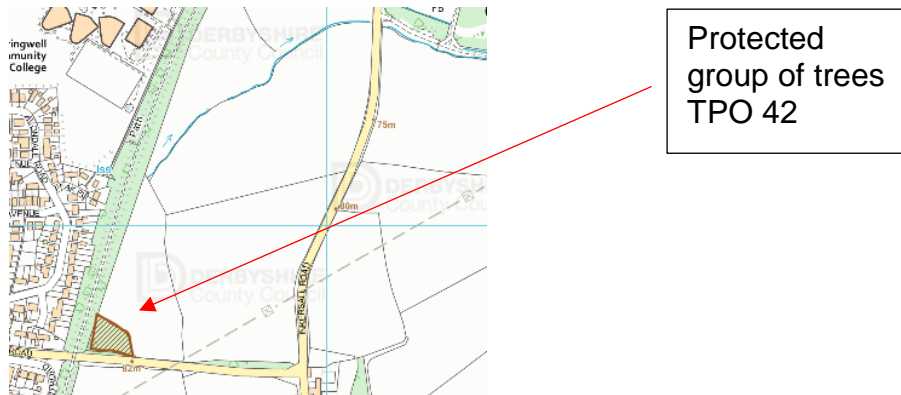
To the southwest of the site lies a woodland protected by Derbyshire TPO 42 (woodland number 22). The applicant has responded to the Chesterfield Tree Officer that trees within the TPO will be felled as a result of the development, however, there is no information regarding the reasons for this in respect of the individual trees, and the loss of amenity that would result from the removal of the trees.

The Chesterfield Tree Officer has commented upon the lack of a scheme for the protection of the retained trees, hedgerows and habitats in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS); this being despite such information being a condition placed within the outline Planning Permission.

Therefore, the County Council Tree Officer supports the Chesterfield Tree Officer's comments of 4/11/2021 with regard to tree protection and asks for the applicant to provide the information already requested by Chesterfield Borough Council's Tree Officer.

5.10.14 In terms of the central corridor and the route through this to be provided, as set out above this was established as part of the outline permission and is an accepted element of the proposed development. in terms of the layout proposed and the extent of green space achieved, the submitted Design Statement notes: *The design of the layout integrates with its surroundings by extending the existing highway network into the scheme. Two new points of access from Inkersall Green Road and Inkersall Road provide a north to south connection, with the main primary avenue running centrally through the site. 3m pedestrian and cycle paths are provided throughout the development and extend to the trail on the western boundary. To the east, footpaths and cycle paths are provided ensuring full permeability of the site. Due to the proximity of the existing high voltage power lines, the approved Framework Plan deviates from the originally approved Masterplan; increasing the setback from Inkersall Green Road and standoff from those power lines. The detailed scheme results in a greener, more attractive and welcoming arrival into the development from the south.*

- 5.10.15 As set out by the Tree Officers of the Borough and County Councils there are protected trees relating to the site which are located at the far southwestern corner of the site as demonstrated:



- 5.10.16 The outline permission considered the impact on trees and as a result condition 30 requires:

30. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), a scheme for the protection of the retained trees, hedgerows and habitats in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

- 5.10.15 The Arboricultural Impact Assessment submitted as part of this application albeit late in the application process, shows the trees to be retained and removed as part of the development. Table 2 sets out which are to be removed and retained:

Table 2: Summary of Impact on Tree Stock

	Trees to be Retained	Total	Trees to be Removed in full or part	Total
Category U - Unsuitable	T28, G4, G9	3	T6, T8, T16	3
Category A (High Quality / Value)				
Category B (Moderate Quality / Value)	T5, T7, T10, T13, T19, T22, T23, T25, T26, T27, G2, G8	12	G3	1
Category C (Low Quality / Value)	T2, T3, T4, T9, T11, T12, T14, T15, T17, T18, T24, T29, T30, G1, G6, G10, H3,	17	T1, T20, T21, G5, G7, H1, H2, H4, H5, H6	10

- 5.10.16 Trees T6, T8 and T16 are U category trees located within the protected woodland belt.
Trees G3 are located on the banks of the TPT. (The location of the links has altered so this will need to be updated)
And trees T1 (access), T20 and T21 within the developed area of the site, G5 (far end of the watercourse adjacent to the TPT), G7 (within the developed area of the site), H1 (close to the access), H2 (within the developed area of the site) H4, H5 and H6 (located to the eastern edge of the site).
- 5.10.17 From this and the comments above it appears that the concern regarding the loss of trees relates to those within the TPO woodland to the south west of the site. It would appear that there is minimal need to remove these trees based on the needs of the development as there is a buffer gap between these trees and the built development. However, it also appears these are category U trees. As more work is required in terms of the consideration of the tree removal it is considered that a further condition should be added at this stage of the process for a detailed and updated Arboricultural Impact Assessment to be submitted prior to the commencement of development.

5.11 Ground conditions

- 5.11.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 5.11.2 Conditions relating to former coal mining activity in regard to ground conditions were imposed on the outline permission. The Coal Authority have considered the detail of the proposed development and the information submitted to address ground conditions:
We require a layout plan which shows: The 'as found' location of the mine entry and its calculated no build zone and the location of the surface mining highwalls present on site.
- 5.11.3 Further comment - *Additional information re: supplementary shallow mining investigation, which confirms that the opencast highwall was located in four of the trial trenches carried out and will run through plot 137. Foundation design for that plot is required. In relation to the in entry based on the zone of influence, the factor of safety zone identified extends across what appears to be an access road and further commentary on this would be appreciated. Of further concern is the*

potential risks posed to public safety by the untreated mine entry within the copse area, which is likely to be related to deep coal seams. Although the difficulties of investigation are noted this feature falls within the application site (red line boundary) and if within the accessible green space for the development is likely to be subject to additional and intensive activity from occupants of the new dwellings. Further commentary on this is required.

The submission is now supported by a letter, ref 5201-G-L003, dated 17th January 2022 and prepared by Dr B Rice-Burchall on behalf of iD GeoEnvironmental Limited. This letter provides additional information in response to our last comments to the LPA. It is confirmed that the trees within the copse are covered by a TPO and works to try and locate the mine entry are therefore not practicable. We appreciate clarification of this issue. The letter submitted also states that the identified safety zone for mine entry 442372-008, which extends across the access.

The road will be installed with geogrid to provide a stiffened road construction to minimise the effect on the road should shaft settlement occur. It is also noted in the letter that main services will be moved from the road footprint to minimise any disruption to site services should settlement occur.

In order to address our concerns in respect of public safety Dr Rice-Burchall states that it is intended to securely fence the calculated 'zone of influence' of the mine entry within the wooded copse with 2m high palisade fencing with warning signage erected to exclude members of the public from this area.

We are pleased to see that consideration has been given to the potential risks posed by the recorded mine entry and that mitigation measures are now proposed. We would expect the geogrid recommended for the access road to be installed as part of the construction works for this element of the development. In respect of the 2m high fencing proposed around the zone of influence for the mine entry we would expect this to be installed on site prior to the first occupation of the development.

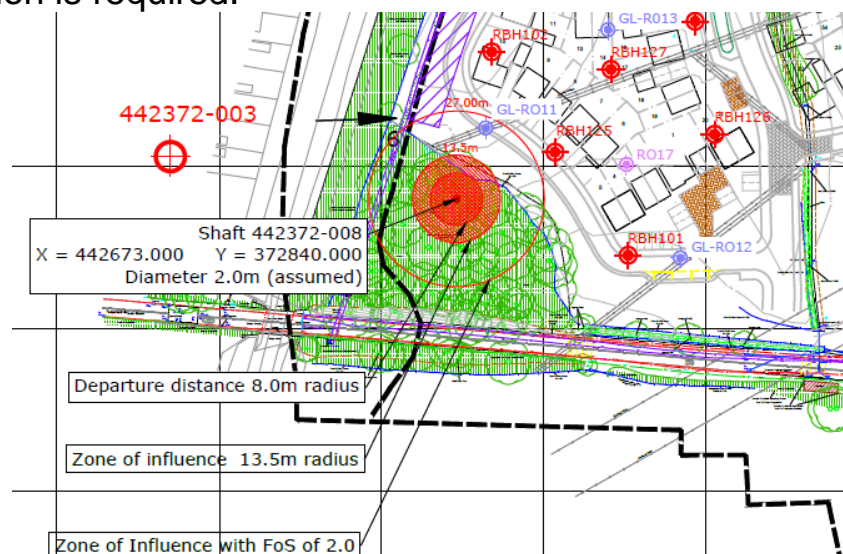
The fence should be retained in situ thereafter to prevent unauthorised access to this area. You may consider it prudent to impose planning conditions in respect of the above.

On the basis of the information now submitted, and the professional opinion of the letters author set out therein, the Planning Team at the Coal Authority withdraws its previous objections to this application. We would however, expect the mitigation measures proposed, in respect of the recommended geogrid and secure fencing, to be installed on site in a timely manner. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of any Permit application.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only Protecting the public and the environment in mining areas comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

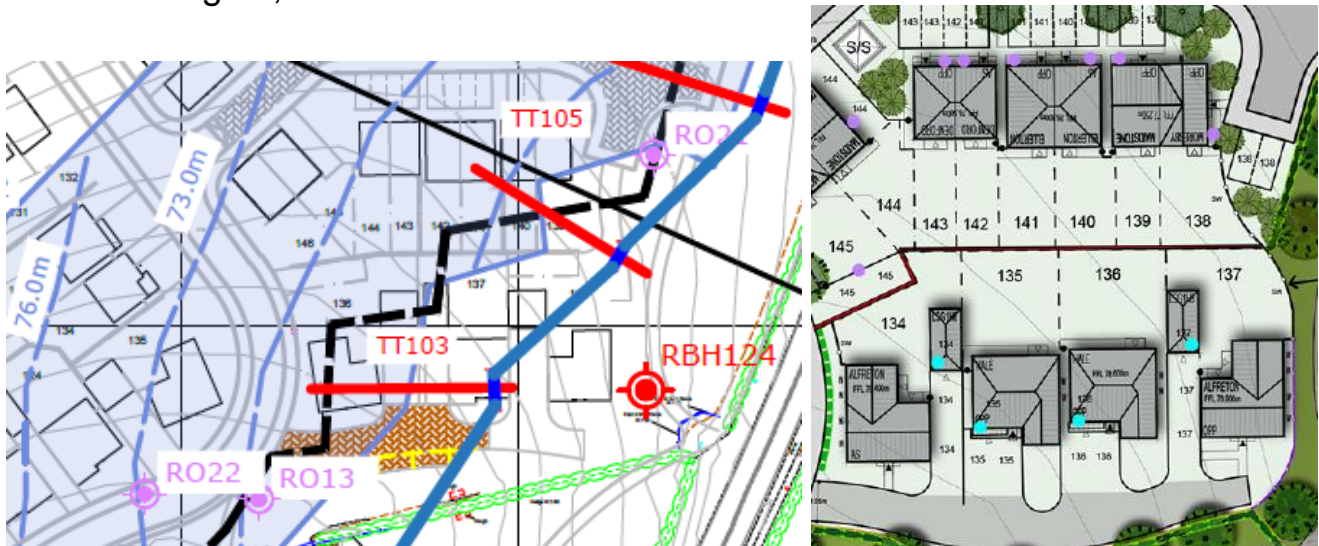
- 5.11.4 It is clear from the comments of the Coal Authority that Shaft 442372-008 is located within the protected woodland to the south-west of the application site. as it is within the area of the protected trees the works required to ensure the safety of this cannot take place. It is therefore necessary to fence off this area from the public for which a planning condition is required.



- 5.11.5 It is also apparent that the zone of influence relating to this shaft increases risk at the point of the roadway in this area of the site and that

works will be required to ensure safety in this area. Again this detail needs to be secured via a further condition.

- 5.11.6 It is also apparent that the opencast highwall will impact on plot 137 and that foundation design for that specific plot needs further consideration. Again, this can be achieved via a condition.



- 5.11.7 In regard to potential mine gas and other contaminants, this is covered by condition 22 of the outline permission.
- 5.11.8 in terms of ground conditions the proposal, subject to additional conditions, is considered to be acceptable and meets the requirements of Policy CLP14 of the Adopted local plan.

5.12 Drainage

- 5.12.1 Policy CLP13 requires 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. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. 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.

- 5.12.2 Whilst the submission includes information that the developer seeks to achieve in excess of the water efficiency required by the policy, nevertheless it is important to impose a condition to secure this.
- 5.12.3 The outline permission imposed conditions in relation to the drainage of the site and the proposal includes swale features to reduce surface water run off and hold water in times of excess rainfall. This is considered to be an acceptable approach subject to the details being submitted under the existing planning conditions.
- 5.12.4 The Lead Local Flood Authority have commented on the application as follows:
*We are unable to provide an informed comment until the applicant has provided further information:
The applicant has not addressed the concerns raised in our response to the pre-application enquiry dated 14/12/2020 (attached). Clarification is required regarding how the watercourse in the south-west of the site will be incorporated into the layout. The Planning Layout drawing H8427/P1021e Rev B appears to show some culverted sections of the watercourse that crosses the centre of the site from west to east. Clarification is also required of these proposals.*
- Amongst the new documents provided, there does not appear to be information to address the concerns raised in my response dated 7 October 2021 regarding how the existing watercourse in the south-west of the site is to be incorporated and safeguarded within the proposed layout.*
- 5.12.5 Further comments - *Thank you for forwarding information to the Lead Local Flood Authority (LLFA) on 7 February 2022 in relating to our concerns regarding the watercourse that runs south to north within the development.*
The applicant proposes a mix of culverts and swales, with what appear to be significant culverted sections.
We do have concerns regarding these proposals, which would be subject to a Land Drainage Consent application:
 - As LLFA we have a no-culverting policy for reasons of maintenance and ecology. While culverting is essential in some circumstances, it should be a last resort and the applicant would be required to demonstrate why culverting is both necessary and the only reasonable practicable alternative.*
 - Who would be the riparian owner(s) of the watercourse, responsible for its ongoing maintenance?*

- *The flood risk from the watercourse would need to be assessed. What is the catchment? Does the watercourse ever flood in its existing condition and how would the proposals affect flood risk?*
- *Would the open swale sections indicated alongside the road receive any runoff from the road? If so, how would pollutants be managed?*
- *The existing open watercourse and the riparian zone are likely to be providing various ecological benefits, for example wildlife habitats and corridor and protection of the watercourse from pollution. The potential implications of the loss of the ecological benefits should be considered.*
- *How would the diverted watercourse interact with the surface water drainage system for the site?*

The LLFA would prefer the watercourse to remain open as much as possible and, therefore, would ask that the above is considered before setting the layout. Whilst the LLFA recognises that Land Drainage Consent and Planning Consent are parts of two separate legislation we do not want to be in a position where planning consent is granted for something that would not usually get Land Drainage Consent, therefore holding up development.

5.12.6 It is clear that the LLFA have some remaining concerns in terms of the design of the watercourse and the culverting proposed. However, it is also acknowledged that land drainage consent will be needed for the works which is separate to the planning process. Ultimately if land drainage consent cannot be given for a scheme approved under planning then the developer would have to amend the approved scheme through the planning process. It is noted in this case that the works required relate to the central water course the detail of which can be amended without needing to change the location of plots. The routing of the main access road through the site was established under the outline permission as has been noted above. It is therefore considered that in order to adequately address the concerns raised by the LLFA and those that have been raised in relation to biodiversity as mentioned above that notwithstanding the submitted details a condition is imposed to secure detailed design of the central water course and culvert prior to the commencement of development to ensure these works are suitable for both planning, ecological impacts and land drainage consent. Management for any unadopted drainage works is controlled under the S106 and would come under the management company responsibility if not adopted.

5.12.7 Yorkshire Water have commented on the scheme:
Yorkshire Water objects to the approval of this Reserved Matters application. Prior to determination, the landscaping proposals should

account for the public sewerage infrastructure crossing the site to ensure that said infrastructure is protected from tree root infestation.

1) The landscaping details submitted on drawing H8427/P102e (revision B) dated 23/07/2021 that has been prepared by Barrat David Wilson Homes are unacceptable.

The following points should be addressed:

a) the submitted drawing appears to show numerous trees proposed to be planted within the easement distances provided to the line of public sewer crossing the site; and

b) trees should not be planted within 5 metres of any public sewer crossing the site.

5.12.8 Further comments on the amended scheme:

Yorkshire Water has no objection to the approval of this Reserved Matters application.

The submitted landscaping proposals detailed on drawing GL1575 13A, Revision A, dated 15/12/2021 are acceptable. We are satisfied that no trees will be planted within the stand-off distances of the public foul and surface water sewers, which cross the site. a footnote is recommended and is set out in the Informatives within the recommendation.

5.12.9 There is no need to impose further conditions as a result of these comments. On the basis of the additional conditions required as set out in response to the comments of the LLFA it is considered that the proposal meets the requirements of policy CLP13 of the Adopted local plan.

5.13 Development Contributions and CIL Liability.

5.13.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located part within the low (£20) CIL charging zone and part within the medium (£50) CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](https://www.chesterfield.gov.uk)). The CIL charge has not been calculated to date due to awaiting submission of the CIL form from the applicant's agent.

5.13.2 All matters regarding any commuted sums or other off site matters were agreed at the outline permission stage.

6.0 REPRESENTATIONS

6.1 Three comments have been received and are summarised below:

6.2 Our home overlooks the fields and green belt where the construction is being proposed and we are very concerned about the nature conservation issues that will be affected by this area being built up. This area is very close to the Trans Pennine trail and there are a multitude of different birds and wildlife that we fear will be affected and driven away by it. This is usually a very peaceful and tranquil area that is bound to be disrupted.

We also believe that the visual effect on the area will be detrimental to the many visitors to the area from the Poolsbrook Caravan Park and Poolsbrook Pond Nature Reserve, who walk or cycle down the Trans Pennine trail. There is also the issue of the electricity pylons that run through the fields and we wonder if the electro magnetic field that is omitted from them has been taken into consideration when planning these dwellings.

There are concerns about the water table and flooding that may occur during increasingly rainier weather which would cause disruption. There are also highway safety issues that are a concern, because the main Staveley road that would be the main access to the new area is a busy road and there have been many serious accidents on it over the last few year, which will only get more busy and thus at risk of more accidents.

6.3 It is blatantly obvious the infrastructure in the area could not possibly cope with the count of dwellings on the planning application. An 400 homes of the type on the plans could result in a possible 800 plus extra vehicles moving on an already stretched road system. Any alterations will only make congestion worse.

An extra 1500 people would require doctors, dentists, schools all existing facilities nearby are stretched to the limit and cannot cope with the extra people.

This is in a green belt area where all the added pollution from construction of dwellings would destroy the existing habitat of wild animals and birds that live on the site.

There are some rare species on there that would be displaced and lost for good. If you look over the site in the evening there are bats. In the brook there are stone loach and heron and Kingfishers feed there.

There is a serious drainage issue on site as it is very low lying, in wet weather the site is stood in water. If water is put into the main drain system instead of being allowed to drain naturally it could end up running into Poolsbrook Country Park. Surely there are brownfield sites available (Old Staveley Works) that have better access and would cause less destruction than the green belt site Barratt's are trying to destroy.

6.4

I and other respondents have highlighted the loss of countryside, wildlife habitat, good farmland, using green instead of brownfield land. The increase in congestion, pollution and noise from the extra 800 vehicles on the development and the extra load on medical and educational facilities. We have no explanation of the Council's wrong decision to grant the proposal. The reserved matters appear to be aimed more at making sure the new residents and the development are up to standard as it should be, but no consideration have been made beyond the boundary of the development. There are no reports or analysis of the impact of the development on the people most effected the local residents.

The noise survey states that road noise reducing systems will have to be used in areas of development close to Inkersall Road. Why has the survey not included existing noise and future increase in noise generated from the proposed alterations to the junction of Inkersall /Green Roads. The residents of Inkersall Farm Cottages, from the noise readings are already exposed to road noise over the stated limits so making a traffic-controlled junction where cars will be standing will increase noise and pollution. Readings of noise should be taken now and estimates made for the post alterations to avoid future legal claims. Setting up temporary traffic lights would indicate any problems within a few days.

The speed limit on Inkersall junction is to be 40mph, why has the council's 30mph been ignored. The 30mph has been requested many times due to this being an accident black spot. Speed cameras would be the only way to police the speed. Lower speeds would lead to more noise and pollution.

The construction appears to be for 6 years which is a long time to live next to a building site. The first phase indicates that construction of the development will start at the same time as the junction alterations. The junction works should be done first to ensure it is appropriate. The Council indicated that the Inkersall junction improvements would be in conjunction with improvements to the Troughbrook junction at the other end of Inkersall Green Road to ensure traffic flow – when is this work planned?

The Inkersall/Green Road junction alteration has vehicle flow diagrams but neglects the impact on residents of Inkersall. How will the traffic lights work with the existing accesses? No. 3 already has difficulty in safely pulling out into the fast traffic with poor visibility.

The junction proposes traffic lights and pedestrian crossings, which will be in direct view from the Cottages resulting in light and noise nuisance. How will this be avoided?

6.5 ***The comments raised are addressed in the report above and largely relate to the principle of the development which is established by the outline permission.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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 principle of the development is established by the outline permission. Whilst there remain some outstanding matters to fully resolve these can be adequately addressed via condition. The scheme as amended following negotiation is considered to be within the limits of the outline permission and its associated conditions and S106 obligations and meets the requirements of Adopted local plan policies. On this basis the proposal is recommended for approval subject to conditions.

10.0 RECOMMENDATION

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

Conditions

1. The development to which this permission relates shall be commenced not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any condition requirements within this decision or approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):

Site location plan ADC2600/DR/050 Rev P01 received 28.07.2021

Development framework plan INK-DFMP-E Rev B received 03.02.2022 (In relation to the links to the TPT only)

Phasing plan H8427/13 Rev D received 26.01.2022

Cycle Provision layout (excluding links to the TPT) H8427/CYCR Rev A received 20.01.2022

Planning Layout – composite (coloured) H8427/P102 e Rev E received 22.12.2021 (excluding links to TPT)

House type Abbeydale: H349-H7 received 17.12.2021

House type Alfreton: BAFT 00CD received 17.12.2021
 House type Archford: P382-EH7 received 17.12.2021
 House type Ashington: H457 -H7 received 17.12.2021
 House type Avondale: H456-X7 received 17.12.2021
 House type Brentford and Haversham: 2016/BH/P/02
 House type Cannington: T321 EH7 received 17.12.2021
 House type Denby: BDBY 00HD received 17.12.2021
 House type Denford: BDNF 00HE received 17.12.2021
 House type Ellerton: BLLE 00HE received 17.12.2021
 House type Greenwood: T322 E-7 received 17.12.2021
 House type Hadley: P341-E-7 and D-7 received 17.12.2021
 House type Hale: BHAL 00HD received 17.12.2021
 House type Haversham: BHVR 00HE received 17.12.2021
 House type Hemsworth: BHSW 00HD received 17.12.2021
 House type Henley: H588 -7 received 17.12.2021
 House type Holden: H469 – H7 received 17.12.2021
 House type Ingleby: H403 -F7 received 17.12.2021
 House type Kenley BKNL 00CI and 00HE received 17.12.2021
 House type Kennford: BKNR 00HD received 17.12.2021
 House type Kingsley BKEY 00HD received 17.12.2021
 House type Kingsville BKIS 00CE received 17.12.2021
 House type Kirkdale H442 – H7 received 17.12.2021
 House type Lamberton: BLBM 00HD received 17.12.2021
 House type Lutterworth: BLUT 00CD received 17.12.2021
 House type Maidstone: BMAI 00HE and 00CE received 17.12.2021
 House type Meriden: H429 – H7 received 17.12.2021
 House type Moresby: BMMS 00CE and 00CD received 17.12.2021
 House type Radleigh: BRAD 00HD received 17.12.2021
 House type: 38 and 39 2010/38-39/C/01 received 17.12.2021
 House type: B65F 00CI and 00CE received 17.12.2021
 House type: B67F 00CI and 00HE received 17.12.2021
 House type: B69F 00HE received 17.12.2021
 House type: SH69-EG7 and SH69-I-7 received 17.12.2021
 House type Wilford: P204-EG7 and P204-I-7 received 17.12.2021
 House type Winstone: H421.H7 received 17.12.2021
 Boundary Treatment Layout H8427/22 received 17.12.2021
 Dwarf natural stone wall (mortared) plan 2016/DET/239 received 17.12.2021
 Dwarf dry natural stone wall 2016/DET/238 received 17.12.2021
 Estate railings 201/DET/250 received 28.07.2021
 Timber knee rail 2010/DET/216 received 28.07.2021
 Close boarded fence 2010/DET/207 received 28.07.2021
 Green infrastructure landscape plans GL1575 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A received 17.12.2021

Ecological enhancement plan North and south received 17.12.2021
Hedgehog Highway guidance DB-SD11-004

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.

3. Prior to works commencing on the construction of the highway within the site, details of the geomembrane to be provided within the zone of influence shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted local plan.

4. Prior to first occupation details of the fencing to be located in association with the TPO woodland to prevent public access shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted local plan.

5. Prior to works commencing on phase PH2 details of the foundation design of plot 137 and any adjacent plots as deemed necessary to address the below ground conditions from the opencast highwall, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted local plan.

6. The development hereby approved shall be completed in accordance with the recommendations of the Noise assessment dated July 2021 ref: 25739-04-NA-01 Rev A.

Reason: To ensure potential noise nuisance is mitigated for the future occupants of the dwellings in accordance with Policy CLP14 of the Adopted local plan.

7. Prior to the commencement of development details shall be submitted to demonstrate the best endeavours to provide 25% of homes to M4(2) building

regulations standard. Compliant units shall be completed in accordance with the agreed details.

Reason: To try to secure M4(2) compliant units on site in accordance with policy CLP4 of the Adopted local plan.

8. Notwithstanding the details on Boundary Treatment Layout H8427/22 received 17.12.2021, details of all retaining features and boundaries including sections and facing materials across the development shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of in each phase. Works shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted local plan.

9. Notwithstanding plan H8427/22 (boundary treatments) and prior to work commencing on each of these plots, the rear boundary detail to plots 1, 106, 145, 173, 212 and 213 shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatment shall be installed prior to occupation of the specified units.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted local plan.

10. 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) there shall be no change to the height or detail of the rear boundaries to plots 1, 106, 145, 173, 212 and 213 from that agreed under condition 9 above without the prior written permission of the Local Planning Authority.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted local plan.

11. Prior to works commencing within each agreed phase details of the bin dwell areas to be provided at the end of each private drive immediately adjacent to the publicly adopted highway shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: to ensure space is made available for bin collection in accordance with policy CLP22 of the Adopted local plan.

12. Prior to the first garage being constructed details of the garage units shall be submitted to and agreed in writing by the Local Planning Authority. The garages shall be completed in accordance with the agreed details.

Reason: To allow the developer opportunity to provide garages which meet the requirements of the Residential SPD in accordance with policy CLP22 of the Adopted local plan.

13. Works shall be completed in accordance with the Ecological enhancement plan North and south received 17.12.2021 and the Hedgehog Highway guidance DB-SD11-004.

Reason: To ensure appropriate ecological enhancement in accordance with Policy CLP16 of the Adopted local plan.

14. Prior to construction work commencing on the pumping station details of the structure/s shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure the details are appropriate in terms of visual amenity in accordance with policy CLP20 of the Adopted local plan.

15. Notwithstanding any details to be agreed regarding tree protection the proposed landscaping of the site shall be in accordance with the Green infrastructure landscape plans GL1575 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A received 17.12.2021.

Reason: To ensure appropriate landscaping of the site in accordance with Policies CLP16 and 20 of the Adopted local plan.

16. Prior to the commencement of development in line with condition 30 of CHE/19/00131/OUT and notwithstanding the Green infrastructure landscape plans GL1575 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A received 17.12.2021 a detailed Arboricultural Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure appropriate landscaping of the site in accordance with Policies CLP16 and 20 of the Adopted local plan

17. 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 149 of the National Planning Policy Framework.

18. Notwithstanding the Culvert details shown on plan 043 Rev P1 and 044 Rev P1, details of proposed works to the central stream corridor, including taking into account the design details of the highway route through the site, along with an assessment of any impacts from this on water courses and habitats within and beyond the boundaries of the site, and any mitigation measures required, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure appropriate drainage details are suitable for land drainage consent approval and to ensure any ecological impacts are fully assessed in accordance with policies CLP13 and 16 of the Adopted local plan.

Informative Notes

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the layout and design of the scheme in order to achieve a positive outcome for the application.
2. 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.
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. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act

1991), they should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

5. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority