

ITEM 2**Residential development of 9 dwellings (Revised layout and description 19.01.2022) at Land South Of Poolsbrook School, Cottage Close, Poolsbrook for ADC Properties Ltd**

Local Plan: RP1

Ward: Middlecroft and Poolsbrook

Plot No: 2/2849

Committee Date: 4th April 2022**INTRODUCTION**

This application was previously put before Members for consideration at the 6th December 2021 planning committee where the officer recommendation was upheld for the application to be approved subject to conditions and the signing of a S106 to secure £56,628 towards affordable housing.

The applicant was concerned about the viability of the scheme on the basis of this contribution and as a result wanted to reconsider the proposed development. The following report is an update and new recommendation following revisions to the proposed development.

CONSULTATIONS

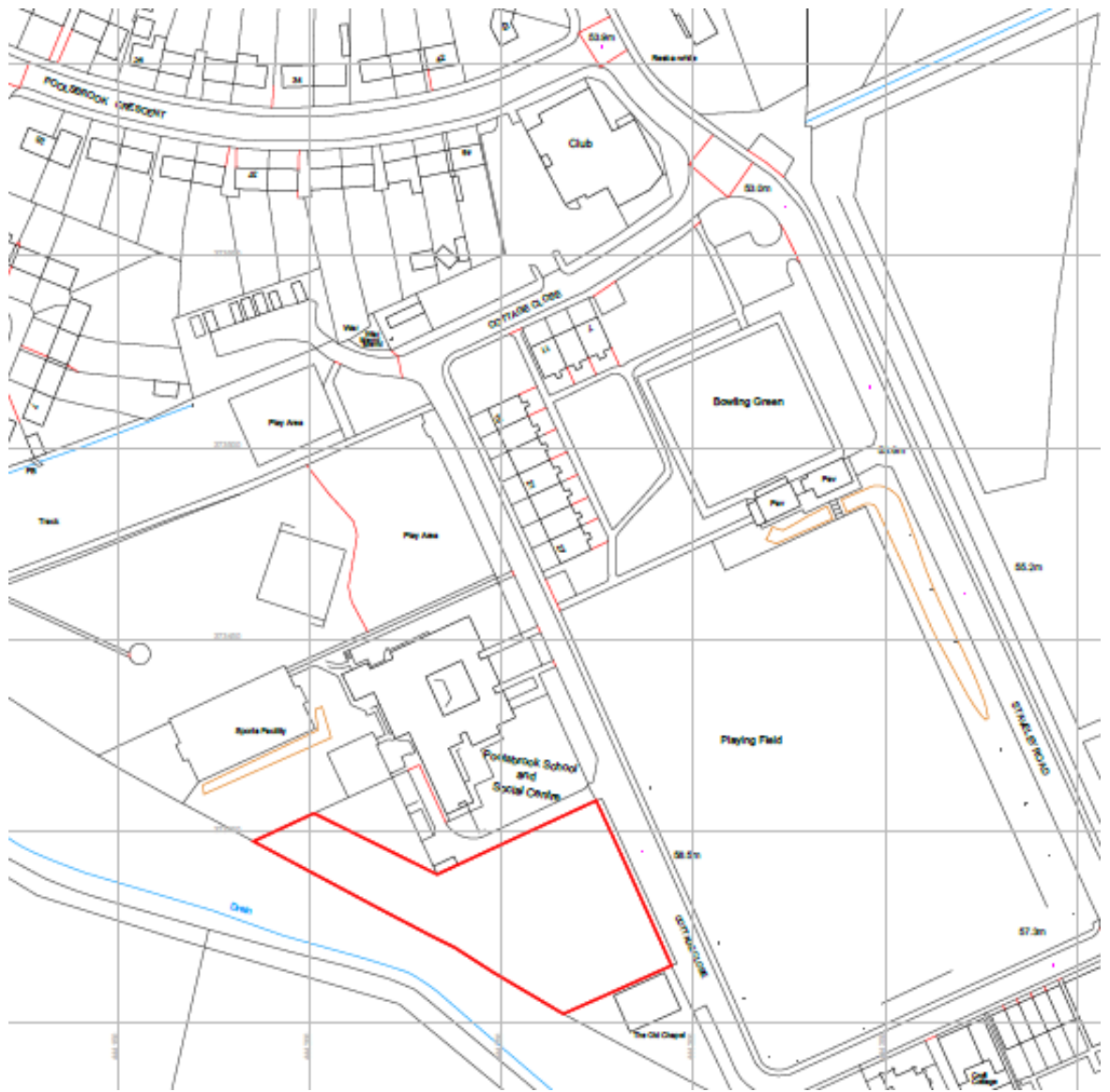
CBC Environmental Health	Request EV charging, restrictions on construction hours, detailed site investigation condition in regard to potential contamination. Comments on revised scheme remain unchanged.
The Coal Authority	Object due to lack of Coal Mining Risk Assessment. Following submission of a Coal Mining Risk Assessment the Coal Authority removed its objection. Comments on revised scheme remain unchanged.
Yorkshire Water	Recommend conditions Comments on revised scheme remain unchanged.
CBC Design Services	The site should be developed with separate foul and surface water drainage systems. It is noted that soakaways may be used as a means of surface water disposal for this proposed development. Infiltration tests of the subsoils must be carried out and sizing calculations provided to ensure soakaways are a

	<p>suitable method of surface water disposal. These should be designed in accordance with BRE Digest 365 to ensure no flooding occurs during a 30 year design storm and no flooding to properties occurs during a 100 year storm. Any new connections to the public sewerage system must have prior approval from Yorkshire Water.</p> <p>No further comments to make on revised scheme – concur with the LLFA.</p>
CBC Forward Planning	<p>The site is within the built-up area of Chesterfield (policy CLP3), and within Poolsbrook Regeneration Priority Area (policy RP1). In regard to CLP1 and 2</p> <p>The site is within walking and cycling distance of some local facilities, including Poolsbrook Primary School and a convenience store. It is around 1.2 miles (around 20 minute walk) to the nearest Centre at Staveley. Bus services are reasonable, and new development may help to sustain the shop and school in the village. The site is it is located within a Regeneration Priority Area and contributes well to delivering the Spatial Strategy in this regard. A 5% contribution for affordable housing is required and 25% (3 units) to M4(2) standards.</p> <p>Revised scheme -</p> <p>The revised scheme takes the development below the threshold for affordable and accessible/adaptable housing.</p> <p>The need for biodiversity net gain is required with a metric.</p> <p>There is no energy statement under CLP20.</p> <p>There are local and strategic cycle routes in close proximity to the site and there may be improvements to this needed to these to make the development acceptable under CLP20 and 22.</p>
Highway Authority	<p>In principle the amended plans are considered to be acceptable. Pedestrian visibility splays should be to the rear of the highway.</p> <p>The footway will require more substantial construction than standard footway which can be agreed under a S278 agreement.</p> <p>No objection subject to condition.</p>

Lead Local Flood Authority	Conditions are recommended. Previous comments still apply to amended scheme.
CBC Tree Officer	No objection subject to condition – see report No further comments on the revisions received.
Derbyshire Wildlife Trust	The revised layout does not appear to have any ecological implications. It is not clear which dwelling(s) the bat box and a sparrow terrace will be attached to. I would also note that the ecology report recommends two sparrow terraces and the layout plan only states one. The locations for the bat box and two sparrow terraces should be clearly identified to ensure implementation on site. No further comments to the revisions received.
CBC Housing	The affordable housing contribution should be as follows: Based on an average unit size of 87 sqm (936 sqft) taking an average sales value of £200 psqft (sales at Rectory Road Duckmanton achieved £222 psqft, so we have lowered the sales rate for a smaller development and slightly different location). The site generates a requirement for 0.55 of a unit, that equates to 514 sqft x 200 = £102,960, allowing for the fact that a RP might acquire at c55% value, 102960 x 55% - this gives a commuted sum of £56,628. No further comment on revisions received
NHS and Derbyshire CCG	No request for contribution as the development is under the threshold.
Representations	Four comments received – see section 6 of the report. Additional comment received to the revised scheme following planning committee.

2.0 THE SITE

2.1 The application site is vacant land which appears to have a surface for previously development on the land which is thought to be associated with the school. The red bricks walls currently define the limits of the site to the frontage (east) and either side (north and south). There is a wooded area to the rear (west) of the site. The site is relatively level but elevated from the highway.





3.0 SITE HISTORY

3.1 No relevant recent planning history.

4.0 THE PROPOSAL

4.1 Full planning permission is sought to redevelop the site for 9 open market dwellings which has been reduced from the previously considered submission of 11 units. The site is oddly shaped with an area to the north west projecting beyond the remainder of the site.

4.2 Following the previous planning committee decision, the number, design and layout of the units has been amended and is now as follows:

House Type A – Dormer bungalow – two bedrooms and bathroom to upper floor and one bedroom and wet room for disabled access on the ground floor. The house type is handed on Plots 1 and 2. With plot 2 fronting the main highway and plot 1 set to the rear.



House type B – now deleted from the scheme

House Type C – These units from the internal road in the form of a pair of semi-detached dwellings – two-storey with dormer to the roof forming a 3-bedroom dwelling. Plots 5 and 6.



House Type D - This is a two-storey dwelling with integral garage, a 4-bedroom unit. Plot 7.



House Type E (a) (Type EH being handed for plot 4) – This is a two-storey dwelling with integral garage, pitched gables one with bay window as a 4-bedroom unit. Plots 3 and 4.

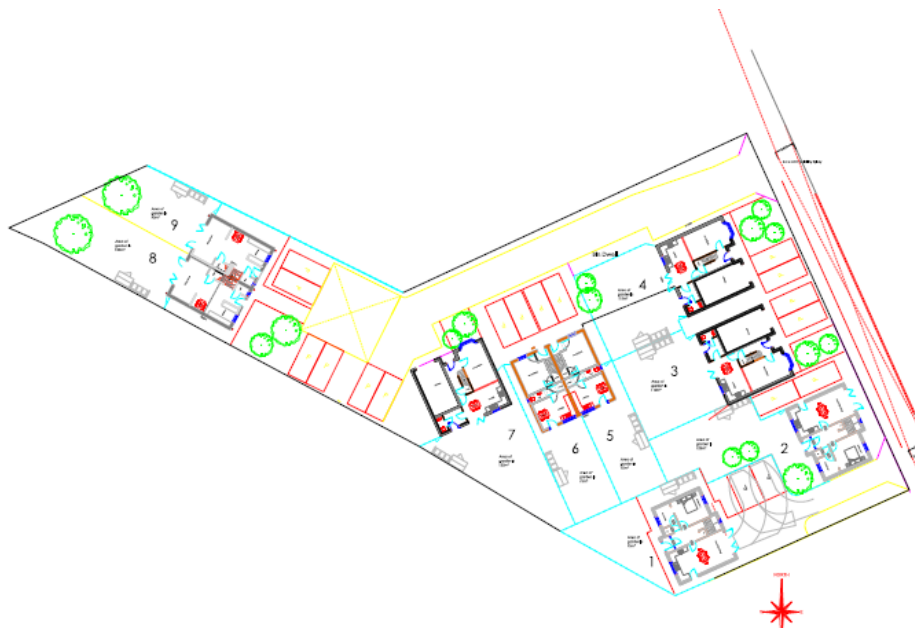


House Type E (b) – This is a pair of semi-detached dwellings two storeys in height with gabled feature to the front. The units are 3 bedroomed. Plots 8 and 9.



Each dwelling has 2 parking spaces.

4.3 Site layout:



4.4 Street scene:



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

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

RP1 Regeneration Priority Areas (Strategic Policy)

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal;
- Impact on local list asset adjacent
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage

5.5 Principle of Development

5.5.1 Policy CLP1 of the Adopted Local Plan sets out the Spatial Strategy for development in the Borough; The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need

regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.

- 5.5.2 The application site is within walking distance of the local facilities provided in Poolsbrook such a small shop and primary school, and with some services provided a greater distance away such as the secondary school. However, the site is close to bus stops which allow travel to other local centres and the town centres of Chesterfield and Bolsover.
- 5.5.3 The site is within the Regeneration Priority Area established under policy RP1, where it is noted that the council will grant planning permission for development which supports regeneration and where it would;
- a) extend the type, tenure and quality of housing; and
 - b) deliver environmental and biodiversity benefits; and
 - c) support or enhance existing services and community facilities;
 - d) provide recruitment, training and procurement to benefit the local economy (via a Local Labour Agreement in line with Policy CLP6), with the priority being to maximise training and employment opportunities for existing residents of the RPA within which the development is located; and
 - e) increase trees and tree groups to enhance landscape character; and
 - f) have an acceptable impact on the wider highway network (taking account of cumulative effects of other developments within the RPAs) and provide any necessary mitigation.
- 5.5.4 Specifically in terms of Poolsbrook the policy requires: Within the Poolsbrook Regeneration Priority Area, development is expected to:
- i. deliver a minimum of 175 new homes on site H31; and
 - ii. provide safe and convenient walking and cycling access to job opportunities at Markham Vale; and
 - iii. provide safe and convenient walking and cycling connections to the surrounding rights of way network, including connections to Duckmanton and Poolsbrook Country Park; and
 - iv. promote design that positively contributes to the surrounding area and conserves or enhances the significance of heritage assets including the surviving buildings of the Model Village.
- 5.5.5 The proposed development being a good mix of housing, within a sustainable location and providing an enhancement to the visual amenity of the area, along with tree planting is considered to meet the above policy requirements for development within the regeneration

area. A condition will be imposed to secure local recruitment, training and employment.

- 5.5.6 The comments of forward planning in relation to upgrading the cycle routes in the area are noted. However, it is not considered that this scheme is of sufficient scale or directly related to the nearby cycle routes to such a degree that an upgrade as part of this application is necessary to make the development acceptable in planning terms. CIL contributions from the development can be used to upgrade cycle schemes where necessary.

5.6 Design and Appearance of the Proposal

- 5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

- 5.6.2 The design of the dwellings has been amended through the application process to ensure a consistency of design across the various house types but also to better reflect on the traditional housing within the locality. It is considered that the revised scheme results in an appropriate finished form of development that is in keeping with the surroundings and will enhance the site. A condition will be necessary to ensure the finished materials of the development are appropriate along with details of boundary treatments, landscaping and hard surfacing.

- 5.6.3 The comments of the neighbouring resident in terms of the structural stability of the boundary wall are noted, however repairs to the boundary wall cannot be secured by this permission as changes may be proposed to the boundary due to excavations on the site. It is noted that should the boundary wall remain then planning permission is not required for its repair which is the responsibility of the landowner as a civil matter. The recently reiterated comments from the neighbouring resident regarding the concerns stability of the wall are acknowledged, in response it should be noted that it is the landowner's responsibility to ensure any buildings or structures are safe.

- 5.6.4 The proposal is considered to be acceptable in terms of design and appearance in accordance with Policy CLP20 of the Adopted Local Plan.

5.7 Impact on local list asset adjacent

- 5.7.1 The neighbouring property known as The Old Chapel is registered on the local list of heritage assets. The lists notes that the Chapel is a Former Methodist Chapel from the 1890's which would have served the community living in Poolsbrook Cottages across the road which was demolished in the 1980's.
- 5.7.2 Policy CLP21 states in part that; In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will: e) identify and, where appropriate, protect non-designated heritage assets of local significance, set out in and referred to as the Local List.
- 5.7.3 The NPPF in paragraph 203 states; The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.7.4 The proposed development will be adjacent to the Old Chapel and will not therefore lead to its loss. In terms of the impact on the Chapel it is considered that the amended design is suitably respectful of the Old Chapel ensuring there is a break between the development and the Chapel but also respecting the building and integrating an appropriate scale and design of development without unduly compromising the non-designated heritage asset. On this basis the proposal is considered to be acceptable in accordance with Policy CLP21 of the Adopted Local Plan.

5.8 Impact on Neighbouring Residential Amenity

- 5.8.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 5.8.2 The original scheme was amended in part due to the potential impacts on the privacy of the neighbouring dwelling, The Old Chapel has elongated windows to the side elevation. The amended scheme has ensured the new dwellings are not immediately on the boundary of the site to ensure there remains sufficient light into the windows of the Chapel following the development. The dwelling closest to that boundary has a blank gable to the side to ensure that any potential

overlooking is minimised. This has ensured an appropriate relationship between the existing and proposed dwellings. A condition will ensure no future openings are imposed into the side gables of plots 1 and 2. Plot 1 is set to the rear of the Chapel and has only one upper floor window to the gable closest to the rear elevation of the Chapel, whilst there is an oblique angle from the window of the proposed dwelling to the rear of the Chapel, because the window is a feature bay window it is considered that there is some potential for overlooking. However, this can be mitigated through a condition to ensure the obscure glazing of the south-eastern side of the bay feature window to an internal height of 1.7m.

- 5.8.3 The proposed layout allows for sufficient distances between plots and sufficient garden sizes to ensure adequate amenity space. To the side of the site adjacent to the school appropriate boundary treatments and the separation of the proposed access road will ensure an appropriate relationship between the dwellings and the school.
- 5.8.4 Subject to conditions it is considered that the proposal is acceptable in terms of amenity impacts on neighbouring residents in accordance with policy CLP14 of the Adopted Local plan.

5.9 Highways Safety and Parking Provision

- 5.9.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.9.2 The Highway Authority have noted no objection to the revised scheme subject to conditions. Highways have noted:
In principle, the comments made and the revised drawing are considered acceptable.
For clarification, pedestrian intervisibility splays should be located to the rear of the highway.
The applicant should note that footway fronting the site will require more substantial construction than standard footway construction. It is considered that this can be agreed at constructional approval stage for a Section 278 Agreement under the Highways Act 1980. Recommend conditions.
- 5.9.5 The neighbouring resident has raised concern that their parking area to the frontage of the site should not be impacted by the development, which is acknowledged. It is assumed that this area is the piece of land where there is no pavement to the frontage of The Old Chapel. Whilst

the extent of land ownership/rights here are not fully known, it appears feasible from the submitted plans to secure the access point to Plot 1 as set out without impinging on the ability of the neighbouring residents to park within this area. As noted above this appears to be contained within the public highway and therefore would be under the control of the Highway Authority. There are also concerns raised regarding the narrowing of the highway to provide a suitable pavement to the front of the site, the Highway Authority in their comment have clearly acknowledged this and found the proposal to be acceptable.

- 5.9.6 Subject to conditions it is considered that appropriate access and parking can be provided through the proposed layout to ensure no adverse impacts on highway and pedestrian safety in accordance with Policies CLP20 and 22 of the Adopted Local Plan.

5.10 Biodiversity, impact on protected species, enhancement and Trees

- 5.10.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 5.10.2 The submitted ecological reports advises that; *the site has minimal value and no presence of protected species. It notes that; There are four designated Local Wildlife Sites (LWS) within 1 km of the site. All are sufficiently distant (between 380 m and 1 km) that there is not likely to be a potential impact from the proposed development site.*
- 5.10.3 In terms of enhancement the report notes that: *There is an opportunity for biodiversity enhancement through creation of additional habitat along the margins of the site. Provision of features within the development itself could also enhance biodiversity. Features that should be considered include:*
- *A native species-rich hedgerow along the northern boundary of the site to complement the existing hedgerows around Poolsbrook Leisure Centre.*
 - *Landscaping within the development should include a component of native trees and shrubs, favouring flowering and fruiting species.*

- *Provision of suitable bird and bat boxes. These should include:
One Schwegler 2FTH Universal Summer Bat Box mounted on the southern aspect of one of the dwellings.
Two Schwegler 1SP Sparrow Terrace nest boxes mounted on the northern aspect of one of the dwellings.*

Biodiversity net gain will be provided by creation of:

- *Native species-rich hedgerow, which is a UK BAP Priority habitat.*
- *Provision of features that support potential habitat for:
Bats (foraging habitat and roosting sites).
Birds (foraging habitat and nesting sites).
Nectar and pollen-feeding invertebrates including butterflies.*

- 5.10.4 *Derbyshire Wildlife Trust has considered the scheme and advised that; The revised layout does not appear to have any ecological implications. It is not clear which dwelling(s) the bat box and a sparrow terrace will be attached to. I would also note that the ecology report recommends two sparrow terraces and the layout plan only states one. The locations for the bat box and two sparrow terraces should be clearly identified to ensure implementation on site.*
- 5.10.5 *On the basis of these comments and the submitted report it is considered that through landscaping of the site with specimen trees as shown on the layout plan, along with bat boxes and sparrow terraces, all of which can be secured by condition, the proposed scheme is considered to have a beneficial impact in terms of biodiversity in accordance with Policy CLP16 of the Adopted Local Plan.*
- 5.10.6 *The application site appears to have self seeded over the years the land has been vacant. In recent times the site has been cleared. There are trees located on the western border of the site.*
- 5.10.7 *The Council's Tree Officer has considered the application and noted that; A site layout plan reference 20-812-01 by Mitchell & Proctor dated November 2020 has been submitted with the application. No tree survey has been provided but is clear from the drawing that one property to the north-west of the development site may fall within the Root Protection Area (RPA) of the belt of trees on the neighbouring land. Proposed car parking bays and other hard surfaces may also fall within the tree RPA. The proposed development will not have any detrimental effects on the retained trees on the neighbouring land but there may be some root disturbance and the need to carry out some facilitation pruning to remove any overhanging branches. Further details will therefore be*

required if consent is granted to the application to safeguard the rooting environment of the trees and have affective control over any pruning proposed. A condition is therefore recommended to safeguard the trees on the neighbouring land. A detailed landscaping scheme should also be provided and attached as a condition which enhances the area and provides suitable wildlife benefits for the site and surround area.

- 5.10.8 On the basis of these comments it is considered that subject to conditions the scheme will not result in adverse impacts on nearby trees and the proposal is therefore acceptable in terms of policy CLP16 of the Adopted Local plan.

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 *The Coal Authority initially considered the scheme and raised objection due to the lack of a Coal Mining Risk Assessment. The report was then submitted to which the Coal Authority responded; **Based on a review of relevant sources of coal mining and geological information, the submitted report concludes that possible unrecorded mine workings associated with the Sough Coal seam pose a potential stability risk to the proposed development. Any workings associated with the deeper Furnace Coal and underlying coal seams are not considered to pose a risk to the development. The Coal Authority is pleased to note that the report goes on to recommend that intrusive ground investigations, in the form of boreholes, are carried out in order to confirm the depth, thickness and condition of the Sough Coal seam and to inform any necessary remedial measures. Conditions recommended.***
- 5.11.3 In regard to potential land contamination the Council's Environmental Health Officers have requested a condition for site investigations to take place.
- 5.11.4 Based on the proposed conditions recommended by the Coal Authority and Environmental Health, it is considered that the mining legacy in terms of land stability and potential contamination is appropriately considered in accordance with 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, and goes on to note that; Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.*
- 5.12.2 Yorkshire Water have raised no objection to the proposal but have recommended conditions in terms of the provision of separate foul and surface water provision and appropriate surface water run off rates.
- 5.12.3 The Council's Design Services team have noted that soakaways in this location may not be suitable and therefore investigation should take place.
- 5.12.4 The Lead Local Flood Authority initially raised objection to the proposal due to lack of information. Following the submission of a detailed drainage report the LLFA recommended a series of conditions to ensure appropriate management of surface water.
- 5.12.5 Subject to the conditions recommended by consultees and imposing a water efficiency condition it is considered that the proposal is acceptable in accordance with 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 within the low CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge is calculated as follows:

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

The liability from the previous scheme was as follows and will need to be updated for the revised scheme for which an updated CIL form is awaited.

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	962	0	962	£20 (Low Zone)	333	288	<u>£22,246</u>

5.13.2 As the proposal is for 9 units affordable housing provision is not required.

6.0 **REPRESENTATIONS**

6.1 Five comments have been received from two parties and are summarised below:

Response to original scheme:

- Impact on traffic and highways
- Visual impact
- Concern for school in terms of access, parking and overlooking school and road safety.
- Need to see site elevations and layout
- Site drainage appears to be ‘off-grid’
- Concerned regarding siting soakaways near our property
- Foul drainage
- Street lighting layout as there need to be adequate illumination and security for duty of care to residents and safety of pedestrians and traffic.
- Trees on the site have been felled without notice
- Damage to south boundary wall with two severe longitudinal cracks.
- Tree roots are still in place old drains may be too, west boundary is in a poor state.
- There is a juxtapose of architectural styles.
- If the design was more sympathetic towards such an architectural asset within our village this would be beneficial.

- Space created to provide parking alongside the Old Chapel is welcome but raises concerns regarding noise, car doors, late nights, attraction point for trespass, eyesore of litter accumulation.
- The windows to the Old Chapel are tall bridging ground and first floor so there are privacy concerns.
- Already difficulties with school parking and bins, there is inadequate provision here.
- Development in the area has already impacted on traffic hazards with volume of traffic, poor parking making the area outside the entrance hazardous.
- The existing road surface here is poor construction traffic would further destroy the tarmac and there is no lorry gritting.
- Vibrations from the site, transport and machinery may affect the structure of the Old Chapel.
- ‘Each way’ turning from the site should not be allowed.
- With over 500 people expected to the village we have little in the way of resources to accommodate these.
- What other plans are proposed for our village?

Response to originally amended scheme:

- The two plots adjacent to the Old Chapel have been amended and are more sympathetic and in keeping with the heritage of the Old Chapel.
- The elevation to Plot 1 Type A to the Chapel is abrupt diminishing both dwellings benefits of privacy and could be improved. The plot would be better rotated 45 degrees.
- There appears to be conflict with the off-road parking to the Old Chapel.
- Plot 2 appears to project beyond the building line.
- The treatment of the path in relation to the road layout is unclear.
- On road parking for the public will be lost in this layout.
- There is an absence of drainage layout and street lighting details.
- Remain concerns about the construction work impacts on the Old Chapel.
- The overall site impression is agreeable subject to the remaining matters being resolved.
- The area for our private parking is directly in front of The Old Chapel and is outside the application site, but is abutting the proposed driveway to Plot 1, and therefore impacted by it. The existing demarking kerbs are in line with The Old Chapel boundary wall. It is unclear as to the detail proposed for the required vision splays to Plot 1 driveway, as these are not drawn on Site Layout, and I am

concerned as to how these may be implemented and not affect in any way, The Old Chapel frontage.

Response to amended scheme following planning committee:

- The wide verge/vision splay to mirror the opposite side of proposed driveway to Plot 1, would ensure safety and function of driveway and our parking.
- The proposed plots' aesthetic now has an adverse impact on the street scene.
- The original planning consent must remain unrevised.
- Safety of vehicles is compromised turning into Plot 1, it being a 'pinchpoint' when residents are accessing/egressing this driveway into oncoming traffic and will be unnecessarily hazardous.
- Concerns regarding visibility from the access.
- Cottage Close is extremely busy during school hours, the extended verge/footpath detail encroaches on existing road width, narrowing it to one lane.
- The nearby public footpath through fields to Duckmanton has no 'pedestrian-only' barriers to prohibit motorbikes which is a safety hazard.
- Suggest that restrictive street furniture is put in place to prevent this but also to route pedestrians to opposite side of Cottage Close using hard landscaping, encouraging them not to walk on existing grass verge.
- Cars already are using this grass verge as overflow parking.
- Concerns regarding the crack in the boundary wall remain, it urgently needs rebuilding.
- We oppose the above requested planning revision.

Officer Response:

The concerns raised have been addressed in the report above.

In terms of works to the adjacent footpath it is not considered that this development in itself justifies the provision of additional works to a footpath that is remote from the application site. However, the concerns have been passed onto the Highway Authority who are responsible for public rights of way and any associated safety issues.

- 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 This is a sustainable location for residential development which will lead to an enhancement of the site and surroundings in line with the objectives of the regeneration priority areas.
- 9.2 The amended scheme has addressed concerns in relation to design, amenity impacts and highway safety. The site is acknowledged to be of limited biodiversity value which will be enhanced through landscaping and bat and bird box provision as recommended. Matters of site stability, contamination and drainage can all now be appropriately considered through recommended conditions.
- 9.3 The development will be CIL liable for which an updated CIL form is awaited.
- 9.4 Subject to conditions the proposal is considered to meet the policy requirements of the Adopted Local Plan and is therefore recommended for approval.

10.0 RECOMMENDATION

- 10.1 That the application be **GRANTED** subject to the following conditions:

Conditions

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

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

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

- Location Plan 20-812-12 received 20.11.2020
- Amended plans received 03.08.2021 (in relation to house types A, C, D and E(b) (in relation to plots 8 and 9) only.
- Site Layout Plan 20-812-01E received 23.03.2022
- Street scene plan 20-812 7 Rev A
- Plot 3 house type E (a) (plot 3 only)20-812-005 received 23.03.2022

- Plot 4 house type E (a) (plot 4 only) 20-812-007 received 23.03.2022
- Drainage Strategy dated October 2021 received 22.10.2021
- Coal Mining Risk Assessment received 20.01.2021
- Ecological Appraisal received 11.01.2021

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. 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.

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

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

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

Reason – This is a pre commencement condition in order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

6. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with Policy CLP14 of the Adopted Local Plan.

7. Prior to the plot 1 hereby permitted being occupied the south eastern side of the bay to the first floor window within the front elevation gable of Plot 1 shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 4 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

Reason - To safeguard the privacy and amenity of the occupiers of the adjoining property in accordance with Policy CLP14 of the Adopted Local Plan.

8. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination

Proposals' shall be submitted to and approved in writing by the Local Planning Authority;

e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.

9. a) Prior to installation, details of a proposed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
b) All works shall be fully implemented in accordance with the approved scheme before first occupation.

Reason - To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of amenity/biodiversity/habitats in accordance with policies CLP14 and 16 of the Adopted Local Plan.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason - In the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal in the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

12. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason – To ensure appropriate site stability due to former Coal Mining Activity in accordance with Policy CLP14 of the Adopted Local Plan.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason – To ensure appropriate site stability due to former Coal Mining Activity in accordance with Policy CLP14 of the Adopted Local Plan.

14. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees on the neighbouring land, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:
 - a) Location and installation of services/ utilities/ drainage.

- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the neighbouring retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of any root pruning The development thereafter shall be implemented in strict accordance with the approved details.

Reason - Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained on the neighbouring land will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990 and Policy CLP16 of the Adopted Local Plan.

15. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be

landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) details of all boundary treatments to include hedgehog gaps
- 3) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) use within tree Root Protection Areas (RPAs);
- 4) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 5) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies CLP16 and 20 of the Adopted Local Plan.

16. Prior to occupation of the dwellings hereby approved details of the locations of appropriate ecological enhancements in the form of bat boxes and sparrow terraces, shall be submitted to and agreed in writing by the Local Planning Authority, the agreed details shall be installed on site within one month of completion of the development and shall be retained on the dwellings repaired and replaced as necessary.

Reason – To ensure biodiversity enhancement of the site in accordance with Policy CLP16 of the Adopted Local Plan.

17. Before any other operations are commenced, excluding construction of any temporary access, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out, constructed and retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

18. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

19. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc.
- Hours of operation – with deliveries being avoided during school drop off/pick up time.
- Method of prevention of debris being carried onto highway.
- Pedestrian and cyclist protection.
- Proposed temporary traffic restrictions.
- Arrangements for turning vehicles.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

20. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Cottage Close in accordance with the revised application drawing and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions for the main access and fronting parking spaces and 2.4 metres x 43 metres in the non-critical direction and 2.4 metres to the bend in Cottage Close in the critical direction from the driveway to Plot 1 measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1 metre in height (0.6 metre in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

21. The ‘main’ access to the development, the driveway to Plot 1 and the parking spaces directly off Cottage Close shall be provided with 2m x 2m x 45° pedestrian intervisibility splays, to the rear of the highway, prior to the occupation of the dwellings. The splay areas shall be maintained throughout the life of the development clear of any object greater than 0.6 metre in height relative to the footway level.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

21. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked (parking space 2.4m x 5.5m clear of any shared/manoeuvring area) and for vehicles to turn (including smaller service/delivery vehicles) so that they may enter and leave the site in a forward gear. Once provided, such spaces shall be maintained free from any impediment to their designated use.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

22. 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 gates or other barriers installed on the access or driveways.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

23. The proposed access to Cottage Close shall be no steeper than 1:20 for the first 5m from the nearside highway boundary and 1:14 thereafter. Individual drives shall be no steeper than 1:14.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

24. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) there shall be no additional windows installed into the upper floor side elevations of any of the dwellings hereby approved or the ground floor side elevations of plots 1 and 2 without the grant of further specific planning permission from the Local Planning Authority.

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

25. Details of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development in accordance with Policy CLP20 of the Adopted Local Plan.

26. Prior to the occupation of the first dwelling details of the management of the shared spaces including the highway shall be submitted to and agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety and maintenance in accordance with policy CLP22 of the Adopted Local Plan.

27. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. Drainage Strategy Report dated October 2021, Doc Ref: ADC-1571-01-DS-001 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”

b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

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

28. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason - To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

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

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

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

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

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

2. In regard to tree condition 14; The following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

3. In regard to tree condition 15; The following British Standards should be referred to:
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work – Recommendations
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use

4. Highways:
 1. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
 2. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 3. The following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:

"The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve

the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts the publicly maintainable highway”.

4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreement may be obtained by e-mailing kevin.barton@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement

5. The applicant is advised that to discharge condition 24 that the local planning authority requires a copy of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

5. Yorkshire Water:

1.) The submitted Drainage Strategy (ref ADC-157-01-DS-001) prepared by Inspire, dated October 2021 requires amendments, but if planning permission is granted, the matter can be dealt with via condition. In summary, the report states that a.) Foul water will discharge to public combined water sewer b.) Sub-soil conditions likely do not support the use of soakaways due to the presence of coal deposits, however infiltration testing have yet to be carried out. c.) A watercourse exists near to the site however is not accessible due to levels. d.) Surface water will discharge to public surface water sewer via storage with restricted discharge 5 litres/second - this is based on a generally assumed minimum discharge rate of surface water discharge, however Yorkshire Water consider the minimum rate to be 3.5 litres per second. We would also consider this site to be greenfield rather than brown as satellite imagery shows the site to not have been developed for some considerable time - at least since 2009. e.) The means of surface water management has not been properly considered within the drainage report. Yorkshire Water requires further information regarding the means of draining surface water from the development.

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

considering disposal to public sewer. b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed. c.) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal. d.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water network at a restricted rate not to exceed 3.5 litres per second.

3.) 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), he should contact our Developer Services Team (telephone 03451 208 482, 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 'Codes for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

6. Lead Local Flood Authority:

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

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

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

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

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the

resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

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

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

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

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

I. Surface water drainage plans should include the following:

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

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice

for Surface Water Management for Developed Sites' (to be agreed with the LLFA).

- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

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

Volume Control

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

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

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its

presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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

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

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

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

M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the

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