

## Item 1

Officer: HF

Application No: CHE/21/00707/FUL

### **ADDENDUM TO THE COMMITTEE REPORT**

#### **Erection of 301 dwellings including the provision of public open space, landscaping and associated infrastructure and works on land to the east of Linacre Road, Holme Hall for Tilia Homes Ltd**

#### **Committee date**

*This report should be considered in conjunction with the report at Appendix A submitted to Planning Committee on 6<sup>th</sup> June.*

#### **1.0 Background**

1.1 The above referenced application was previously included on the agenda for planning committee on 6th June 2022 and was subsequently deferred at the meeting in order for further information to be provided covering the following matters:

- More detail about the loss of trees
- Further details on the calculations of the contributions
- Calculation in relation to the loss of trees and the carbon capture loss associated with this.
- Other matters raised at the meeting for which further clarity is required.

Additional information to cover these issues and matters raised in the meeting is set out in line with the headings below:

- 1.0 Local Plan allocation and background and primacy
- 2.0 Climate emergency
- 3.0 Space Standards
- 4.0 Affordable housing
- 5.0 Further details on the calculations of the contributions in relation to Schools and GP practices

- 6.0 Loss of trees
- 7.0 Calculation in relation to the loss of trees and the carbon capture loss associated with this
- 8.0 Biodiversity Net Gain
- 9.0 Highway Edge Along Linacre Road
- 10.0 Petition
- 11.0 Recommendation

## **1.0 Local Plan allocation and background and primacy**

- 1.1 Planning law (Section 38 of the Planning and Compulsory Purchase Act 2004, as amended) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the ‘development plan’ for the purpose of the Act is the Chesterfield Borough Local Plan 2018-2035, which was adopted in July 2020 and is considered ‘up to date’.
- 1.2 Paragraph 11 of the NPPF requires that decisions should apply a “presumption in favour of sustainable development”. For decision-taking this means “approving development proposals that accord with an up-to-date development plan without delay”.

The principle of development was considered in depth in para’s 5.5.1 to 5.5.31 of the original report.

- 1.3 This section of the report concluded:  
In considering matters of planning policy, the sustainability of the site, the necessary requirements of affordable housing and accessible and adaptable homes, the impacts of climate change and infrastructure capacity have all been considered and found to be acceptable subject to conditions and CIL provision and the signing of a S106 agreement. On this basis the principle of the development is acceptable in line with local and national planning policy and there are no material considerations which indicate any deviation from this.

#### 1.4 Why was the site allocated for 300 dwellings

All of the sites, including this one, were subject to individual appraisal as part of preparing the Local Plan through a process of 'Strategic Housing Land Availability Assessment'. As part of this an assessment of capacity is made by applying typical development densities to the site after taking account of physical constraints such as flood risk zones or buffers around sensitive uses.

1.5 For the Linacre Road site this was informed by a masterplan approach that had been previously prepared by ID Planning on behalf of the Council in 2015. This considered the site constraints, including undertaking intrusive site surveys which were commissioned by the Council. The masterplan was subject to its own separate public consultation in 2015 prior to formal approval by the council. This process resulted in an estimated site capacity of 300 dwellings and which informed the marketing of the site and the development agreement with Tilia. The principles of the 2015 masterplan are reflected in the current application layout.

#### 1.6 Publicity that took place as part of the allocation process

The Local Plan was subject to two rounds of public consultation, (in January/February 2017 and January/February 2019), which included the allocation of the Linacre site. During the pre-submission consultation, just four representations were received on the proposed allocation at Linacre: one in support; one objection from a member of the public; one objection from a landowner promoting an alternative site; and one objection from a landowner seeking the allocation of part of the plantation for housing.

1.7 The Plan was then subject (in November 2019) to an independent Examination in Public undertaken by two Inspectors appointed by the Planning Inspectorate. A further consultation on modifications

to the Plan arising from the examination was undertaken in 2020 before adoption by Full Council in July of the same year.

- 1.8 Consultation on the Local Plan included a range of letters to statutory consultees and individuals who had expressed an interest in being informed of the Local Plan, alongside press notices and public exhibition events. Cabinet approval was sought for the draft Local Plan, and the 'pre-submission' Local Plan was approved by the Full Council.
- 1.9 The publicity undertaken and resulting engagement was set out in a Statement of Consultation, which formed part of the suite of documents the Council was legally required to submit with the Local Plan for its Examination.
- 1.10 Prior to this (as referred to above), there was local public consultation on the masterplan for the site, which occurred in October 2015 and included a public consultation event held at Holmebrook Valley Family Centre on 22<sup>nd</sup> October 2015. 3,600 households were notified in writing about the 'drop in' masterplan event and which covered a much larger area than is usually done targeting properties within a 5 minute walk of the boundary of the site. Posters to advertise the event were also placed on community noticeboards, in local shops, and the health centre at Wardgate Way, on lamp posts near the site and at local bus stops. Over 200 people attended and Ninety-two individual responses were received to the consultation and were used to inform the masterplan that was approved by the council prior to the marketing of the site.
- 1.11 Delivering and Contribution to housing supply

As a Local Plan allocation, the delivery of homes on the Linacre Road site was incorporated into the estimated housing trajectory that was set out in the adoption of the Local Plan. It assumes that the site will deliver an average of 50 dwellings per year for the years 2025/26 to 2030/31.

1.12 The statement setting out the Council's five-year supply of deliverable housing sites is currently being prepared. Currently it is expected that this will demonstrate sufficient supply and which will be expected to include at least the first two years of delivery of the Linacre site (accounting for 100 of the required supply) on the basis of meeting the tests set out in Planning Practice Guidance for a deliverable site (an up-to-date Local Plan allocation with evidence of delivery in the form of a current planning application).

## **2.0 Climate emergency**

2.1 The Council declared a Climate Change Emergency in 2019 and approved its Action Plan in February 2020.

2.2 The Local Plan was adopted by the Council in July 2020, after the Climate Emergency was declared. The Local Plan was subject to a legal requirement to undertake a Sustainability Appraisal (SA) as part of the preparation and examination in public of the Local Plan. The SA included an assessment of the overall strategy under a range of key headings, including Climate Change - covering minimising impact, mitigation and adaptation.

2.3 As set out in para 5.5.25 of the original report the Local Plan primarily seeks to address sustainable development through ensuring development is accessible. Policies CLP1 and 2 require walkable neighbourhoods where there is easy access to local services and facilities. In this way all new development seeks to minimise the need to travel through sustainable development as the means to address the impacts of climate change. The policy approach encourages forming cycling and walking links to existing centres providing active neighbourhoods and to consider climate impacts in the long term. The current application does this with improvement to the link to the local centre at Wardgate Way which is within easy walking distance of the site.

- 2.4 Due to other legislation setting out the approach to construction matters and climate change it is not reasonable for the planning system to impose tighter regulation than the government dictates, unless there is a specific and approved planning policy requiring this. Given other legislation, such as building regulations it is unlikely that any such policies would be approved as part of the local plan process. The policy position in relation to climate change is set out in para's 5.5.17 to 5.5.25 of the original report.
- 2.5 In terms of construction, new Building Regulations came into force on the 15<sup>th</sup> June 2022 and although these regulations have been updated with regard to matters impacting on climate change they still allow for the installation of gas boilers. Whilst it has been mooted that gas boilers will be phased out in the future there is no guarantee at this time as to when gas boilers in new dwellings will no longer be allowed. When such changes come into force it will be through the Building Regulations and not via the planning system.
- 2.6 While the Government has targets regarding the impact of climate change and the Council has declared a climate emergency, there is no specific national policy other than updated building regulations to demonstrate how these will be met. This makes it difficult for LPA's to determine the extent of carbon emission reductions necessary to deliver on any targets. It is clear from appeal decisions and a called in decision by the secretary of state, that without a specific policy on climate measures the control of building construction beyond the adopted building regulations would be considered unreasonable. There is no such policy in the Chesterfield Local Plan, which means we are unable to add additional climate measures in this case.
- 2.7 While the Council has declared a climate emergency, we have not restricted the installation of gas boilers in new dwellings, or as replacement for existing units in our council housing stock and there are no plans to move away from this at the current time. It is

therefore not reasonable to impose a non-policy position and requirement to determine a planning application.

- 2.8 The conclusion on climate matters in the original report was contained within para 5.5.32 and the recommendation in this regard remains unchanged.
- 2.9 Since the last committee discussion has taken place with the applicant and further information has been submitted in regard to the aims for construction improvements noting:

*We have updated our Sustainability Report to reiterate our position in terms of complying with the statutory 31% reduction in CO2 emissions required by Building Regulations Part L1A 2021 (which came into force 15.06.22). We would ask that the proposed planning condition requiring resubmission of this statement prior to commencement is now removed as the standards are already enforceable by building regulations and not specific to Chesterfield.*

*In summary, Tilia operates a comprehensive environmental approach to new developments which covers house design, construction, water usage, material sourcing, pollution prevention and the use of SUDS. The implementation of this together with the other features including landscaping, ecology and biodiversity net gain will have a significant contribution towards delivering a sustainable development at Linacre Road.*

*Our new homes are designed with energy efficiency as a key design consideration. Good levels of insulation, airtightness through quality of construction on site, high efficiency heating systems, maximisation of solar panels, 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 first approach. The energy efficiency of new homes is solely driven through Approved Document Part L, with the 2021 update providing a 31%*

*improvement over Part L 2013, in readiness for upcoming regulations such as Future Homes and Future Building Standard in 2025. This standard will complement existing building regulations and will be the turning point in which the UK government is hoping to reduce carbon emissions in new homes by 75-80%.*

*We are constantly tracking improvements to our specification to ensure our housetypes are at the forefront of innovation and will as a matter of course evaluate new technologies in line with legislation updates so that end user and environmental benefits can be maximised. For this development and in compliance with current regulations, Tilia propose gas with the addition of photovoltaic panels as the most economically viable solution for new residents up until 2025. Although Air source heat pumps might be heralded as the future of home heating it is not a straightforward swap, with the efficiency and reliability of heat pump technology still being called into question. Typically, the running costs associated with Air Source Heat Pumps are far higher than gas with electricity currently priced almost four times more expensive than the cost of gas. During a cost of living crisis, we don't advocate installing technologies which are going to intensify the household running costs and create a potential legacy issue for new residents.*

*There are also still a number of availability and reliability issues with heat pumps, and with a vastly smaller support network for servicing and maintenance compared to gas, there will need to be dramatic rise in qualified technicians to meet demand. Currently, Air Source Heat Pumps do not perform very well below 0°C and the heat output is quite significantly less than gas, requiring radiators 2.5 times larger than regular ones and smaller windows to recover loss of efficiency which in turn impacts the internal room layout and comfort for the resident. The SAP software and methodology which underpins the Energy Performance Certificates, calculates that a gas + PV solution provides A rated*



*dwellings compared to heat pumps resulting in B/C rated dwellings.*

*The Government and Construction Industry are still uncertain what the ideal solution is, but over the next 3 years it is expected that heat pump technology and other systems such as hydrogen heating will improve and become more cost efficient. Tilia are adaptive and pro-active towards climate change and will take this time up to 2025, to investigate the optimum method of meeting Future Homes without gas boilers. Until then, we strongly endorse a 'fabric first' approach, whereby CO2 emission reductions are achieved through the building fabric coupled with solar panels to provide free energy from daylight and offset grid supplied electricity. 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 together with lower energy bills for our occupiers from the outset. Solar panels have been proven to be effective and reliable over the years in comparison to newer and unfamiliar renewable technologies, there is no maintenance or change in occupiers behaviour required, and it avoids the concern whether the technologies are actually being used correctly.*

*Our path to achieving the statutory 31% reduction in CO2 emissions required by Building Regulations Part L1A 2021, comprises a combination of higher levels of insulation in each element of the building fabric, improved performance of windows and doors, enhanced thermal bridging, maximising both the use of and the generation of renewable energy through solar panels:-*

- Reduce heat loss thorough external walls by 20%*
- Reduce heat loss through the roof by 29%*
- Reduce heat loss through floors by 25%*
- Reduce heat loss through windows and doors by 14%*
- Reduce heat loss through air leakage by 31%*
- Provide dual heating zones to help provide controllability to new houses.*

- *All showers will be off the main system, no electric showers.*
- *Low energy continuous running fans to improve running costs and indoor air quality.*
- *Lighting efficiency will be improved by 78% minimum.*
- *Solar photovoltaic panels added to each dwelling to provide renewable electricity for the dwelling and also provide renewable electric car charging.*
- *EPC A Rating*

2.10 The updated sustainability statement also notes how the company will consider construction before and after 2025: *The developer wishes to take a 2 step approach to this development:*

***Step 1 – Up until 2025.***

- *Provide gas boilers with low running costs and provide solar photovoltaic panels to provide free energy from daylight until 2025.*
- *Review alternative robust non-fossil fuel heating systems ready or the transition in 2025.*

***Step 2 – 2025 onwards:***

- *Review the Future Homes Standard and new Part L that are proposed at this time.*
- *Review current heat pump options to determine the most robust, reliable and low running costs system suitable for future householders.*
- *Review alternative non-fossil fuel systems that may be a viable alternative to heat pumps.*
- *From 2025, implement the most suitable non-fossil fuel technology to meet the Future Homes Standard and provide low running costs for future householders.*

2.11 Based on this updated information it is considered that the originally recommended condition 46 can be amended to ensure the development is constructed in line with the above statement.

### 3.0 Space Standards

3.1 It is regularly brought to the attention of committee members that proposed housing does not meet the national space standards. These space standards are not however adopted by the Council as policy or supplementary planning guidance and therefore it would be unreasonable to attempt to refuse permission on the grounds of low space standards. It is the case however that the National Space Standards are an indication of the quality of living space to be provided and which can on occasions be useful as a guide as to whether a proposal represents over-development.

3.2 In this case following the meeting of the 6<sup>th</sup> June the applicant has amended the scheme to make the affordable homes on site larger by reviewing the proposed floor plans. Such changes are relatively minor relating to an additional brick width only. This is now reflected on the amended site layout plan and is as set out in the table below. It is acknowledged that the AFH402A type has become very slightly smaller.

	Previous floor space m2	Proposed floor space m2	National Space Standard
2B4P M4(2) – 2 Bed	74	75	79
3B5P (M4(2) – 3 Bed	87.9	89	93
2B Bungalow M4(2) - 2 Bed	61.1	62.1	For 3 person 61 For 4 person 70
3B Bungalow M4(3) - 3 Bed	86.9	87	For 4 person 74

			For 5 person 86
AFH402A – 4 Bed	100.7	100.6	For 5 person 97 For 6 person 106

3.3 As set out in the original report in para 5.5.12 the housing originally proposed and as is now proposed is considered to be to an acceptable standard and the increase in floor space as now generally proposed to the affordable units is welcomed. It is understood that it has been agreed that the affordable housing units to be delivered on the site will be taken on as affordable housing managed by the Council as a registered social landlord and which indicates a general acceptance of the size of the homes proposed.

#### 4.0 Affordable Housing

4.1 The provision of affordable housing has been queried as to why the development is not providing 30%. The reason for this is that 30% is not a policy requirement. This percentage may well have been a requirement under a previous local plan however as set out in para 5.5.8 policy CLP4 of the adopted local plan refers to the amount of affordable housing to be provided which directly relates to the CIL charge area the site is in. This is set out in the table below:

CIL Zone	% Affordable Housing Required	Type of affordable housing
Zero	0	n/a
Low	5	10% Affordable Home Ownership
Medium	10	
High	20	90% Affordable Rent

4.2 The policy states that: On sites totalling 10 or more dwellings (including phases of those sites) affordable housing will be required in line with the charging zones set in the council's most recently adopted CIL Charging Schedule.

4.3 As set out in para 5.5.10 of the original report the application site straddles two CIL charging areas the high and the medium areas with more of the units being within the high charging area. Therefore, in agreement with the Council's Housing team the affordable provision proposed on the site is at 18% overall in order to meet the requirements of the two CIL charging areas (medium and high) which require the delivery of 10% and 20% affordable dwellings respectively. This blended approach of providing 18% across the whole site is considered to meet the requirements of Policy CLP4 as set out in the table above.

## **5.0 Further details on the calculations of the contributions in relation to Schools and GP practices**

5.1 In line with the detail set out in para's 5.5.26 to 5.5.31 of the appended report in relation to GP practices the NHS CCG requested a contribution of £144,576. The calculation for this is set out as follows:

5.2 The development is proposing 301 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx 753 (B) (2.5 x A).  
The calculation below shows the likely impact of the new population increase in terms of number of additional consultations and which is based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

### Consulting room

Number of Dwellings	A 301
Proposed population	B 752.5
Access rate (per patient per year)	5.26
Anticipated annual contacts	3958
Assume 100% patient use of room	3958
Assume surgery open 50 weeks per year	79 contacts per week
Appointment duration	15 mins
Patient appointment time per week	19.8 hours

### Treatment room

Anticipated annual contacts	3958
Assume 20% patients use room	792
Assume surgery open 50 weeks per year	16 contacts per week
Appointment duration	20 mins
Patient appointment time per week	5.3 hours

5.3 The comment goes on to note that:

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The development sits within the area identified in the Primary Care Estates Strategy as Dunston and Surrounds and includes the following GP practices

- Newbold Surgery
- Whittington Moor Surgery
- Royal Primary Care – Whittington and Holme Hall.

Given the location of the site there is potential to impact on the practices in Chesterfield town Centre

- Chatsworth Road Medical Centre
- Royal Primary Care Ashgate
- The Surgery at Wheatbridge
- Inspire Health – Avenue House

We would like to discuss the potential for S106 funding to be used to provide additional capacity within the vicinity of the development, the immediate area is identified in the Primary Care

Estates Strategy as Dunston and Surrounds, however we believe the vicinity of the development should extend, for a development of this size, to include all practices within the Chesterfield Town Centre area and Chatsworth Road. This area has been identified as a high priority for investment, as a result of significant planned housing development and population growth.

5.4 The comment concludes that:

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq m has been identified by a quantity surveyor experienced in health care projects.

This is the cost of providing additional accommodation for X **(753)** patients:

(B) Additional patients to be accommodated  753	x	(D) Standard area m <sup>2</sup> /person Based on total list size of approx.  0.08 m <sup>2</sup>	x	(E) Cost of extension including fees £/m <sup>2</sup>  £ 2400*	=	Total cost (B) x (D) x (E)  £144,576
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\*District Valuer's 2019 build cost estimate for Primary Care

5.5 This clarified the requested contribution for GP Practices. This is an established calculation methodology by experts in the healthcare field and has been noted as an acceptable approach in appeals as used across Derby and Derbyshire.

5.6 In line with the detail set out in para's 5.5.26 to 5.5.31 of the appended report in relation to School provision the contributions are secured not via a S106 legal agreement but via the Community Infrastructure Levy which in this case will result in a sum of £2.7 million (however there will be a need to discount the affordable housing floorspace from this figure). Derbyshire County Council as Education Authority set out the need for school expansion across the Borough and this is considered when decisions are taken as to how the pooled Levy monies are utilised. In this case the detail for

the need arising from the development is set out in the DCC comment on the case as follows:

- 5.7 The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies. The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.
- 5.8 Pupil numbers are calculated looking at the five-year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans. The pupil yield from approved planning applications in the normal area of the school is then added.
- 5.9 The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post 16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one-bedroom dwellings are omitted from the assessments of need contained in consultation responses.
- 5.10 The pupil yield employed in the SEND (Special Educational Needs and Disability) assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.



5.11 The requirement for financial contributions towards education provision is therefore based on the normal area school's net capacity, projected pupil numbers on roll over the next five years and the impact of all major residential development with extant planning permissions within the normal area of a school to assess the effect that committed development coming forward will have on school capacity.

5.12 The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below:

5.13

**2022/23 Level of Contributions**

	Places per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary phase	24 places	£18,165.55	£4,359.73	£43,597.31	£435,973.09
Secondary phase (without Post16)	20 places	£27,372.07	£5,474.41	£54,744.14	£547,441.40
Secondary phase (with Post 16)	28 places	£28,033.07	£7,849.26	£78,492.59	£784,925.86
SEND	0.7 places	£103,946.90	£727.63	£7,276.28	£72,762.82

5.14 At primary level the development would result in a need for 72 pupils. The normal area primary school has sufficient capacity to accommodate these additional pupils, therefore there is no need or justification for additional funding for this.

- 5.15 At secondary level the development would result in a need for 60 pupils and 24 post 16 pupils which cannot be accommodated in the normal area school and therefore funds would be required.
- 5.16 A contribution towards SEND infrastructure will be requested for developments of 100 dwellings or more. The request for a contribution towards Special Educational Needs and Disability (SEND) provision is not subject to an analysis of capacity within a given geographical area, i.e. the locality within which the development is located. Rates of all types of SEND are increasing and special schools and Enhanced Resource School (ERS) units generally operate at or above capacity to avoid pupils being placed out of County.
- 5.17 The pattern of provision across the County often involves pupils travelling a significant distance in order to access the most appropriate place to suit their needs. It is therefore not appropriate or possible to assess capacity against the need for places generated by any given development within any specific locality.

The proposed development for 301 dwellings  $\times 0.7/100 = 2.107$  pupil places.

- 5.18 Under the CIL system Derbyshire County Council works closely with Chesterfield Borough Council to identify the most cost effective and proportionate bids for funding to support education infrastructure to ensure that sufficient local school places are available in all localities across the borough. The County Council continue to monitor pupil forecasts and demand from other sites within and outside of the Local Plan in order to assess where expansion to provision is necessary.
- 5.19 This clarifies the infrastructure needs in terms of school provision. This is an established calculation and has been noted as acceptable approach in appeals as used across Derbyshire.

## **6.0 Loss of trees**

- 6.1 For clarity there are no TPO or protected trees within the site and there is therefore no restriction on the removal of any of the trees on the site. The adjacent Ashgate Plantation is a protected woodland under Tree Preservation Order No. 5 and the original committee report set out from para 5.10.11 the impacts of the development upon the trees within and adjacent to the site.
- 6.2 Within the earlier comments of the Tree Officer there was identified some ambiguity regarding the loss of trees specifically in areas where they were noted to be retained but where engineering works or drainage proposals were considered likely to have an impact.
- 6.3 Following the meeting the applicant has submitted additional information in the form of an updated Tree Survey and Arboricultural Assessment and summary received 21<sup>st</sup> June 2022 and following further dialogue with the Tree Officer an updated Arboricultural Impact Assessment, updated Landscape and Biodiversity Strategy and response to further Tree Officer comments on the 7<sup>th</sup> July 2022.
- 6.4 The conclusion of this additional information is that we have a clearer picture in terms of trees which will be lost and retained at the site:

This plan shows the tree loss in red and retention in green:



- 6.5 This plan where the blue hatching is shown relates to the proposed construction exclusion zones, notably this includes a buffer to the protected woodland which is in line with the advice of the Tree Officer and Derbyshire Wildlife Trust:



6.6 The applicant has also provided further information regarding the need for tree removal as follows:

*I have also attached the revised AIA and an additional non-technical summary, which provides a more concise breakdown of trees to be removed alongside new trees and wooded areas to be planted. There are 27 individual trees (all Cat B + C) to be removed including some lesser tree groups of hawthorn, shrubs and young self-set trees.*

*In return, 180 new standard trees are to be planted which includes the creation of an orchard of 39 native fruit trees. In addition, 3,110m<sup>2</sup> of Mixed Native Shrub comprising 1m high whips are also being provided to create future wooded areas within the public realm and along the watercourse.*

*There are fundamental reasons why existing trees are being removed which are integral to the engineering operations required to deliver this site. It needs to be reiterated that this is not a flat site, with the existing topography of the site sloping with ground levels falling towards a valley which divides the site running from east to west. Linacre Road is approximately 20m higher in level than the lowest point within the site with a typical existing gradient of 1 in 8.*

*In order to comply with Highway and Drainage adoptable standards, the layout has been designed to establish the most compatible road and drainage design, taking into account the site contours, tying into existing Linacre Road accesses, location of mineshafts, depth of sewers and placement of the SUDs basins. In some instances the new estate roads are working at Derbyshire County Council's steepest permissible gradient of 1 in 12.*

*In areas of steeper sloping gradients there is less space to enable changes of level to be accommodated without heavy civil engineering features, such as large retaining walls. In these instances, a view was taken to remove existing vegetation to create room to gently slope the development platform, rather than prop up the edges of site with large unpleasant retaining structures. Aside from the level constraints, other trees require removal in order to form the highway accesses into the site and extend the footpaths to nearby bus stops on Linacre Road.*

*By forming the development areas in this way, we have been able to retain and enhance over 40% of the site as useable green space including a reprofiling of the valley to de-culvert the existing pipe and return to open watercourse. The layout has also*

*accommodated a 15m buffer to the offsite Ashgate Plantation which will ensure that this local asset and the important trees within it are not only protected but are complemented with a green wildlife edge to our development.*

*The proposed new tree planting and landscaping scheme is fundamental to the design and layout, with the placement of the green infrastructure having been subject to a number of workshops and revisions with the Council's Urban Designer. We have ensured that the right trees are planted in the right location which will safeguard their retention and longevity leading to long-term landscape improvements.*

*This scheme supports the regeneration of the Holme Hall Regeneration Priority area through a significant increase in tree planting on the site which will see the creation of quality well landscaped areas of amenity space, leisure routes, cycleways, new woodlands and orchards. The scheme provided is comprehensive and will ensure the long term enhancement of the landscape character of the area. This will be of benefit to the whole community and not just residents of the development.*

- 6.6 The Council's Tree Officer has responded to the additional information, the comments are summarised as follows:

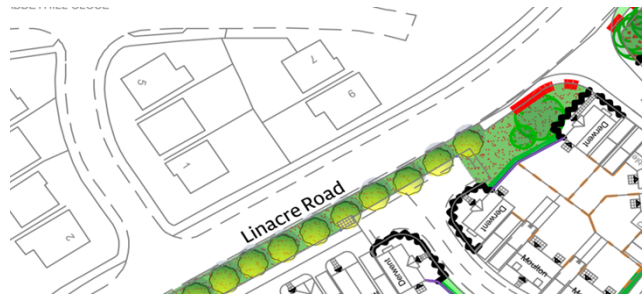
Group 63 – which runs along the Linacre Road boundary:



*The revised drawings do provide more clarity of the vegetation and trees to be retained and removed. The proposed 6 metres belt of trees along Linacre Road will be retained in small sections and considerably reduced or removed in other locations, leaving a small area of trees adjacent to the new access just south of Leadhill Road, continuing south-west with an 6m tree belt for approximately 100m.*

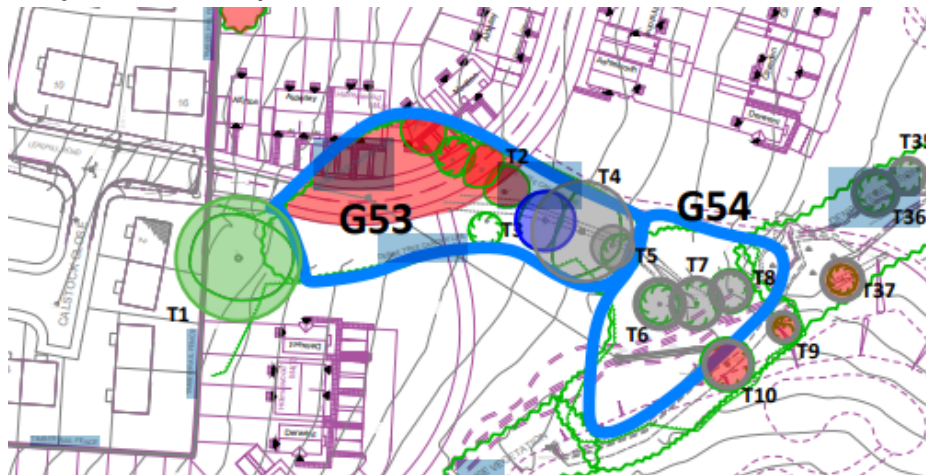
- 6.7 *The Landscape, Biodiversity Strategy drawing 440.20.07 Rev E shows new tree planting along some of the site frontage but from a recent site visit where it is clear the site is overgrown, it is unclear how this can be achieved.*





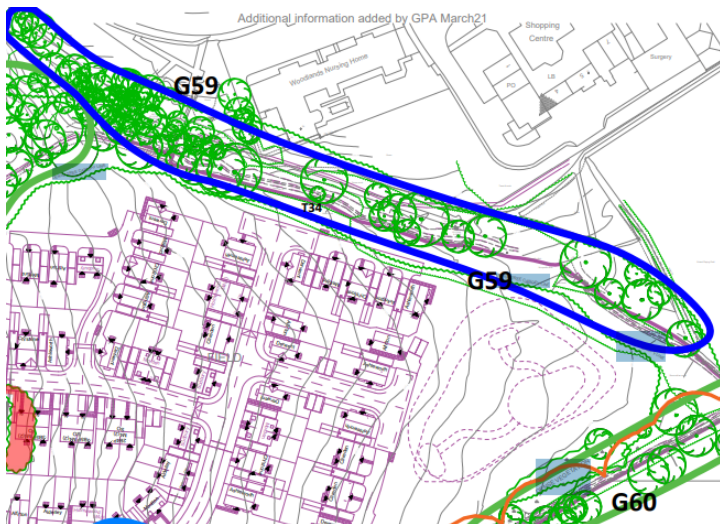
6.8 *There is also a discrepancy on the plans relating to the retained planting and a conflict with proposed hard standing areas and a drainage easement which will in reality make the retention of trees and scrub difficult.*

6.9 *Play area Groups 53 and 54:*



*The revised detail notes that Group 53 will be partially removed along with 3 individual trees and Group 54 will be retained.*

6.10 Drainage and Groups 59 and 60:



*It is noted that the Arboricultural plans note the drainage details are indicative at this stage. Therefore, the Arboricultural Impact Assessment has not detailed the impact on the trees at this point. However, the applicant has noted no impact on these groups of trees. It is therefore considered that a condition should be included so that the trees in these areas are retained and their root areas protected.*

6.11 *Trees and Groups to be removed:*

*Oak T2, T9, T10, T12, T13, T14, T17, T22, T33, T38 & T39*

*Sycamore T11, T19, T27, T47 & T49*

*Ash T15, T16, T18, T20, T21, T23, T24, T25, T45, T46*

*Hawthorn T37*

*Individual tree loss 60% (27 of 45 individual trees recorded in the AIA)*

*G53 – Partial removal approximately 40%*

*G55 – Total Removal*

*G56 – Total Removal*

*G57 – Total Removal*

*G62 – Partial removal approximately 20%*

*G63 – Partial Removal approximately 80%*

6.12 *Trees and Groups retained on the development site:*

*Oak T1, T3, T4, T5, T6, T7, T8, T35, T36*

*Sycamore T26, T48, T50, T51, T52*

*Ash T28, T29, T30, T31*

*G53 Partial approximately 60%*

*G54 All retained*

*G62 Partial approximately 80%*

*G63 Approximately 20% retained.*

*6.13 Trees and Groups off the development site retained*

*T40, T41, T42, T43 Goat Willow (Ashgate Plantation woodland edge)*

*T32 Birch at 3 Leadhill Road*

*T34 Unidentified in the woodland on the north boundary*

*G44 within the grounds of Moor Lea, Ashgate Road*

*G58 woodland off Bretton Close*

*G59 woodland to the north boundary*

*G60 Ashgate Plantation*

*G61 Belt of trees adjacent to Ashgate Road*

*6.14 After careful consideration of the information provided and clarification of the details previously provided, it is still in my opinion that the loss of trees, vegetation, and habitats on the development site is considerable with the majority of trees and vegetation proposed for removal.*

*There will be a considerable amount of good quality (Category B) trees and groups removed and it is very unlikely that there will be sufficient space and suitable planting locations for any new tree and shrub planting on the site to fully mitigate against the proposed loss.*

*I therefore do not support the application as it stands on the following grounds:*

- The significant loss of trees, vegetation, and associated habitats to facilitate the development.*
- The loss of good quality, Category B trees and Groups of trees.*
- Loss of habitats and a net loss of biodiversity.*

*However should permission be granted I recommend conditions.*

- 6.15 In so far as the latest comment of the Tree Officer above regarding the loss of biodiversity, this is incorrect. Given the on-site and off-site mitigation works for biodiversity there will not be a net loss of biodiversity as a result of the development. The £360,000 contribution referred to in the appended report will ensure appropriate off-site works to create habitat nearby on Council controlled land to ensure there is a measurable gain in biodiversity as required by policy CLP16.
- 6.16 At the previous meeting concern was raised regarding the “0.75 hectares of woodland, young trees, scrub and a number of mature trees” noted by the Council’s climate officer to be removed. The applicants originally submitted Arboricultural Assessment (Red Kite Sept 2021) indicated at para 1.0 the area extents of trees to be removed as part of the scheme and which totalled 0.7696 ha. It referred to the removal of woodland, scrub, young trees, hedgerow and individual trees. It is accepted that the reference to all this area being woodland was incorrect and indeed no area of woodland is to be removed. The only woodland in the area is the Ashgate Plantation which is to be retained and protected with a 15m buffer from development.
- 6.17 It is noted that due to the self-set nature of many of the trees within with site including those along the Linacre Road edge, in order to provide enhanced landscaping some tree removal is necessary. It is not possible to quantify the number and species of all trees on the site. Within the red removal areas there are some more substantial trees but also many smaller trees which due to their self-set nature will not provide good landscaping over the long term. As can be seen from the images below, whilst the applicant is intending to retain the planting to the edge of Linacre Road unaltered in many positions, the quality of some of the trees within this area are questionable. There are also highway considerations which need to be taken into account when considering the fate of these trees. Therefore, the conditional approach to the detailed landscaping is considered appropriate to ensure a high-quality landscaping scheme across the site but also to ensure appropriate

biodiversity, which overall with the off-site provision will be enhanced as a result of the development.



6.18 From the detailed comments of the Tree Officer it is now a clearer picture in terms of the trees to be removed and the trees to be retained. There remains some minor areas of ambiguity but from what is known of the site and these areas of trees it is likely there will be more tree removal needed in the area of Group 63 which is largely a self-set group along the roadside edge. The ambiguity of the drainage connections in Groups 59 and 60 can be conditioned to ensure as far as possible that opportunities are taken to retain

the trees where possible. Subject to the recommended conditions it is considered that this resolves any uncertainty regarding the proposal with regard to the trees.

6.19 There is also now a clearer picture from the applicant in terms of the need to remove the trees, due to the site constraints and engineering works required across the site to address the land conditions and provide developable platforms. Due to these issues, the loss of trees on the site would have been known to some degree when the site was allocated. There is also more known about the replacement planting that will take place alongside the biodiversity gains that will be secured through the on-site maintenance and management and the off-site contribution to the creation of long term habitat. The landscaping of the site which will be required for the compensatory planting of trees but also to maximise biodiversity on the site will be fully controlled via condition and the Tree Officer will have input into the consideration of these detailed plans. Subject to these conditions the loss of trees across the site is considered to be acceptable in line with policy CLP16 in order to enable the development of the site.

## **7.0 Calculation in relation to the loss of trees and the carbon capture loss associated with this**

7.1 Following discussion at the meeting of the 6<sup>th</sup> June the impact of carbon capture and the loss of trees was discussed further with the Council's Climate Change Officer. Cutting down a tree has no impact on carbon emissions, but it is clear that once a tree is cut down it no longer has the ability to store any additional carbon. However, the way in which the tree is used following its felling impacts on the rate of release of the carbon held within the tree. For example, if a tree is left to rot in a natural way, or if the timber is used to make a long lived product (eg for joinery) the carbon stored in the tree will be released slowly over a considerable period of time. Chipping or burning the tree will release the carbon much more quickly (chipped wood rots much more quickly). The emission can be offset by planting more trees to ensure that the

rate of carbon uptake is broadly equivalent to the rate of emission (ie slowing the emission as much as possible).

- 7.2 On this basis it is considered that in order to minimise the carbon release from any felled trees, a condition can be added into the recommendation to agree a scheme in relation to the use of the timber from the felled trees in order to reduce the speed of the carbon release. This could include logs being left on site to provide local habitat improvements or re-used for play equipment, seating or fencing for example.
- 7.3 The calculation of the exact quantity of carbon stored in trees on site is highly complex because it is influenced by the size, weight and species of each individual tree as well as soil conditions and the local climate. It is not possible for officers to quantify this in detail; these calculations are very complex and would need to be conducted by an external specialist.

## **8.0 Biodiversity Net Gain**

- 8.1 as set out in section 5.10 of the original report Policy CLP16 requires a net measurable gain in biodiversity. This is always difficult to achieve but particularly in this case as the site has been left over time which increases its baseline biodiversity value. Therefore, there needs to be maximum proposed biodiversity on site and any remaining loss needs to then be compensated off-site. The on-site biodiversity is through a management company and controlled via condition to be maintained for a 30 year period. The off-site is to be provided by a commuted sum of monies which will be spent by the Council on its controlled land to create an area of enhanced habitat.
- 8.2 As set out in para 5.10.4 of the original report; In partnership with Derbyshire Wildlife Trust and as part of the consideration of Policy CLP16 and the anticipated detail of the Environment Act the Strategic Planning Policy team have been looking into how biodiversity net gains can be off set within the Borough on areas of

land controlled by the Council. These areas of land can be planted and differently managed to secure biodiversity gains where the extent of gain required cannot be achieved on development sites. This will come forward as Supplementary Planning Guidance in due course however that process has started and has initially sifted a number of sites within the Borough. One of these sites, which is close to the application site, is an area of open space running along Loundsley Green Road. The management of this site as a biodiversity receptor site will provide a wildlife corridor from the Ashgate Plantation to Holmebrook Valley Park, which is appropriately associated with the development site. A piece of work has also been carried out by the Council's leisure services to provide a detailed assessment of the cost of providing such habitat units on land already used as open space within and controlled by the Council, this has taken place alongside a detailed ecological proposal for a receptor site giving appropriate accuracy to the assessment. This has concluded that the cost per habitat unit for management, replanting and monitoring biodiversity receptor sites is £20,000 per habitat unit. At a cost of £20,000 per unit equates to a contribution of £360,000 in this case to be secured via S106 agreement.

## **9.0 Highway Edge Along Linacre Road**

- 9.1 Some concern was raised at the meeting regarding the forwards visibility along Linacre Road as the trees along this edge abut the highway edge and are clipped by passing traffic. This is clearly shown in the photographs attached at 6.17 above. A resident indicated that there was an adopted verge and width for footway provision along the Linacre Road frontage and this standard would match that provided all along Linacre Road and should be provided as part of the scheme. This would provide forwards visibility for users of Linacre Road.
- 9.2 Further specific enquiries have been made of the Highway Authority who have checked their records received from transferring the highways function from the Borough Council to the



County Council and the adoption agreements and they confirm that the highway adoption ends at the existing kerb edge with no additional land behind. The adoption runs at channel line where kerb radii were provided for the benefit of this site when Linacre Road was constructed. DCC consider that the bus stops and streetlighting which is set behind the adopted highway is dealt with by means of a Wayleave agreement.

- 9.3 In line with current guidance the limited forward visibility along Linacre Road caused by existing trees and vegetation is considered favourably by the Highway Authority due to the limitation of forward visibility tending to reduce traffic speeds. This is set out in the DCC's 6 C's Design Guidance where page 63 notes:

*Visibility on bends - While minimum Stopping Sight Distances shall be considered as a starting point, the rigid application of these values at bends can lead to higher than desirable speeds.*

*Research suggests that reducing forward visibility in residential streets tends to reduce speed which will be beneficial to road safety. Therefore, where the design speed is 20mph or less, forward visibility around bends may be reduced to a minimum of 15m by adopting appropriate building lines or other means such as planting, street trees or parking.*

- 9.4 It is the case that forwards visibility on Linacre Road will be no worse than existing but will be improved where areas of self set landscaping has to be removed for the new accesses and visibility splays as put forward in the latest plan being considered. The edge of Linacre Road in terms of its finish is considered under the tree section above, however the planting to this edge in terms of the impact on highway safety is not a concern.

## **10.0 Petition**

- 10.1 There was a query at the 6<sup>th</sup> June meeting about the submission of a petition from local residents and whether this had been considered.

10.2 The submission of the petition was referred to in para 6.1 of the original report to committee where it stated; “*57 comments have been received from local residents and are summarised below, including a petition with 28 signatures*”. The comments made in the letter submitted alongside the petition were summarised along with all other representations and have therefore been fully taken into consideration and reported to the committee.

### **11.0 Recommendation – including an updated suite of conditions**

11.1 That the application be determined in accordance with the recommendations set out at paragraph 10 of the report at Appendix A, namely:

“10.1 It is therefore recommended that the application be **GRANTED** subject to securing the following via a legal agreement:

- NHS (CCG) contribution - £144,576 for GP practices
- Link from the site to Wardgate Way - £70,000 to CBC
- Affordable housing as submitted at 18% provision across the site providing 55 units altogether with a 50/50 split on tenure (shared ownership and rent)
- Travel plan monitoring fee - £15,680
- Travel plan bond - £35,000
- Travel plan fee - £1,750
- Contribution towards Real Time Information at bus stops - £24,400
- Biodiversity net gain of 18 habitat units at £20,000 per unit to CBC = £360,000

And subject to the following conditions:”

However the suite of conditions is updated as follows:

- 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 or specific condition set out below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Site location plan 100-047/015 received 22.09.2021

Site layout 100-047/002 AG received 07.07.2022

House types:

Alderley 100-47/134 D received 19.04.2022

Alfriston 100-47/110 D received 19.04.2022

Arlington 100-47/112 F received 19.04.2022

Ashleworth 100-47/143 C received 19.04.2022

Blakeney 100-47/116 C received 19.04.2022

Buckland 100-47/117 D received 19.04.2022

Chiddingstone 100-47/119 B received 19.04.2022

Cliveden 100-47/121 B received 19.04.2022

Derwent V1 100-47/144 C received 19.04.2022

Derwent V2 100-47/123 D received 19.04.2022

Dunstable 100-47/129 B received 19.04.2022

Holmewood M4(2) 100-47/100 B received 19.04.2022

Melford 100-47/130 F received 19.04.2022

Morden 100-47/102 C received 19.04.2022

Moulton 100-47/133 D received 19.04.2022

Sudbury 100-47/125 D received 19.04.2022

Willington 100-047/127 D received 19.04.2022

2B4P M4(2) 100-47/107 C received 19.04.2022

3B5P M4(2) 100-47/104 C received 19.04.2022

2B3P M4(2) Bungalow 100-47/106 C received 19.04.2022

AFF 402 A 100-47/109 C received 19.04.2022

3B4P (M4(3)) Bungalow 100-47/141 D received 19.04.2022

Street scenes 100-047/017 K received 26.04.2022

Biodiversity net gain report received 20.04.2022

Reason - In order to clarify the extent of the planning permission.

- 3 Prior to works commencing above slab level on the first dwelling a detailed scheme of highway improvement works for the relocation and upgrade of the existing bus stops along Linacre Road in line with the comments of the Highway Authority in their letter of the 11th May 2022 and provision of tactile pedestrian crossing points and verge crossing points along Linacre Road together with a programme for the implementation and completion of the works in line with the phasing to be agreed under condition 4, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the required highway improvement works have been constructed in accordance with the approved details.

Reason: In the interests of highway safety and promoting sustainable travel / development in accordance with policy CLP22 of the Adopted Local Plan.

- 4 No development, including preparatory works, shall commence until a development program has been submitted to the Local Planning Authority for written approval. The program shall identify any phasing arrangements, together with construction and implementation timescales of how the development will progress.

Reason: To ensure adequate facilities are provided for the residential units as they are completed, within a reasonable timescale in accordance with policy CLP22 of the Adopted Local Plan.

- 5 Notwithstanding the submitted information prior to first occupation of any of plots 144 to 157, details of roadside boundary treatments / screen planting in the vicinity of plots 144 & 153 to 157 have been submitted to and approved in writing by the Local Planning Authority. The proposals shall demonstrate how opposing vehicle headlights will be shielded from view, which may otherwise distract existing highway users on Linacre Road. The approved details

being in place prior to occupation of those plots and maintained thereafter.

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

- 6 No development shall commence until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:
- a. detailed designs of a temporary access for construction purpose; including appropriate visibility sightlines and measures for warning other highway users of construction traffic entering or emerging from the site access. The access shall be installed prior to any other construction works and shall be retained in accordance with the approved scheme throughout the construction period free from any impediment to its designated use.
  - b. parking for vehicles of site personnel, operatives and visitors
  - c. site accommodation
  - d. storage of plant and materials
  - e. routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
  - f. provision of roadside boundary hoarding behind any visibility zones
  - g. any proposed temporary traffic management.
  - h. details of wheel washing facilities for construction traffic
- Works on site shall be completed in accordance with the agreed details.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase in accordance with policies CLP14 and CLP22 of the Adopted Local Plan

- 7 In line with the phasing to be agreed under condition 4, new permanent vehicular access junctions shall be formed to Linacre

Road and provided with visibility sightlines extending from a point 2.4 metres back from the carriageway edge, measured along the centreline of the access, 43 metres in each direction, measured to the nearside carriageway edge (or tangential where on a bend) with there being no obstruction between the sightline and the adjacent carriageway edge exceeding 1 metre in height above the carriageway channel level. The area in advance of the visibility sightlines shall be laid out as part of the street and shall not form part of any plot or other sub-division of the site, and shall remain as such thereafter. The access shall be laid out and fully completed in accordance with the approved details prior to any dwelling, taking access from the junction, being occupied.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways in accordance with policy CLP22 of the Adopted Local Plan.

- 8 Before works to create any new estate streets take place, construction details of the residential estate street(s) and footway(s) (including layout, levels, gradients, surfacing, means of surface water drainage via a positive gravity-fed system discharging to a public sewer, highway drain or watercourse) and a construction program, in line with the phasing to be agreed under condition 4, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development in accordance with policy CLP22 of the Adopted Local Plan.

- 9 The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 8 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan.

- 10 No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act (1980).

Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard in accordance with policy CLP22 of the Adopted Local Plan.

- 11 No part of the development hereby permitted shall be first occupied until a revised Travel Plan, which sets out actions and

measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicles and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and policy CLP22 of the Adopted Local Plan.

- 12 All new estate street junctions shall be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, 25 metres in each direction measured to the nearside carriageway edge (or tangential where on a bend) with there being no obstruction between the sightline and the adjacent carriageway edge exceeding 1 metre in height above the carriageway channel level. The area in advance of the visibility sightlines shall be laid out as part of the street and not part of any plot or other sub-division of the site and shall remain as such thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general highway safety along the neighbouring streets in accordance with policy CLP22 of the Adopted Local Plan.

- 13 No dwellings hereby approved shall be occupied until the estate streets intended to serve that dwelling have been provided with suitable turning arrangements to enable service and delivery vehicles to turn. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

Reason: To ensure that adequate turning facilities are provided for delivery / service vehicles once occupation takes place in accordance with policy CLP22 of the Adopted Local Plan.



- 14 When the new permanent accesses hereby permitted are brought into use, any existing redundant vehicular access shall be permanently closed and the highway margin reinstated, in accordance with a scheme to be agreed with the Local Planning Authority prior to first closure of any access point, and no further points of access be created thereafter.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway in accordance with policy CLP22 of the Adopted Local Plan.

- 15 Prior to the first occupation of each dwelling, space (not including garages) shall be provided for the parking of vehicles associated with that dwelling in accordance with the approved plan(s) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.

Reason: To ensure adequate parking and turning provision, in the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan.

- 16 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.

- 17 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.

- 18 Following completion of 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;

- Which and how many dwellings within the development have satisfied M4 (2)\* accessible and adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)\* wheelchair adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)\* wheelchair accessible dwellings standard.

(\*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same.))

The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

Reason: In the interests of disabled people and access for all to comply with policy CLP4 of the Adopted Local Plan.

19 In line with the phasing to be agreed under condition 4, no development, other than the provision of access shall commence within each phase until;

a) any remediation works and/or mitigation measures to address the mine entries and the shallow coal mine workings, as may be necessary, have been implemented on site in full in order to ensure that the site is 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 consideration of former coal mining activity to ensure public safety in accordance with policy CLP14 of the Adopted Local Plan.

20 Prior to the occupation of any dwelling within the development , a signed statement or declaration prepared by a suitably competent person confirming that in line with the phasing to be agreed under condition 4, that part of 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 the recorded mine entry.

Reason: To ensure appropriate consideration of former coal mining activity to ensure public safety in accordance with policy CLP14 of the Adopted Local Plan.

21 Prior to commencement, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:

a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other

Monday to Friday: 08:00 – 18:00

Saturday: 08:00 – 13:00

Sundays and bank Holidays - No working

b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;

c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;

d) Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;

e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times.

All works shall be fully implemented in accordance with the approved CEMP. The CEMP shall be reviewed at least at the start of each phase of the development or where there are changes to relevant legislation or where changes are made to the agreed CEMP.

Reason: This pre commencement condition is required to safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

- 22 a) Prior to work commencing on each part of the site in line with the phasing to be agreed under condition 4, 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 work commencing on each part of the site in line with the phasing to be agreed under condition 4,, 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.

- 23 Prior to commencement of works on site (including site clearance, ground works and setting up site compounds), a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) A Badger Mitigation Strategy. This shall specify protection measures during and post-construction, along with habitat enhancement measures and maintenance of connectivity throughout the site and to Ashgate Plantation. The agreed Strategy shall be implemented in full.
- b) Risk assessment of potentially damaging construction activities.
- c) Identification of “biodiversity protection zones”, to include Ashgate Plantation, the north-eastern woodland, the stream and all retained trees/vegetation.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of protecting habitats and species throughout the construction process in accordance with Policy CLP16 of the Adopted Local Plan.

- 24 Prior to first occupation, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats, badgers and other nocturnal wildlife. The woodland edge habitats, central corridor and known badger sett shall be protected from lightspill, as far as practicable. The Strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan will be required to demonstrate acceptable levels of lightspill

to sensitive ecological zones/features.. Such approved measures will be implemented in full.

Reason: In the interest of protecting habitats and species throughout the construction process in accordance with Policy CLP16 of the Adopted Local Plan.

- 25 Prior to building works commencing above foundation level, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full prior to the occupation of each dwelling and shall be maintained and if necessary replaced in a manner suitable for their intended purpose in perpetuity . The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- integrated bat boxes in 20% of dwellings.
  - integrated swift/universal bricks in 50% of dwellings.
  - external house martin cups and/or starling boxes on 20% of dwellings.
  - insect bricks in 10% of dwellings.
  - A scheme for providing gaps 130 mm x 130 mm in garden fencing to maintain whole site connectivity for hedgehogs.
  - minimum of two hibernacula in association with SuDS features.

Reason: In the interest of protecting habitats and species throughout the construction process in accordance with Policy CLP16 of the Adopted Local Plan.

- 26 The archive from the archaeological work carried out during the previous investigation and enabling stage of the development shall be deposited with Chesterfield Museum within 28 days of first commencement on site, unless otherwise agreed for technical reasons, in accordance with the previously approved Written Scheme of Investigation (WSI) Land to the East of Linacre Road, Chesterfield, Derbyshire. Written Scheme of Investigation for Strip Map and Sample Excavation, ARS Ltd September 2018.

Reason: To ensure appropriate recording and deposition of material in accordance with policy CLP21 of the Adopted Local Plan.

- 27 Notwithstanding the details on boundary treatment plan 100-047/013 D received 19.04.2022, prior to any boundary treatment being installed on site or first occupation whichever comes first, a revised plan shall be submitted to and approved in writing by the Local Planning Authority demonstrating clearly the locations of estate railings and post and rail fencing, a more robust boundary to the north of the site to separate the public and private spaces, details of a boundary treatment to the play area if necessary, details of any retaining boundary structures (including sections where necessary), the setting back of screen walls to allow for natural surveillance from rear elevations and more clarity of the treatments of the private boundaries adjacent to the public open spaces. The approved details shall be installed on site prior to the occupation of each unit to which the treatment relates and prior to the last unit being occupied in terms of any open space boundary treatment.

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

- 28 Prior to first occupation details of entrances into the site including where possible the re-use of stone from within the central corridor to form dry stone wall features shall be submitted to and agreed in writing by the Local Planning Authority. The agreed works shall be installed on site prior to the occupation of the 150th unit.

Reason: To ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

- 29 Notwithstanding the submitted materials plan, prior to works commencing on any external faces of the dwellings hereby approved; details of all facing materials, including brick, render, heads and cills along with details of eaves, verges, windows,



doors, (including garage doors) colours and finishes shall all be submitted to and agreed in writing by the Local Planning Authority. Work shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

- 30 Prior to being installed details of proposed play area/s including equipment and surfacing shall be submitted to and approved in writing by the Local Planning Authority in accordance with details of any tree protection or suitable mitigation measures agreed under condition 31. The play area shall be installed in accordance with the agreed details and be available for use prior to the occupation of the 150th unit, unless written justification is submitted and agreed to allow for installation at a later time through the construction process.

Reason: To ensure appropriate play provision of development in accordance with Policy CLP20 of the Adopted Local Plan.

- 31 Prior to the commencement of the development hereby approved (including the grading/excavations of the land and all preparatory work), a scheme for the protection of the retained trees, 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:

Location and installation of services/ utilities/ drainage. These should be outside the designated construction exclusion zones unless non-intrusive techniques are used.

Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.

Details of construction within the RPA or that may impact on the retained trees.

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.

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.

A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

a specification for scaffolding and ground protection within tree protection zones.

Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area (This should also include an exclusion zone for the designated 15m wildlife and buffer zone).

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

Boundary treatments and play equipment/surfacing within the RPA Methodology and detailed assessment of root pruning.

Arboricultural supervision and inspections by a suitably qualified tree specialist throughout the development. Details shall include all proposed tree protection monitoring, reporting, inspections, and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) and shall be submitted to and approved in writing by the Local Planning Authority.

Methods to improve the rooting environment for retained and proposed trees and landscaping areas.

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 will not be damaged during demolition, land clearance 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.

- 32 Prior to the commencement of the development including land stripping, site preparation or construction activities, an onsite inspection by the Council's Tree Officer shall take place to inspect the installed and approved tree protection measures. The inspection shall include the measurement of the protective fencing from the Ashgate Plantation woodland edge and along the 15m wildlife corridor and other construction exclusion zones of the development site or each construction phases and approved in writing by the Local Planning Authority before any development activity commences.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved Tree Protection Plan and Arboricultural Method Statement in accordance with Policy CLP16 of the Adopted Local Plan.

- 33 Trees and vegetation within Groups 54, 58, 59 and 60 as shown on the Arboricultural Impact Assessment drawing 440.20.03 Rev E shall be retained in their entirety and protected throughout the development. There shall be no excavations, land level changes or construction activities within the designated construction exclusion zones as shown on the Tree Protection Plan (TPP) within the Tree Report & Arboricultural Impact Assessment (AIA) Rev D at Appendix B.

Reason: Required to safeguard the trees in accordance with policy CLP16 of the Adopted Local Plan.

- 34 Prior to first occupation of any dwelling hereby approved; 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, unless otherwise agreed as a phasing programme. 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) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
  - d) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants, to include fruit trees to encourage foraging, all with the aim of enhancing biodiversity;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise,  
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.
- j) details of all hard surfacing materials including vehicle, pedestrian and cycle routes and informal circulation areas;
- k) details of all minor artefacts and structures (e.g. furniture, refuse, signs, lighting etc);

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.

- 35 A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats, as identified in the agreed Biodiversity Net Gain Feasibility Assessment report to meet

the habitat gains set out in the Biodiversity metric calculation and landscaping of the site agreed under condition 33.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
  - g) Details of the body or organization responsible for implementation of the plan;
  - h) Ongoing monitoring and remedial measures,
  - i) Details of the company to be set up to manage the any private highways areas and the landscaped areas of the site in perpetuity,
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure the long term management of the site including highways and open spaces and the protection of wildlife and habitat objectives, to secure opportunities for enhancing the site's biodiversity value in the long term in accordance policy CLP16 of the Adopted Local Plan

- 36 A scheme in line with the proposed street scene section detailing all proposed finished floor and land levels shall be submitted to

and approved in writing by the Local Planning Authority prior to any importation of earth to site or excavation works commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory landform in the interests of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

- 37 Prior to any work commencing on site levels or on any drainage works, details of all contours and finished details of the attenuation ponds including any headwall or culverting details. Works shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

- 38 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. CHE/21/00707/FUL Flood Risk Assessment- 247164
  - b. CHE/21/00707/FUL South parcel drainage calculations - 261720
- 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 in accordance with policy CLP13 of the Adopted Local Plan.

- 39 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. And to ensure that development will be safe from flood risk including from groundwater and natural springs.

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with policy CLP13 of the Adopted Local Plan.

- 41 The proposed attenuation ponds should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications. An associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed surface water drainage system does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future in accordance with policy CLP13 of the Adopted Local Plan.

- 42 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 in accordance with policy CLP13 of the Adopted Local Plan.

- 43 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)
- a) no means of enclosure (other than those hereby permitted) shall be erected within the curtilage of any dwelling where it is in line with or forward of the principal elevation of that dwelling, and



- b) no outbuildings shall be erected exceeding a size of 10 square metres where sited forward of the side elevation of plots 022, 026, 028, 032, 039, 040, 044, 046, 047, 049, 052, 053, 057, 058, 068, 083, 084, 098, 099, 106, 112, 130, 150, 152, 158, 166, 171, 182, 220, 228, 231, 234, 247, 261, 274, 275, 301; and
- c) no extensions shall be erected within the curtilage of plot 83, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reasons: To safeguard the finished form of development, particularly where curtilages that are highly visible within the public realm and where such works may impact the root protection areas of important trees, in accordance with policies CLP16 and CLP20 of the Adopted Local Plan.

- 44 The construction of the development shall take place in accordance with the submitted Sustainability Statement dated 25th March 2022 and received 20.06.2022.

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

- 45 Prior to the commencement of development further investigations and an associated report shall be submitted to and agreed in writing by the local planning authority requiring immediate pre commencement checks for bats and nesting birds to be carried out. Once agreed and any recommended mitigation measures confirmed then works may commence on site.

Reason: To ensure no harm to protected species through appropriate checking and mitigation works in accordance with policy CLP16 of the Adopted Local Plan.

- 46 Prior to any tree removal taking place on site a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

Reason: To minimise the carbon impacts of the development in accordance with Policy CLP20 of the Adopted Local Plan.

## **APPENDIX A**

### **ORIGINAL REPORT FROM 06.06.2022**

Case Officer: HF

Application No: CHE/21/00707/FUL

#### **ITEM 2**

#### **Erection of 301 dwellings including the provision of public open space, landscaping and associated infrastructure and works (Amended plans received 19.04.2022) on land to the east of Linacre Road, Holme Hall for Tilia Homes Ltd**

Local Plan: CLP3 - Housing allocation H33 and RP1 Regeneration  
Priority Area  
Ward: Linacre  
Plot No:

Committee Date: 6<sup>th</sup> June 2022

#### **CONSULTATIONS**

Derbyshire Fire and Rescue	The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the proposed premises, alternatively we would recommend a minimum 32mm water supply capable of delivering the required volumes which would allow an installation in the future.
North East Derbyshire District Council	Having considered the documents, no comments to make.
The Coal Authority	The Coal Authority has no objection to the proposed development subject to the imposition of the conditions, see report.
Yorkshire Water	Objection – see report
NHS Derby and Derbyshire CCG	Contribution requested
CBC Economic Development	Condition recommended on local labour supply
CBC Environmental Health	Pile-driven foundations will be required across some of the plots, has the impact of this been considered?

	I agree with the conclusions and recommendations of the Geo-environmental report, with regard to contaminated land issues. Each dwelling shall be fitted with EV charging infrastructure. Hours of construction work shall be restricted.
CBC Design Services	The site is located within Flood Zone 1 and is not currently shown to be at risk of surface water flooding. The applicant proposes to discharge surface water to the existing watercourses on site, at greenfield runoff rates with the use of flow controls and pond attenuation which has been designed to attenuate a 100 year storm plus 40% allowance for climate change. There is also an additional 10% increase for urban creep incorporated. The flood risk assessment discusses the use of sustainable drainage systems for the proposed development, which we would encourage. The discharge to the foul sewer network will require approval from Yorkshire Water. Derbyshire County Council Flood Team should be consulted.
CBC Climate Change Officer	Objection
CBC Urban Design Officer	Initially objected then has worked with the applicant and case officer on the revised scheme
CBC Tree Officer	Comments made see report
CBC Forward Planning	Comments made see report
Highway Authority	Comments made see report
Lead Local Flood Authority	Objection recommended We are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information. The drainage and highway drawing provides an overview of the proposed surface water strategy. At this stage we would expect detailed construction

	drawings and proposed calculations showing the system not flooding for a 100yr critical storm and 40% climate change. In principle the proposed discharge rate of 5l/s is acceptable.
Development Control Archaeology	Comments made see report, condition recommended
Derbyshire Wildlife Trust	Comments made and conditions recommended.
CBC Housing	Comments made see report.
Derbyshire Constabulary Designing out crime officer	Comments made see report.
Chesterfield Cycle Campaign	Objection see report below
DCC Policy	Comment see report below
Representations	49 comments received – see section 6 of the report.

## **2.0            THE SITE**

2.1 The application site is an area of 15.2 hectares of open fields with central valley corridor from which the land to the east and west generally rises towards Linacre Road and Ashgate plantation with undulating topography. The site is interspersed with hedges and trees with trees present through the central valley, to the perimeter and leading from the end of Leadhill Road and from the centre of the site to the south. To the north of the site is the nearby local centre of Holme Hall with primary school. Linacre Road forms the western edge and the Ashgate plantation local wildlife site form the eastern and southern border. To the northern tip of the site is a small stretch of a public right of way leading from Wardgate Way to Tansley Drive which runs along the edge of the woodland. A small site to the south known as Moorlea has permission for redevelopment.

Google image of the site and location plan:



Photographs of the site:











### **3.0 SITE HISTORY**

3.1 CHE/18/00663/EIA Screening opinion for a full planning application for the construction of approx 300 dwellings, two new access points from Linacre Road, highways and drainage infrastructure, landscaping and open space - Environmental Assessment Not Required  
15.10.2018

3.2 CHE/15/00525/EIA Screening opinion re residential development of approx. 300 dwellings, new green spaces and contributions to existing community facilities - Environmental Assessment Not Required  
24.08.2015

3.3 Given the earlier screening opinions and the allocation in the local plan all of which considered the quantum of development proposed, a further screening of the case has not taken place. There have been no fundamental changes of circumstance in the surrounding area or legislatively which would have resulted in a differing opinion in this case.

## 4.0 THE PROPOSAL

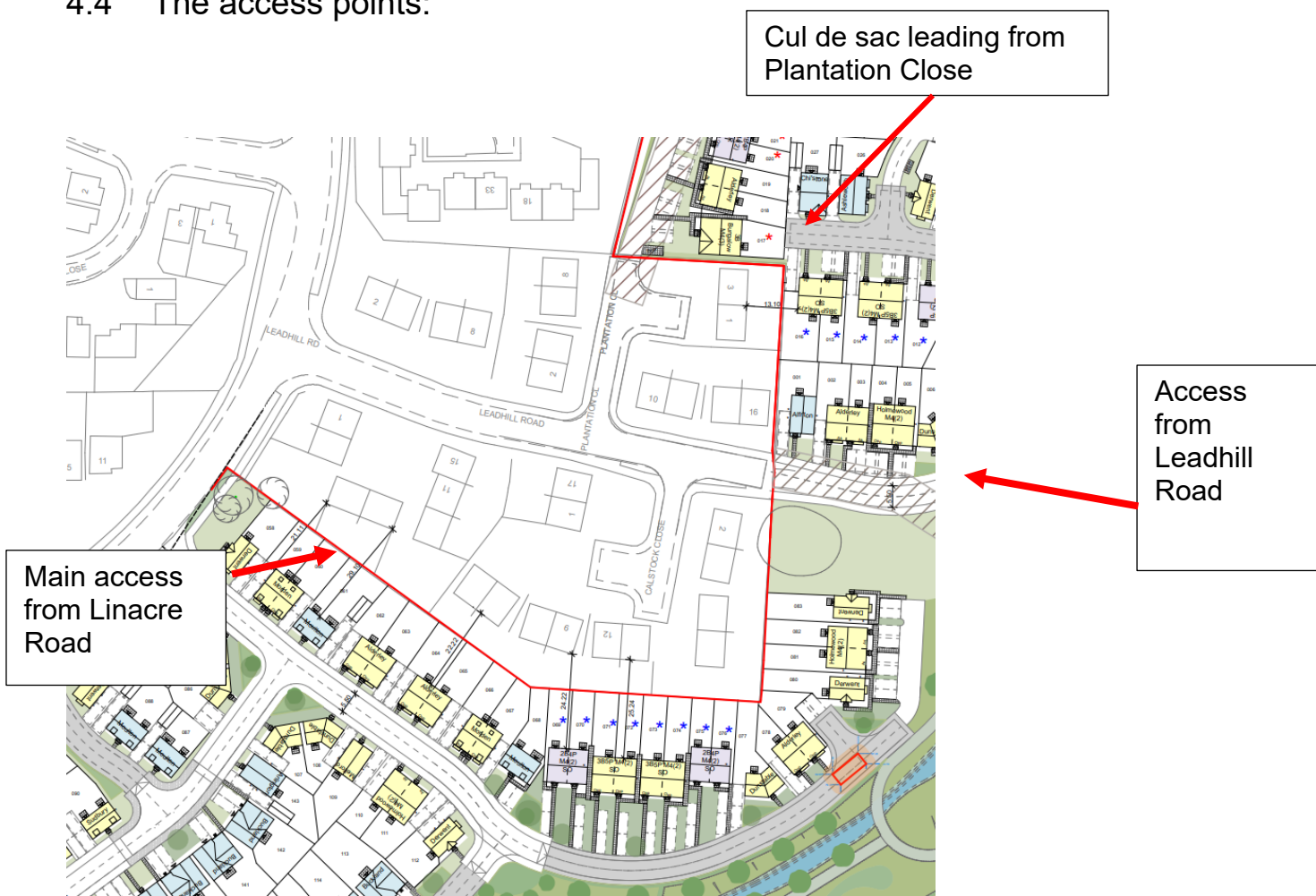
4.1 Full planning permission is sought to erect 301 dwellings on the site with associated infrastructure including roads, surface water attenuation features, footpaths and cycle routes, play area and landscaping.

4.2 The site layout includes three points of access, two from Linacre Road and one leading on from Leadhill Road as well as a short cul de sac being formed from Plantation Close.

4.3 The layout:



4.4 The access points:



4.5 Further access along Linacre Road to serve the southern portion of the site:

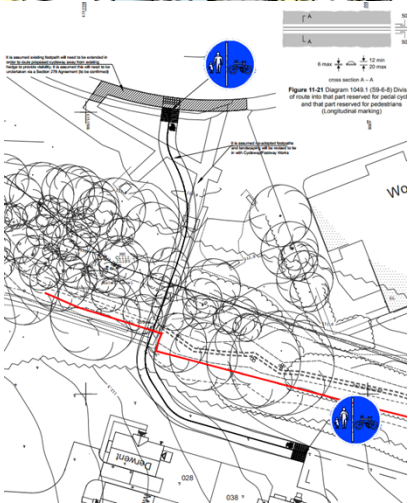


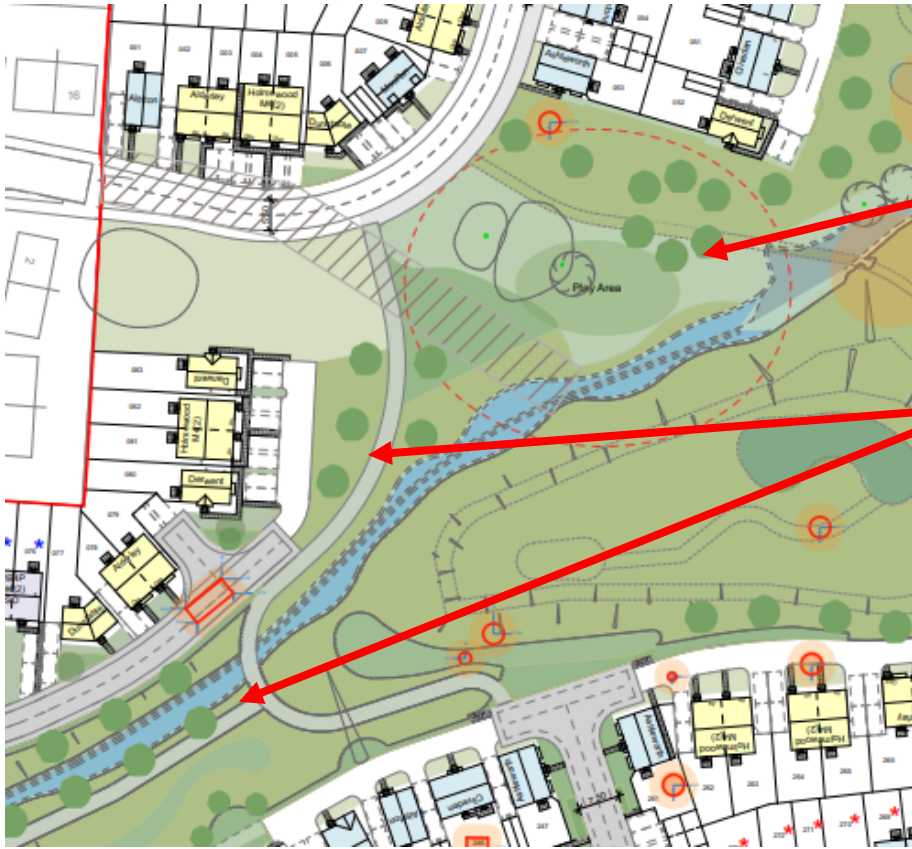
Access to south from Linacre Road

4.6 There is a footpath and cycling route through the site:



Link from Wardgate Way into the site





Play area

Route through the central corridor

4.7 Leading back to the corner of Linacre Road and Ashgate Road:



4.8 There are also informal walking routes throughout the site:



Informal walking routes

4.9 The proposed affordable housing is for 55 units (18%) made up of –  
 2B4P M4(2) – 2 Bed (Shared Ownership) with 2 parking spaces x 10  
 3B5P (M4(2) – 3 Bed (Shared Ownership) with 2 parking spaces x 17  
 2B Bungalow M4(2) - 2 Bed (Rent) with 2 parking spaces x 1

2B4P (M4(2) - 2 Bed (Rent) with 2 parking spaces x 14  
 3B5P (M4(2) – 3 Bed (Rent) with 2 parking spaces x 8  
 3B Bungalow M4(3) - 3 Bed (Rent) with 2 parking spaces x 1  
 AFH402A – 4 Bed (Rent) with 2 parking spaces x 4

4.10 Example designs of these:  
 The 3B5P M4(2) 3 bed :



The 2B4P M4(2) 2 bed :



4.11 The open market housing of 246 units made up of:

**3 bed units** all with 2 parking spaces = 140:  
 Holmewood M4(2) x 26



Alderley x 28  
Dunstable x 9 (cranked)  
Derwent x 24  
Melford x 12  
Morden (3 storey) x 26  
Sudbury (3 storey) x 15

**4 bed units** all with at least 2 parking spaces = 102:

Alfriston x 17  
Arlington - plus garage x 13  
Chiddingstone - plus garage x 14  
Buckland - plus integral garage x 17  
Ashleworth - plus garage x 13  
Cliveden - plus garage x 14  
Moulton - plus garage x 11  
Willington - plus double garage x 3

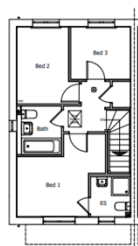
**5 bed unit** with at least 2 parking spaces x 4 = 4

Blakeney - plus double garage x 4

Total 246 open market units.

Example design:

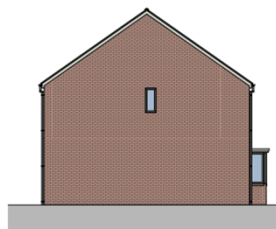
3 bed Alderley:



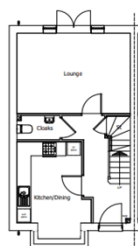
First Floor



Front Elevation



Side A Elevation



Ground Floor



Rear Elevation

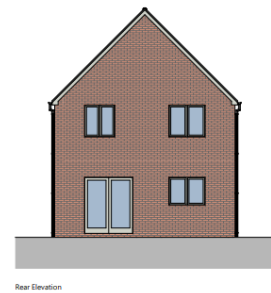
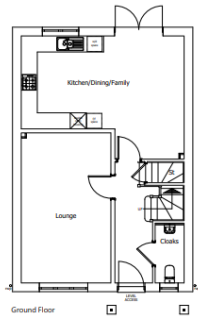
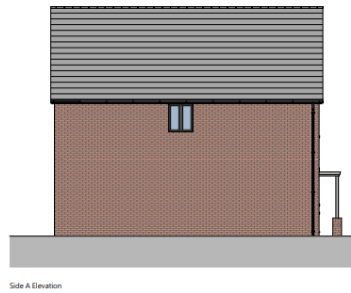
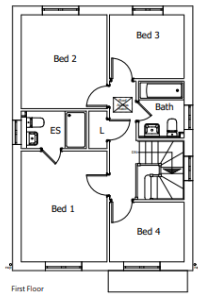
### 3 bed (3 storey) Morden:



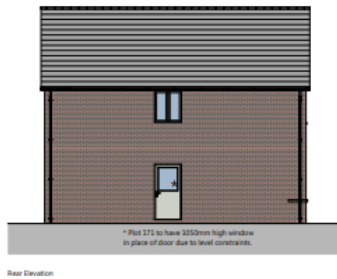
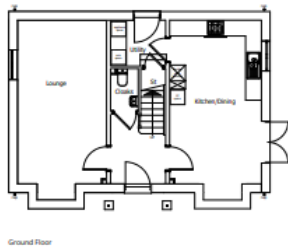
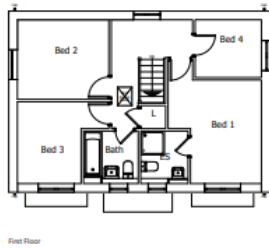
### 3 bed Sudbury:



### 4 bed Arlington:

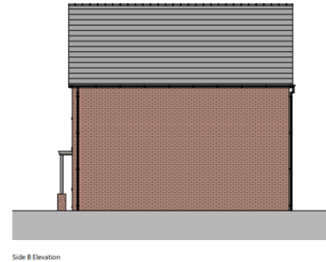
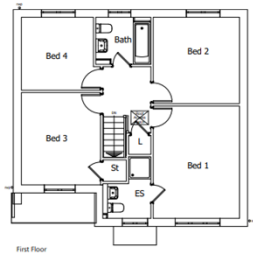


### 4 bed Ashleworth:

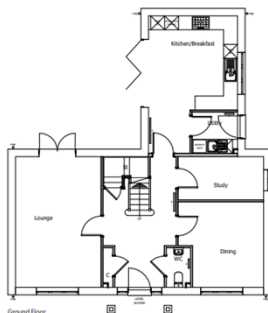
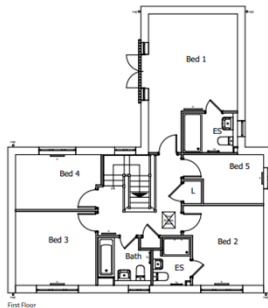


\* Plot 172 to have 2250mm high window in place of door due to level constraints.

### 4 bed Buckland:



5 bed Blakeney:



4.12 The proposed street scenes running through the site from Linacre Road to the Ashgate Plantation:



PROPOSED STREET SCENE AA 1:500

4.13 Running along the proposed southern access road facing towards the central corridor:



PROPOSED STREET SCENE BB 1:500

4.14 The proposal includes detailed landscaping which will be considered in the report below, part of the landscaping and layout consideration includes the provision of a defined 15m buffer zone to the edge of the Ashgate Plantation.

## **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  
 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  
 RP1 Regeneration Priority Areas (Strategic Policy)

### **5.3 Other Relevant Policy and Documents**

National Planning Policy Framework (NPPF)  
 Part 2. Achieving sustainable development  
 Part 4. Decision-making  
 Part 5. Delivering a sufficient supply of homes  
 Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport  
Part 11. Making effective use of land  
Part 12. Achieving well-designed places  
Part 14. Meeting the challenge of climate change, flooding and coastal change  
Part 15. Conserving and enhancing the natural environment  
Part 16. Conserving and enhancing the historic environment  
Supplementary Planning Document - Successful Places' Residential Design Guide

## **5.4            Key Issues**

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

## **5.5            Principle of Development**

### **5.5.1        Policy principle:**

As set out above the requirement for the consideration of planning applications is; 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. In this case the application site is allocated in the Adopted Local Plan as housing site H33 and within the RP1 Regeneration Priority Area.

5.5.2        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.*" Site H33 is then identified as being allocated for an anticipated capacity of 300 dwellings.

5.5.3        Policy RP1 states that; Within the Holme Hall Regeneration Priority Area, development is expected to:

- i. deliver a minimum of 300 new homes on site H33 in line with the adopted masterplan; and
- ii. provide safe and convenient walking and cycling connections to Linacre Road, Wardgate Way (Local Service Centre) and the Holmebrook Valley Park and Trail; and
- iii. provide an appropriate buffer and boundary treatment to minimise and mitigate any adverse impacts upon the Ashgate Plantation Local Wildlife Site.

5.5.4 It is clear from these two policies as set out in the Adopted Local Plan that housing development in the region of 300 units is anticipated on the application site. This proposal is therefore in line with Adopted Local Plan policy. It is therefore necessary to consider the detail of the submission against the remaining aims of policy RP1 and against the other policies of the Adopted Local Plan.

5.5.5 Policy RP1 requires walking and cycling connections to Linacre Road, Wardgate Way and the Holmebrook Valley Park and Trail. The proposal as set out in section 4.0 above includes the provision of a cycle route through the site linking into Linacre Road with an improved link to Wardgate Way for which a contribution of £70,000 will be secured and will include a new bridge, all to appropriate national cycle standards. The application also includes the provision of footpath links throughout the site to provide walkable connections within the site and to surrounding road networks. These links will enable connectivity via Wardgate Way and Foston Drive to existing routes into Holmebrook Valley Park using existing connections beyond the site.

5.5.6 Policy RP1 also requires a buffer to the Ashgate Plantation which is a local wildlife site. Again, as set out in section 4.0 above there is a 15m buffer provided within the layout in order to ensure adequate buffer and protection to the plantation. In this respect it is considered that the requirements of policies CLP3 and RP1 are met.

5.5.7 Whilst the site is allocated, Policies CLP1 and 2 require all development to be sustainably located. In allocating the land for development the sustainability of the location is considered. In this case there are walking and cycling connections to meet the requirements of policy RP1 which will provide suitable access to the services and facilities provided within the local centre of Holme Hall (as identified under policy CLP8) and further afield via public transport routes which run along Linacre Road and Wardgate Way, services 170 and 39. The proposal therefore meets the requirements of policies CLP1 and 2.

#### 5.5.8 Affordable Housing:

Policy CLP4 states in part that: In order to increase local housing choice, respond to emerging needs and promote the creation of sustainable communities, in new housing developments the council will seek a range of dwelling types and sizes based on the council's most up to date evidence of housing needs and the location and characteristics of the area.

The policy goes on to note that the percentage requirement aligns with the CIL charging zones of the Borough.

5.5.9 The Council's Housing Manager has commented on the proposal:

*"The provision of 54 homes equating to 18% across the site for affordable housing across the development is acceptable. The figure is determined in accordance with the proportions of the site falling into two different ward areas with varying affordable housing requirements in each.*

*The developer has included the rented affordable housing as per the requirement of the Housing Service to reflect housing register demand and needs with a mix of 2,3,4-bedroom houses and two bungalows. The provision of an M4(2) product for the two and three bedroom houses is welcome.*

*The site will also include two affordable bungalows for rent including a M4(3) three bedroom bungalow which is a very welcome additional provision to the affordable rented stock in the area.*

*In the original proposals viewed (September 2021) the two- and three-bedroom affordable houses were slightly lower than the national space standards (by approximately 3sq/m). In the most recent plans (April 22) the two- and three-bedroom affordable housing types have been reduced in size to 5sq/m below the national space standards. This is a disappointing change in the proposals between the versions. Bringing the affordable housing units back to their original size would be a welcome change to the proposals.*

*The shared ownership products are a mix of two and three bedroom houses which is acceptable though would always advise conversations with local registered providers to ensure the saleability of the products proposed.*

*The proportion of affordable housing across the site is split 50:50 between rented and affordable ownership products. This is a deviation away from normal policy requirements to deliver higher proportions of rented affordable products rather than ownership. In this instance the provision of a discounted homeownership products will*



*introduce a new tenure type for a product that is not currently available within this area of the Borough therefore I am comfortable with this ratio of rented to affordable ownership products.”*

5.5.10 The affordable provision proposed on the site is at 18% overall in order to meet the requirements of the two CIL charging areas (medium and high) which require the delivery of 10% and 20% affordable dwellings respectively. This blended approach of providing 18% across the whole site is considered to appropriate and meets the requirements of Policy CLP4.

5.5.11 The tenure mix required by policy CLP4 is for a split of 10% affordable home ownership and 90% affordable rent. However, the mix requested on this site through discussion with the Council’s housing team is for a 50/50 split to be provided, the application is proposed on this basis. The Council’s Housing Manager has confirmed this is to meet the specific needs in this area. The affordable housing is appropriately distributed throughout the site to ensure tenure blind provision. On the basis of the above it is considered that the proposal meets the requirements of Policy CLP4.

5.5.12 Whilst it is acknowledged that some of the house types are below the National Space Standards which is a negative of the scheme, these standards are not adopted planning policy and it is understood that these units will be taken on as affordable housing managed by the Council as a registered social landlord which indicates a general acceptance of the smaller homes proposed.

5.5.13 Adaptable and accessible housing:  
Policy CLP4 also 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). Where the council has identified evidence of a specific need for a wheelchair accessible standard M4(3) property (for which the council is responsible for allocating or nominating a person to live in that dwelling) that is relevant to a site, this will be negotiated with the developer and secured by planning obligation, subject to consideration of viability and suitability.

5.5.14 In this case as can be seen by the house type details in section 4.0 the majority of the M4(2) units are within the affordable unit range which is welcomed. There is also an M4(3) bungalow unit which is

at the specific request of the Council's Housing Manager. The M4(2) units within the open market range are also focused on the smaller units which is again welcomed. The approximate provision of 31% of units being M4(2)/(3) more than meets the policy requirement. A condition will be imposed to review this provision throughout the build.

#### 5.5.15 Open space:

Policy CLP17 requires that; Where proposed development would result in a need for new open space and outdoor sports facilities and/or exacerbate existing deficiencies in provision, development must contribute to public open space, sports facilities and play provision in accordance with the council's adopted standards as set out in Appendix B of the Local Plan.

5.5.16 The proposed scheme includes tree planting, SUD's attenuation, Play area and orchard planting. The Council's Strategic Planning Officer has noted that; "open space requirement generated from the scheme exceeds the thresholds for on-site provision in the recommended local standards for all typologies with the exception of Allotments and Parks and Gardens. The requirement of the allocation totals 3.86 hectares of open space provision. There is a requirement for amenity greenspace, allotments and play provision as part of the development site, as the shortfall for these surpass the minimum size guidelines set out in Appendix B of the Local Plan. Whilst the development on its own would not exceed the threshold for the provision of an allotment, the proposal is for a large scale development which does exacerbate deficiency in an area which has no allotment provision. Allotments are for growing fruit as well as vegetables, and a community orchard could fall within the definition within the Allotments Act." Bearing in mind the need to meet the objectives of the whole plan which include the potentially conflicting requirements to provide open space, play and biodiversity measures it is considered that the balance of open space provision of all types proposed is acceptable.

#### 5.5.17 Climate change:

Whilst the impact of climate change is quite rightly a serious concern raised by many local residents the proposal has to be considered within the remit of planning policy.

5.5.18 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.

5.5.19 The Council's Strategic Planning Officer has commented that; "The submitted Sustainability Report commits to the new Part L1A 2021 building regulations (due to come into force in June 2022), The document does not adequately or clearly demonstrate how the development will be able to withstand any long-term impacts of climate change (CLP20n) and how it will minimise CO<sub>2</sub> emissions beyond the Building Regulations (CLP20).

Local Plan Policy CLP12 requires new developments to connect to or be designed for future connection to community heating networks where appropriate. Where no district heating scheme exists or is proposed in the proximity of a major new development, the potential for developing a new scheme on the site should be explored and pursued where feasible. The government announced that it was adopting the Committee on Climate Change's (CCC) target for the Sixth Carbon Budget; this will require a cut in carbon emissions of 78 per cent by 2035. The CCC recommended that all new buildings should be zero-carbon 'by 2025' at the latest, and the Future Homes Standard (consulted on in 2021) will ensure that all new-build homes are zero carbon ready by 2025 – meaning that that all new homes built from 2025 will produce 75-80% less carbon emissions than homes delivered under current building regulations. In 2023 the government will consult about technical aspects of the Future Homes Standard before updating the Regulations again to come into force in 2025. Although the government has not published how it intends to achieve the overall carbon reduction target that it has adopted (making it difficult for LPAs to determine the extent of carbon emission reductions necessary to deliver the adopted target), and the uplifts to building regulations are not yet in force, CLP20 has a very clear requirement that 'Major development should, as far as is feasible and financially viable minimise CO<sub>2</sub> emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy'.

The submitted Sustainability Report commits to the new Part L1A 2021 building regulations (due to come into force in June 2022) which will

ensure that the homes produce 31% less carbon emissions compared to current standards. Meeting the new Part L1A regulations is not considered to minimise emissions as far as is feasible and financially viable. It is accepted that the council cannot at the current time require carbon reductions beyond the emission levels and fabric specifications stipulated in building regulations. However, it would be reasonable to ask the applicant for further detail as to how the proposal will contribute to reducing emissions, and for this to be quantified where possible.”

5.5.20 The Council’s Climate Change Officer has also commented on the original proposal;

*“I have some reservations about the planning application as it stands in terms of the climate change mitigation and adaptation measures to be undertaken in the development. As such, I would suggest some further investigation to clarify a few points.*

- 1. I am satisfied that the infrastructure for walking / cycling has been considered, but I could not find any references to dedicated cycling infrastructure segregated from motorised traffic or pedestrian access.*
- 2. The site clearance work described in the arboricultural impact report is described as requiring the removal of around 0.75ha of woodland, young trees and scrub, including a number of mature trees. I was not able to find a proposal of how the developer intends to ensure biodiversity net gain across the site.*
- 3. I could not find any reference to charge points for electric vehicles – I assume we will be insisting on installation of these where off street parking is also provided?*
- 4. While there is extensive description of the visual character of the proposed homes, I couldn’t find any details of their expected energy performance, microgeneration technologies (e.g. solar panels) low carbon heating, or other climate change mitigation / adaptation measures. It is important to note that most (if not all) of these measures are significantly easier to install at the time of building rather than retrofitting later.*
- 5. Given the limited short / medium term outlook for natural gas combustion as a means of domestic heating and cooking, I would suggest that we consider carefully whether it is appropriate to connect the proposed development to the national gas grid. I would suggest that at this stage that the developer should justify its inclusion rather than otherwise.*

*I note that this site is in very close proximity to another application (CHE/21/00879/FUL). My concern is that if both of these proposals were approved there would be a cumulative effect resulting in significant loss*

*in terms of green space locally, with associated impacts on existing residents and local biodiversity.”*

5.5.21 In response to the last comment; with the allocation of the application site in the local plan and an earlier planning permission being granted on the adjacent land referred to by the Climate Officer, it is not reasonable to now seek to prevent the building on these parcels of land on the basis of cumulative effects when overall consideration of development is set out in the Adopted Local Plan under which applications for planning permission are considered. Matters of biodiversity impacts are considered in detail within section 5.10 of the report.

5.5.22 The application includes a sustainability report which highlights the following points:  
“The new Part L1A 2021 seek to improve energy efficiency and close the performance gap with the following improvements to Part L of the Building Regulations:

- Reduce carbon emissions by 31%
- Reduce heat loss through the building fabric by 10-15%
- Follow bespoke thermal bridge details
- Record site details, photographs and information to prove the dwellings are built as per design stage
- Air test each dwelling (no sample air testing)

The proposed strategy will utilise a gas boilers. The main reasons are familiarity for new occupants, reduction of performance issues after handover and running costs are still favourable compared to air source heat pumps. By 2025, air source heat pump efficiencies and reliability should have improved, but currently, there are still issues with performance with higher bills than predicted. The EPCs are predicted to perform much better with gas heating and hot water combined with PV compared to heat pumps, indicating lower running costs for the occupants.

The main strategy is to significantly improve the building fabric, including thermally broken lintels. Apply highly efficient gas boilers with zonal heating controls. The application of photovoltaic panels will generate on-site renewable electricity to reduce grid supplied energy and reduce carbon emissions and supplement electric vehicle charging.”

5.5.23 The submission includes assessment details of various house types to show how the new Part L of the building regulations will be met, however these do not accord with the house types proposed in

this case. The assessment relates to the provision of solar to meet the new building regulations but is lacking in clarity.

The submission also includes a justification for using gas mains as a fuel in addition to that set out above:

“The developer team has experience technical issues with air source heat pumps on similar schemes. The reliability can cause significant issues and running costs are generally higher than predicted. The heat pumps rely on everything being right, from specification through to commissioning and education. But it can still result in very high energy bills for the occupants. If we were to swap the gas heating and PV for air source heat pumps, then the predicted EPC ratings would drop to an 84 ‘B’ on average. This indicates the running costs for the properties would therefore increase. This is another drive to maintain gas boilers on this development. The changes from 15th June 2022 with the introduction of Part L1A 2021 provide significant challenges within the industry. The Future Homes changes in 2025 will mean further reductions in carbon emission without the use of fossil fuel boilers. Between now and 2025, the industry is looking towards suppliers to improve their systems, to be more reliable and user friendly with a greater support network after installation to service and maintain the systems which requires the upskilling of the industry. It will also rely on a robust energy infrastructure network that will have to rapidly adapt to a significant increase in electricity demand with the removal of fossil fuel boilers and acceleration in the conversion to electric vehicles. This is noted to aid the reduction in air pollution, low running costs, future proofing phasing out of petrol and diesel cars with renewable energy from PV.”

5.5.24 It appears from the upcoming changes to building regulations that solar and EV charging points will be required for all new housing that is not pre-registered. From the submission the intention of the developer is to accord with the new regulations and not to avoid this by pre-registering the properties. This will ensure provision of solar PV and electric vehicle charging for all properties which is welcomed. It is accepted that the Local Planning Authority cannot at the current time require carbon reductions beyond the emission levels and fabric specifications stipulated in building regulations. These regulations still allow for gas installation and the applicant has been clear as to why they are choosing to use gas provision. Whilst this is extremely disappointing in terms of emissions it is not considered reasonable to impose a condition to restrict gas installation as this would be beyond the requirements of building regulations. However, there are conditions that are recommended to be imposed to reduce emissions from the development, these are; evidence to show compliance with the June

2022 building regulations in terms of details of the solar PV and EV charging facilities to be provided, details as to how the dwellings will be suitable for future retrofitting of renewable technologies, a statement on how emissions will be reduced through the construction process and consideration of District Heating projects, it is considered that this information should be submitted prior to the commencement of development.

5.5.25 In considering applications for development the whole plan approach to development seeks through policies CLP1 and 2 to ensure walkable neighbourhoods where there is easy access to local services and facilities. In this way all new development seeks to minimise the need to travel and thereby the impacts in terms of climate change. The policy approach encourages forming cycling and walking links to existing centres providing active neighbourhoods. On this basis the fundamental sustainability of the development is met as has been set out above. In considering climate matters in more detail this is largely restricted by other legislation such as the building regulations over which the Local Planning Authority has no control. Therefore, on the basis of the submitted sustainability report and the recommended conditions it is considered that the application meets the basic requirements of policy CLP20.

5.5.26 Infrastructure:

Concern has been raised by local residents that the development will impact on existing services and facilities such as schools, GP practices and Dentists.

5.5.27 Through the provisions of the Community Infrastructure Levy, monies are collected from developments such as this and are coordinated into spending on matters such as school expansion. There is also the ability to secure other matters via legal agreement and direct contributions which in this case will for matters such as the NHS through the CCG who have requested £144,576 towards expansion of GP practices. Such contributions will only secure physical improvements as funding for patients and school pupils remains via direct government funding. In this respect the contribution request for the Chesterfield Hospital is misplaced and cannot be secured via these mechanisms as central government funding of the NHS is provided for this. The funding for Dental Practices, has not been sought through S106 or CIL funding and no requests for any contributions have been received.

5.2.28 Derbyshire County Council have considered school provision in the area considering pupils on roll and projected pupil numbers. In this

regard they have advised that: *“DCC policy have noted the required school places as:*

*Primary; the normal area school would have capacity to accommodate the 72 primary pupils from the development.*

*Secondary; Outwood Academy Newbold School has a net capacity for 1,139 pupils with 1,066 pupils currently on roll. The number of pupils on roll is projected to decrease to 1,065 during the next five years.*

*An evaluation of recently approved major residential developments within the normal area amounts to an additional 83 secondary and 33 post 16 pupils, therefore the normal area secondary would not have sufficient capacity to accommodate the 60 secondary and 24 post 16 pupils arising from the proposed development.”*

This information will inform future bids for funding via the Community Infrastructure Levy thereby ensuring adequate school provision.

5.5.29 The NHS CCG have also commented on the scheme:

*“It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices.*

*The development sits within the area identified in the Primary Care states Strategy as Dunston and Surrounds and includes the following GP practices:*

- Newbold Surgery*
- Whittington Moor Surgery*
- Royal Primary Care – Whittington and Holme Hall*

*Given the location of the site there is potential to impact on the practices in Chesterfield town Centre*

- Chatsworth Road Medical Centre*
- Royal Primary Care Ashgate*
- The Surgery at Wheatbridge*
- Inspire Health – Avenue House*

*We would like to discuss the potential for S106 funding of £144,576 to be used to provide additional capacity within the vicinity of the development, the immediate area is identified in the Primary Care Estates Strategy as Dunston and Surrounds, however we believe the vicinity of the development should extend, for a development of this size, to include all practices within the Chesterfield Town Centre area and Chatsworth Road. This area has been identified as a high priority for investment, as a result of significant planned housing development and population growth.”*



5.5.30 Given the extent of surgeries mentioned in the request further clarification was sought to which the CCG have commented that: *“The site is covered by the catchment areas of Royal Primary Care (sites at Holme Hall, Old Whittington and Ashgate Road), Chatsworth Road Medical Centre, Newbold Surgery, Whittington Moor Surgery, The Surgery at Wheatbridge and Inspire Health (Avenue House). I would expect that the branch surgery at Holme Hall may be most significantly impacted, however, as this is a part time branch site there is a knock-on effect at their main sites and patients may also choose to register with a practice whose main site they consider to be more convenient, so Newbold and Chatsworth Road potentially. Patients are able to register at any practice that covers their address.*

*We are unable to specify schemes until the funding is confirmed as being received, these sites are all owned or leased by the GP partners, and it would be unreasonable to expect them to fund the development of schemes, including costs for the drawing up of plans, planning applications etc. for a S106 contribution when we cannot confirm when the funding would be available, if at all. Therefore, the contribution would be used to increase capacity at one or more GP practices sites that provides services to the development site, either through internal reconfiguration or extension and we will be able to provide detailed, costed plans prior to requesting the funding.”*

5.5.31 On this basis it is considered that the funding request is reasonable and will result in the additional capacity being provided for the site within one or more of the GP practices. In this regard infrastructure capacity is secured through the planning process.

#### 5.5.32 Conclusion:

In considering matters of planning policy, the sustainability of the site, the necessary requirements of affordable housing and accessible and adaptable homes, the impacts of climate change and infrastructure capacity have all been considered and found to be acceptable subject to conditions and CIL provision and the signing of a S106 agreement. On this basis the principle of the development is acceptable in line with local and national planning policy and there are no material considerations which indicate any deviation from this.

### **5.6 Heritage:**

5.6.1 Policy CLP21 states in regard to designated and non-designated heritage assets: In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:

d) identify and, where appropriate, protect important archaeological sites and historic environment features;

In the exceptional circumstances where loss or partial loss of designated or non-designated heritage asset is considered to be justified, the council will require the developer to have the asset surveyed and recorded by a suitably qualified professional in advance of any alterations, demolition or groundwork. The surveying and recording will be required to be carried out in a manner proportionate to the importance of the asset and the impact of the development. A report detailing the investigation should be made publicly available and deposited through Derbyshire's Historic Environment Record as a minimum.

5.6.2 The application is accompanied by an Archaeological report which summarises the investigation and findings as follows:

*“The scheme comprised four phases of fieldwork commencing with a geophysical survey of the area which located potential archaeological features and apparently barren areas. This data informed the second phase of works, which comprised the excavation of 31 evaluation trenches targeted to assess the potential archaeological features and blank areas.*

*The evaluation trenches identified archaeological remains including ditches, pits, plough furrows, mineshafts, drains and a posthole. Based on the results of the evaluation trenching...it was agreed that two further phases of archaeological work would be undertaken. This further work comprised a Strip, Map and Sample excavation in the south-eastern field of the Proposed Development Area (PDA) and a watching brief focused on the north-western and southwestern fields.*

*Within the Strip, Map and Sample area, a number of significant archaeological features were identified including; prehistoric (possibly Late Iron Age) enclosure ditches, clusters of postholes of probable prehistoric date, a possible medieval hollow way, and post-medieval mineshafts and areas of in situ burning associated with 19th century industrial processes. The watching brief in the north-western and southwestern fields recovered a large number of pottery sherds from the 19th century onwards, demonstrating post-medieval and modern domestic activity in and around the investigated area.”*

5.6.3 The County Archaeologist has commented on the scheme on a number of occasions as set out below:

First response: *“The site has been subject to archaeological evaluation and some limited areas of mitigation excavation during the course of 2018, commissioned by Kier Group as part of groundworks remediation*

*on the site. Some evidence for historic coal workings was identified and recording, along with a prehistoric enclosure and pits of probable Iron Age date. Some limited radiocarbon dating was undertaken on a sample of limited potential, producing a Late Mesolithic date, though this is most likely to be residual. No further archaeological fieldwork is therefore needed as part of the current proposals. However, the report from the 2018 work has not been finalised to be submitted to Derbyshire HER and arrangements are not yet in place for the archive to be deposited at Chesterfield Museum. It is obviously desirable to avoid a planning condition to secure this small amount of additional work. I advise in the first instance that the applicant is asked to submit a statement that the work has been commissioned and costs agreed, and setting out a timetable for completion. We would then have sufficient comfort that the public benefit from the 2018 project will be realised, and a further condition to secure completion would be unnecessary.”*

5.6.4 Second response: *“I previously commented on the application in Nov 2021 (attached), requesting final deposition of the archaeological excavation report to Derbyshire HER and confirmation of arrangements for archive deposition. I have had no further correspondence in the intervening period, though I am hopeful having spoken with the archaeological contractor that these remaining issues can soon be resolved.”*

5.6.5 Third response: *“Further to previous comments, the final report for the site has now been deposited with Derbyshire HER. We are however waiting for confirmation that arrangements for archive deposition with Chesterfield Museum are in place. If this cannot be obtained from the applicant; I recommend a condition to secure this.”*

5.6.6 In line with the advice of the Archaeologist a condition will be imposed as recommended to ensure the arrangement for archive deposition with Chesterfield Museum. On this basis it is considered that the impacts of the development in terms of below ground archaeology as a non-designated heritage asset have been fully investigated and resolved in line with the requirements of policy CLP21 and Part 16 of the NPPF.

## **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 The Council's Urban Design Officer commented on the original scheme;

Raising concern regarding; lack of connectivity, detail at the entrances, query the central corridor works and whether the features were to be retained, query whether more tree retention was possible, query street hierarchy, lack of street trees, lack of key nodal points, vistas and junctions, focal points, proximity of development to tree T1, reduction of street frontage parking, boundary treatments and public/private space definition. With the comments concluding:

*"The application it is not considered to meet the relevant policy requirements, or design guidance contained within the residential design SPD Successful Places (2013) and NPPF (July 21). Many of the issues identified have been previously raised during preapplication discussions but have not been implemented in the submitted design.*

*Further work is required to strengthen the place making aspects the development, which have not been adequately addressed in the current submission. As such, this application should be revised and amended to address the issues identified in these comments."*

5.7.3 Since the original submission and the comments above the Urban Design Officer has been involved in substantial negotiations with the applicant alongside the case officer to amend the layout to address the concerns raised and finalise a suitable layout for the development.

5.7.4 Through negotiation significant improvements to the layout have been made. These include clarification of the central corridor which is not to be retained as a feature given the need to provide development levels across the site, but will be redeveloped to provide a central green space. Street trees will not be provided within the highway but within the defined open spaces running through the site including the central corridor and the linear corridors to the south of the site:



5.7.5 Nodal points have been provided and key vistas:



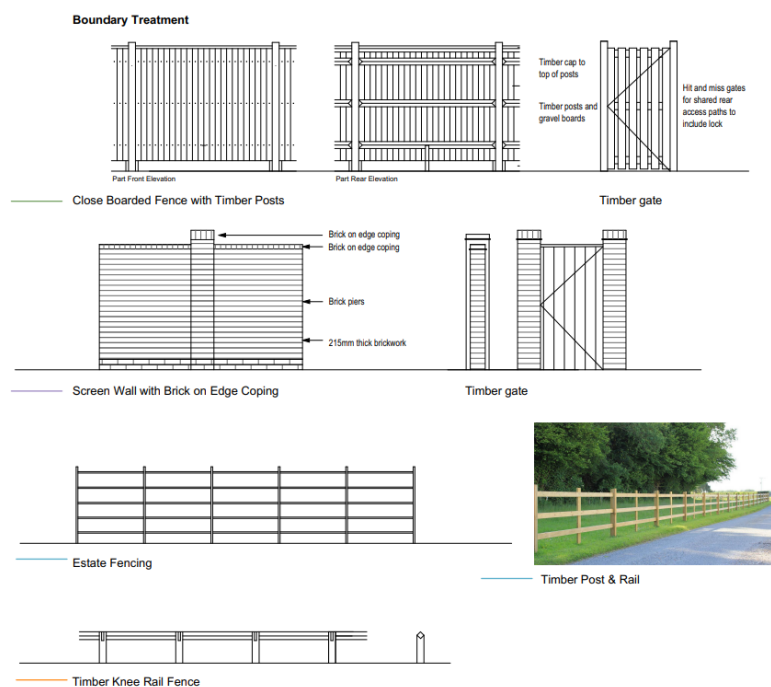
5.7.6 The pattern of housing on the streets has been reconsidered improving the appearance of the street scenes to minimise the random mix of housing with grouping of house types. Street frontage parking has been resolved and where this remains is with improvements to allow for landscaped areas between.

5.7.7 The now proposed house types have undergone some change with similarity brought in for all units and the removal of character area changes which were unnecessary for this development. Whilst the house types are not exemplary design, they are now of a more contemporary appearance and will assimilate well within the context of the site which is to the north and west of modern housing development.

5.7.8 The 2.5/3 storey units are considered appropriate as these are used minimally across the site and in locations where that hierarchy of

building is considered to be appropriate. The majority of the dwellings proposed for two storey with a couple of single storey units to the cul de sac off plantation close to fit in better with the adjacent bungalows.

5.7.9 The boundary treatments to the site and separation of public and private spaces has been carefully considered specifically in relation to the verged north/south corridors and to the central corridor. This is demonstrated on the boundary treatment plan which shows the boundaries as being timber fencing to the rear of plots, estate railing to the frontages with brick walls to provide privacy to private spaces from the public realm and timber knee rails to divide the open spaces from private roads and spaces.



These treatments are considered to be acceptable. However, there is a remaining query over level changes and therefore a condition is needed to ensure any boundary treatments including level changes are appropriate. There is limited detail shown as to the boundaries with the existing development on Plantation Close and Leadhill Road and whilst it would be assumed that existing boundaries are to be retained for completeness it is appropriate to provide more detail in this regard via condition. In line with the Crime Prevention comments in part 5.8 below there are areas of the site where the boundary details are ambiguous or further clarity is required these details can be covered by condition.

5.7.10 The submitted materials plan identifies that there will be two brick types and one grey roof tile although no detail is specified. It also

noted the use of chalk roughcast render to some principal elevations and the use of stone other feature properties. Whilst in principle the use of two brick types, one roof covering and some feature detailing is appropriate more detailed consideration of the materials and where these are used is required which will be considered via condition.

5.7.11 Details of hard surfacing materials have not been submitted at this stage and again will be subject to condition. The provision of the play area within the centre of the site is noted to be a natural type play area, again limited details are submitted which will need to be considered further via condition. There is notation of a further play area to the south of the site on landscaping plans where an orchard is proposed, however this is not demonstrated on all plans and therefore again will need to be clarified via condition.

5.7.12 On this basis and subject to conditions the design and appearance of the development is considered to be appropriate and meets the requirements of Policy CLP20 and Part 12 of the NPPF.

## **5.8 Impact on Neighbouring Residential Amenity**

5.8.1 Concern has been raised that the development will result in noise and nuisance to existing residents from long term construction works and that the proposed development will result in overlooking and loss of light and privacy.

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 The Council's Environmental Health Officer has considered the proposed development commenting;

*“Pile-driven foundations will be required across some of the plots (if not all), due to the former land use. Has this also been considered? Will the applicant be compliant with Control of Pollution Act 1974 and the Code of Practice for Noise and Vibration Control on Construction and Open Sites (BS 5228 Parts 1 and 2).*

*I agree with the recommendations and action included in the Residential Travel Plan.*

*I ask that each dwelling be fitted with EV charging infrastructure.*

*I ask that hours of work on the site be restricted.”*

5.8.4 As noted in the climate section of the report above the provision of EV charging points for dwellings will be required through the updated building regulations and will be conditioned accordingly. It is recognised that the construction works will result in noise and nuisance to local residents and whilst there will inevitably be impacts from this it is appropriate to restrict the operating times on the site and include conditions relating to matters such as on-site parking and deliveries, wheel washing and damping of the site to prevent dust. All which can be secured via conditions to minimise the impacts from construction work.

5.8.5 Further clarification has been sought from Environmental Health regarding the requirements for piled foundations, as no further response has been received it is considered necessary to impose a condition regarding this element of the construction works specifically which can result in noise and vibration issues.

5.8.6 Comments have also been received from the Crime Prevention Officer of Derbyshire County Council which are summarised:

*There remains an issue with public private spaces and desire lines relating to the properties to the north and associated with the existing public right of way and proposed cycle link. Robust boundaries are needed here.*

*The estate railing and timber post and rail are depicted as the same on the boundary plan, the estate rail is more appropriate to these spaces.*

*Screen walls should be set back to allow views into public spaces rather than being behind screen walls.*

*Supervision from side windows in the Sudbury and Moulton house types, preferably to the ground floor. The Alfriston and Arlington house types have untreated longer elevations in key areas, recommend are replaced with the Derwent or amended Moulton/Sudbury type at corner plots (228, 233 and 238).*

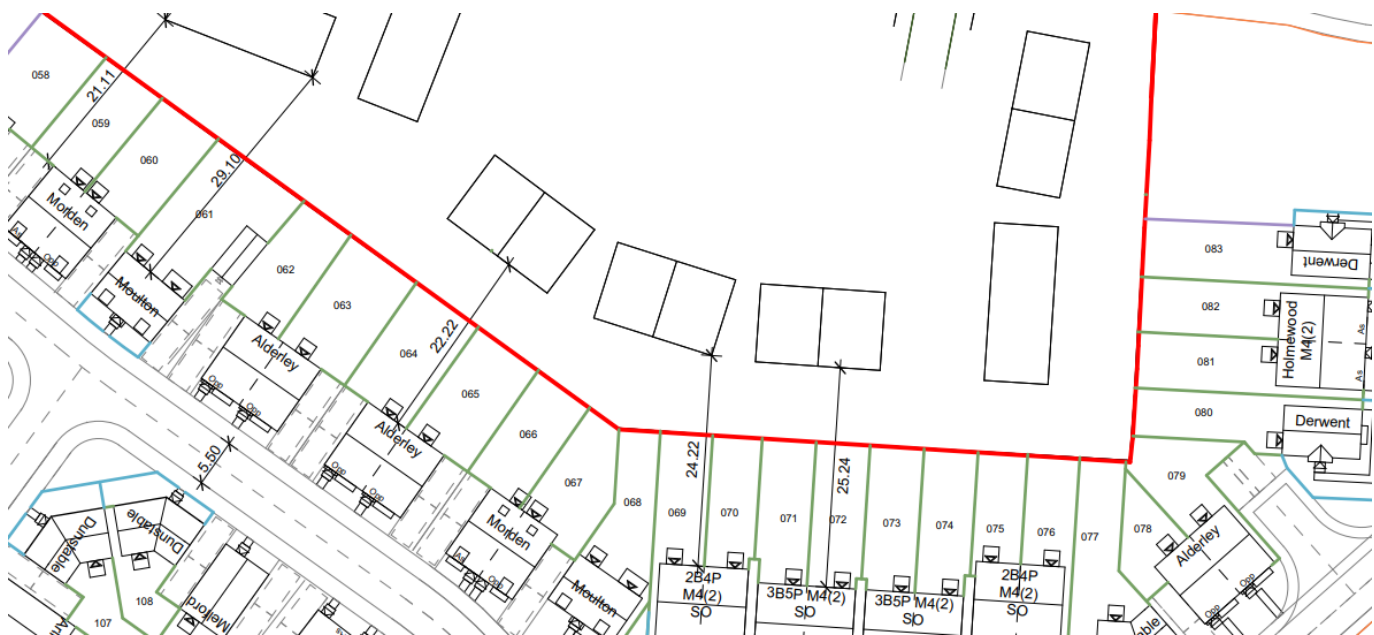
5.8.7 As set out above Part 5.7 there is a need to clarify some of the boundary details via condition as the estate railing and timber post and rail as depicted in the same way on the boundary treatment plans which is confusing and it is necessary to ensure a robust boundary treatment to the northern part of the site where the footpath links are located. This can be resolved via condition.

5.8.8 The comments regarding side windows to house types have been considered. The upper floor side windows to the Sudbury House type is

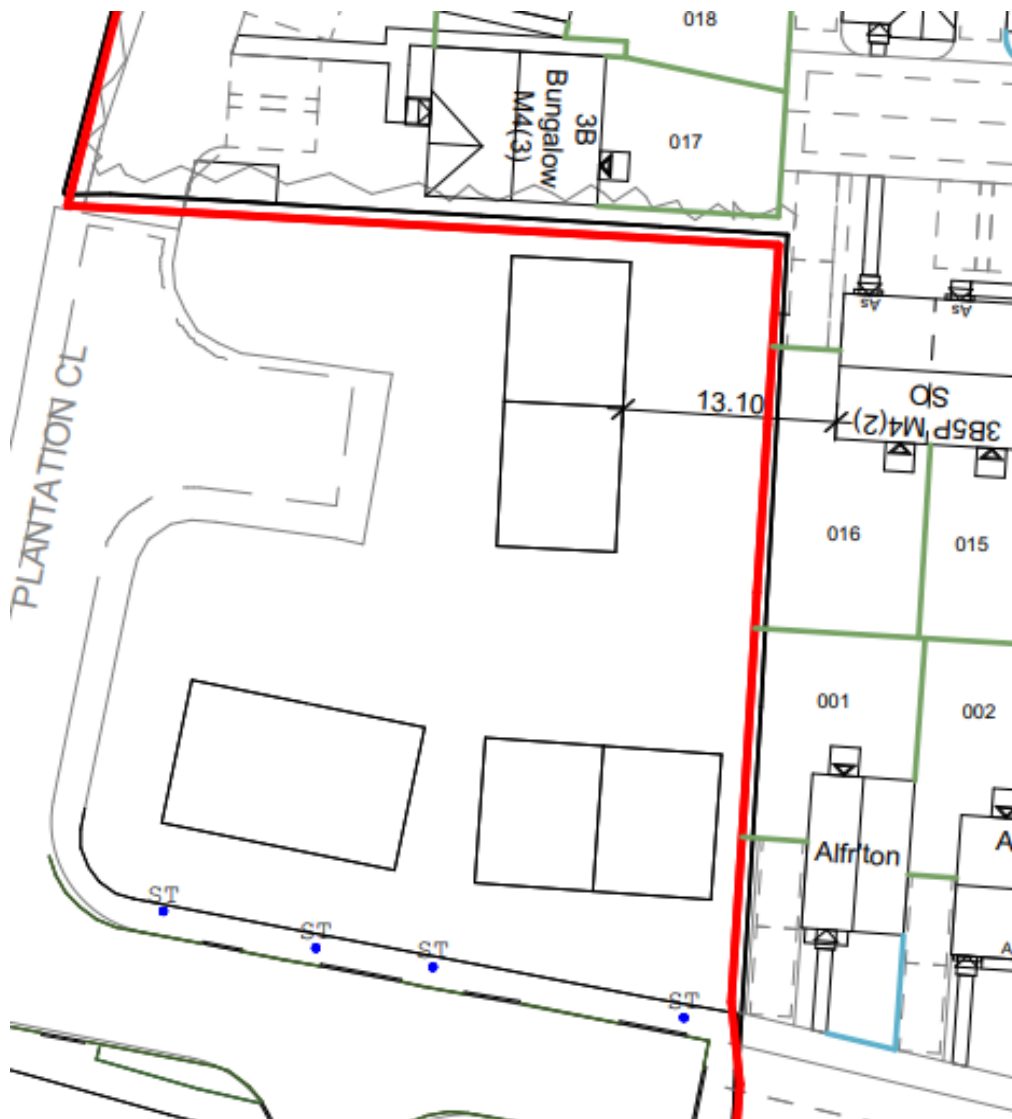


considered to be acceptable to provide some natural surveillance. The areas where there are no side windows to properties leading onto public realm have natural surveillance from other properties, this is considered to be adequate to ensure a safe neighbourhood.

5.8.9 In terms of amenity impacts between the proposed dwellings the 21m separation is largely met or exceeded and where this is below 21m this is due to the angle of the properties which is appropriate and buyers will be aware of the proposed separation distances which will not be imposed on existing residents. Where the development abuts existing properties the scheme has been amended to show at least a 21m separation distance with this being exceeded in many cases:



5.8.10 The separation distances and impacts have also been carefully considered adjacent to the properties to the eastern end of Leadhill Road and to Plantation close:



5.8.11 The provision of a bungalow to plot 017 will minimise any adverse neighbour impacts to the existing bungalow on Plantation Close. Plot 016 is a two storey dwelling but is set side onto the existing rear of the bungalow at over a 12m distance as required by the Council's SPD. Plot 001 is side onto the side of the existing bungalow on Leadhill Road and whilst in close proximity is considered to meet the requirements of the SPD. In regard to plots 001 and 016 it should also be noted that there is a level change between the existing and proposed dwellings which will again further minimise the impacts. A condition will be required to set out the precise level changes. Plot 001 has also been chosen as a gable to front design which will minimise the impacts further with the roof slope leading away from the neighbour.

5.8.12 The majority of garden sizes meet the space standards, there are some garden sizes below this level however, the density

proposed meets the requirements of the allocation and balanced against other matters on site this is considered to be acceptable.

5.8.13 In terms of air quality impacts the applicant has submitted that; “The concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> have been modelled at 17 existing receptors and at six receptors at the application site, representing locations where the impacts are expected to be greatest. The modelling concludes that concentrations of the 3 gases and particulates will remain below the AQALs at the receptors in 2023, whether the scheme is developed or not, and the impacts will be negligible. The Brimington AQMA is located more than 5km to the north-east of the site and will not be affected by development traffic. The overall operational air quality impacts are considered to be insignificant. This conclusion is based on the impacts all being described as negligible and total concentrations being well below the air quality objectives. There should be no constraints to the development of the site, with regard to air quality.” Therefore, subject to conditions to control measures from the construction works there are no concerns in terms of air quality impacts.

5.8.14 Having considered all matters regarding amenity impacts the proposal is considered to meet the requirements of policy CLP14 subject to conditions.

## **5.9 Highway Safety and Parking Provision**

5.9.1 Concerns have been raised regarding the increased traffic from the development and the impact this will have upon highway safety.

5.9.2 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.

5.9.3 The Chesterfield Cycle Campaign have considered the application and raised concerns as follows:

*“Chesterfield Cycle Campaign objects to this application because it does not comply with Local Plan policy CLP22 - especially these points:*

*b) improvements to walking and cycling facilities and public transport services that are provided early in the build out period of new developments and that are sufficient to encourage sustainable modes of transport;*

*c) optimisation of the existing highway network to prioritise walking, cycling and public transport such as measures to prioritise the needs of pedestrians above the car and improved or new cycle and bus lanes, provided early in the build out period of new developments.*

*No pavements are being provided along Linacre Road next to this development which clearly doesn't comply with C above.*

*With local shopping and schools more or less adjacent to the site it is disappointing to see a convoluted path provided to exit the site towards the local centre. There is the possibility of a much more direct path from the site which would encourage new residents to use active travel rather than using a car. The network of paths within the site must be a minimum width of site must be a minimum width of 2.4m.”*

5.9.4 The Highway Authority have considered the proposal in detail and have commented on the revised scheme, the pertinent points of which are summarised:

*The proposals do not include provision for a continuous footway to the near side of Linacre Road, citing that proposed pedestrian links and connections through the site will provide just as convenient and attractive routes for all desire lines. The Transport Assessment considers the need for pedestrian crossing facilities across Linacre Road. This was undertaken in response to concerns raised by the Highway Authority during the pre-application process. The Transport Assessment is supported by continuous automatic traffic counting (ATC) equipment suggests that formal crossings are normally appropriate where roads carry all day flows greater than 8,000 vehicles daily. They conclude that provision of a controlled crossing is probably not justified. Access to the two sites will be provided via two new priority junctions on Linacre Road, together with a third access into the northern area of the site. Assessment of the main accesses indicates that adequate capacity*

*will be provided and therefore congestion problems at the access junctions unlikely. The capacity of nearby junctions has been assessed, noting that main routes into town will become busier.*

*The document is relatively comprehensive and whilst the Highway Authority may not entirely agree or concur with every comment or statement within the document, providing the conclusions are suitably robust the Highway Authority would not necessarily insist that the document is revised, particularly where this would not alter or vary the overall conclusion reached. Whilst there will inevitably be an increase in traffic as a result of the development there are no indications that this would result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe – the tests required to be met for the Highway Authority to refuse the application on highway grounds (paragraph 111 of the Nation Planning Policy Framework).*

*All pedestrian access points should be provided to relevant standards. Existing rights of way should remain in place and upgraded to an all-weather surface, including Chesterfield footpath 133 prior to first residential occupation. The closest bus stops on Linacre Road and The Meadows should be upgraded and their position may need to be reconsidered to accommodate this and the associated paths to these. The amended layout is now generally acceptable from a highways perspective with predominantly 5.0m/5.5m wide carriageways flanked by 2m wide footways.*

*Whilst from a highways perspective at least, it would be desirable to provide a continuous footway margin on the nearside of Linacre Road, the applicant argues that the links provided will provide just as convenient and attractive routes for all apparent desire lines. Additional connections from the main estate streets should be considered, along with roadside standing areas for pedestrians to cross Linacre Road. Notwithstanding the information in the Transport Assessment, pedestrian crossing facilities (tactile paving crossing points) should be provided across Linacre Road to facilitate safe access to bus stops, facilities etc., at appropriate desire lines.*

*The private drive arrangement serving plots 153 to 157 is in very close proximity to Linacre Road where opposing headlights could confuse existing highway users (on Linacre Road). Planting and / or fencing should be considered to provide some form of screening.*

*Consideration could also be given to reducing the width of the private drive to provide a wider margin for planting / fencing.*

*Visibility at internal junctions has been demonstrated, providing 2.4m x 25m minimum visibility splays in each direction, with the area in advance of the sightlines forming part of the street and*

*not part of any adjoining plot. This is considered acceptable. Swept path analysis for a large refuse vehicle has also been demonstrated confirming that the street geometry is appropriate. The mine shafts located on or adjacent to adoptable highways will have to be capped to a standard agreed through the adoption process. The level of parking across the site appears to be acceptable in principle from a highways perspective. Should your Authority be minded to approve the application in its current form the residual items may be addressed by appropriate conditions appended to any consent issued. On this basis conditions are recommended. The S106 contributions are requested as follows:  
Travel plan monitoring fee - £15,680  
Travel plan bond - £35,000  
Travel plan fee - £1,750  
Contribution towards Real Time Information at bus stops - £24,400*

5.9.5 As noted above ideally a footpath would have been provided around the perimeter of the site to match that on the opposite side of Linacre Road and this has been raised with the applicant. However, this would have seriously compromised the developable area of the site impacting on overall numbers which are defined in policy as a minimum of 300 dwellings. The highway authority are satisfied with the informal footway links within the site which will link to the bus stops the lack of footway the whole way along Linacre Road is considered to be acceptable.

5.9.6 The comments of the Cycle Campaign are noted, however substantial negotiation has taken place to ensure there is a pedestrian/cycle route through the site which links the two far ends of the development along with the link into Wardgate Way. The central route and link to Wardgate Way are to appropriate widths of 2.4m and the more informal paths will be narrower, this is considered to be appropriate to ensure sufficient connectivity within the site and to the surrounding area.

5.9.7 The comments of residents of Leadhill Road in terms of the development being a danger to highway safety are noted. However, the Highway Authority have considered the scheme and do not consider that the impacts of the development will result in severe impacts and therefore the highway impacts are considered to be acceptable. It is acknowledged that there will be an increase of traffic which will result in changes to the experience of users of the highway close to the site but these do not equate to dangers which would result in a refusal of

planning permission. Therefore, with the exception of the suggested cycle parking condition, which will be provided within property curtilages, subject to conditions as requested by the Highway Authority and the S106 contributions being secured, the proposal is considered to be acceptable in terms of highway safety.

## **5.10 Biodiversity, impact on protected species, enhancement**

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 The strategic planning officer has commented on the case in regard to biodiversity noting in part that; *The site is adjacent to a local wildlife site, where Natural England would recommend a buffer of 15m would be needed for the woodland. The net gain required by CLP16 should be delivered on site with any off site net gain being a last resort it is recommended that a 10% net gain is delivered to be commensurate with the Environment Bill. A condition is needed to secure on site mitigation is maintained for 30 years.*

5.10.3 Derbyshire Wildlife Trust initially raised objection to the proposal. Following further submissions to address their concerns the final comments received are summarised:

*The Trust previously commented on this application, since then, most of the outstanding information that we highlighted has been provided.*

*A Bat Roost Aerial Tree Inspection Report has been submitted. The bat inspections of the trees are in line with best practice and we support the recommendations in Section 6. Additional nocturnal surveys are still required and these should be undertaken at the earliest opportunity – prior to determination.*

*We note that the more of G53 and G54 are proposed for retention including the notable trees adjacent to the proposed LEAP (assumed T4, 5 and 6). We would re-iterate our previous advice to consider carefully the exact location of the LEAP equipment to avoid any future health and*

*safety concerns and potential tree works/removal. Some existing native scrub and trees are also proposed for retention along the western site boundary. These changes are welcomed. We note the comments by the Tree Officer querying the exact location of the 15 m buffer to the on- and offsite woodlands. We would encourage the buffer to extend from the outermost trees at the woodland edge and it may be helpful to mark this out on site to ensure the buffer is properly accounted for in the layout.*

*The Trust are pleased to see the landscaping detail and cross sections of the central portion of the site. These are largely supported, although we agree with the comments from the Tree Officer that fruit trees could be incorporated across the wider site, not just within the orchard.*

*A Biodiversity Net Gain Assessment has been undertaken which confirms that a net loss of 17.97 habitat units and a gain of 3.89 hedgerow units and 0.82 river units will result from the proposals. On-site biodiversity appears to have been maximised with well-chosen grassland seed mixes, retention and enhancement of the central corridor and the creation of SuDS areas. Consequently, to avoid net loss and achieve a net gain, off-site habitat creation will be required. We are aware of a separate piece of work commissioned by the LPA to investigate offsetting opportunities on a nearby site. We advise that the baseline habitat details of this offsetting site are added to the metric, along with the enhancement/creation proposals. To ensure biodiversity net gain best practice principles are followed, it is important to provide a meaningful and measurable gain in biodiversity.*

*Once this last element of the net gain work has been completed, conditions will be required to secure the onsite habitat creation and provide a 30 year management and monitoring plan, sufficient to achieve the units set out in the metric.*

*Further landscape plans, plus a separate 30 year management and monitoring plan should be secured for the offsetting site, again sufficient to achieve the units set out in the metric. Wording can be suggested for these once the final details have been agreed. Conditions recommended.*

5.10.4 In partnership with Derbyshire Wildlife Trust and as part of the consideration of Policy CLP16 and the anticipated detail of the Environment Act the Strategic Planning Policy team have been looking into how biodiversity net gains can be off set within the Borough on areas of land controlled by the Council. These areas of land can be planted and differently managed to secure biodiversity gains where the extent of gain required cannot be achieved on development sites. This



will come forward as Supplementary Planning Guidance in due course however that process has started and has initially sifted a number of sites within the Borough. One of these sites, which is close to the application site, is an area of open space running along Loundsley Green Road. The management of this site as a biodiversity receptor site will provide a wildlife corridor from the Ashgate Plantation to Holmebrook Valley Park, which is appropriately associated with the development site. A piece of work has also been carried out by the Council's leisure services to provide a detailed assessment of the cost of providing such habitat units on land already used as open space within and controlled by the Council, this has taken place alongside a detailed ecological proposal for a receptor site giving appropriate accuracy to the assessment. This has concluded that the cost per habitat unit for management, replanting and monitoring biodiversity receptor sites is £20,000 per habitat unit.

5.10.5 In this case as set out in the comments of the Trust, there remains a net loss of habitat from the development of the site despite the proposed landscaping maximising on site provision. The submitted metric shows the baseline of the undeveloped site to have +65.00 habitat units, +1.85 hedgerows units and +2.31 river units. The result following development will be -17.97 habitat units, +3.89 Hedgerow units and +0.82 river units. Therefore, the minus habitat units (-17.97) needs to be off set on another site. This will be secured by the applicant providing a contribution to compensate of +18 units (gain of +0.03 units) which at a cost of £20,000 per unit equates to a contribution of £360,000. This contribution will then be used to provide the biodiversity net gains over a 30 year period on sites within the Borough, the intention in this case is for the majority of this to be provided on the Loundsley Green Road site. Therefore, the gains will be +0.03 in habitat units, +3.89 in hedgerow units and +0.82 in river units giving a total combined gain of +4.47 units across all types. It is acknowledged that this is a gain but not a 10% gain. However, given that the Supplementary Planning Guidance to require a 10% net gain is not yet adopted and we are still awaiting the secondary legislation of the Environment Act it is not considered reasonable to insist upon a 10% gain at this time, although this will be the case once the guidance or legislation has progressed. A condition will secure the on site net gain through landscaping and management. On this basis it is considered that the proposed development secures a net gain as required by policy CLP16 thereby addressing the concerns of the Trust.

5.10.6 In terms of protected species sufficient survey work has been undertaken and the final nocturnal bat surveys for specific trees are awaited, it is anticipated these will be submitted prior to the committee date. So far these additional surveys raise no further concerns whilst this is a foraging area for bats there low-moderate levels of activity on site. Those trees which have higher potential for bat roost are those undergoing further survey work. The highest levels of activity were adjacent to the woodland. Given the generally low numbers of passes recorded for most species it was not possible to reliably identify species-specific trends in activity on the site.

5.10.7 The following bird species of conservation interest were recorded as breeding within the site boundary:

- Two Red List BoCC Species; mistle thrush and song thrush.
- Four Amber List BoCC species; dunnock, bullfinch, stock dove and tawny owl.
- Three of the species confirmed to be breeding at the Site are listed as priority species in Section 41 of the NERC Act 2006 and under the Derbyshire LBAP. These species are bullfinch, dunnock and song thrush.

The habitats these were recorded within are to be retained.

5.10.8 Seven reptile survey visits were conducted in May 2018 in suitable weather conditions, with no reptiles recorded during the surveys.

5.10.9 There is a known long term badger sett close to the site, for which the site will be foraging area. Newts, water vole, otter and white clawed crayfish were not found through the surveys. There are records of hedgehogs in the area.

5.10.10 To minimise impacts on species a number of conditions are recommended including a badger mitigation strategy, construction environmental management plan, lighting plan and ecological enhancement plan, subject to these conditions and the securing of on-site and off-site biodiversity enhancements the proposal is considered to meet the requirements of policy CLP16.

5.10.11 Trees:

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.

5.10.12 The Council's Tree Officer has considered the initial and amended scheme and has commented on the final submissions, the pertinent points of which are summarised as follows:

*The Arboricultural Impact Assessment (AIA) states that 'In broad terms most of the trees at the site are in good or fair condition and can be regarded as category C or B. Tree T1, can be regarded as category A. All of the tree groups at the Site have been regarded as category A or B, this is because of the collective value of trees growing within the groups',*

#### Tree Removal in the AIA

*G53 - Removal of approximately 550m<sup>2</sup> of woodland from the north of the group regarded as category B including three significant individual trees on the northern edge.*

*G55 - Removal of approximately 5858m<sup>2</sup> of scrub, shrub and trees regarded as category B and approximately 14 significant individual trees*

*G63 - Removal of approximately 5561m<sup>2</sup> of scrub, shrub, young trees regarded as category B and approximately 40 significant individual trees.*

*G62 - Removal of approximately 125m<sup>2</sup> of young trees regarded as category C*

*G57 - Removal of 1460m<sup>2</sup> of the outgrown hedge regarded as category C*

*T28 – Removal of the tree regarded as category C*

*G56 - Removal of the majority of the group regarded as category B including two trees regarded as category A.*

*T9, 10 and T39 - Removal of the trees regarded as category C to allow for the creation of SUDs pool*

*T38 and T39 - Both trees sit within Group 56 which is proposed to be removed.*

*These have been regarded as category A from an amenity value perspective, however their longevity will be compromised due to proposed levels and construction, T38 showing signs of decay and T39 having grown through a fence.*

#### Trees impacted by the development in the AIA

*T29 - Slight impingement of proposed house and parking area on the root protection areas of this tree regarded as category C.*

*T27 - Slight impingement of proposed roadway on the root protection area of this tree regarded as category C.*

*T49 - Slight impingement of proposed roadway on the root protection area of this tree regarded as category B.*

*T45 – Slight impingement of proposed roadway on the root protection area of this tree regarded as category C.*

*T11 - Impingement of proposed roadway on the root protection area of this tree regarded as category A.*

*T2 - Slight impingement of proposed roadway on the root protection area of this tree regarded as category B.*

*T1 - Impingement of the proposed roadway on the root protection area of the tree regarded as category A. Due to an existing change in level at the position of the proposed roadway, the roots might be confined to a southerly direction, justifying offsetting of the root protection area, however this could bring it in conflict with the proposed house to the south.*

### Group 63

*The AIA states that ‘The development will necessitate the removal of parts of group 63’ and suggests thinning of the group. However, the submitted revised site layout plan 100-047/002 AE appears to show all the trees within G63 to be removed. These could be retained if adequate undeveloped open space was provided, however the proposed site layout drawing 100-047/002 AE, shows development around the trees with high levels of excavations making it impossible for these trees to be retained in the proposed development.*

### T1 Oak

*Plot 83 has now been moved away from the Root Protection Area (RPA) of this tree which is welcomed. However further details are required of the impacts on T1 Oak for the proposed roadway.*

### 15m Buffer Zone

*It is clear from the submitted information in the drainage strategy drawings and site layout plan that the 15m buffer zone and RPA for Ashgate Plantation will be encroached for the construction of the SUDS basin and outlet. Further details are therefore required.*

*If the existing mixed native shrub and scrub within the 15m buffer zone is to be retained, then a Tree Protection Plan should be which should show this area as a construction exclusion zone and the protective fencing positioned in a location to retain this land from any development activities.*

*The exact area of the 15m buffer zone is in doubt as there is no baseline shown where the measurements have been taken from. As stated in the Derbyshire Wildlife Trusts comments dated 17th May 2022 the zone should 'extend from the outermost trees at the woodland edge to ensure the buffer is properly accounted for in the layout' and marked out and approved prior to any decision being made on the application to give a clear understanding of the extent of the buffer zone and how effective it will be.*

### *Drainage*

*Drainage plans indicate there is likely to be an impact on G59 and the plantation buffer, further information is required. A revised Landscape and Biodiversity Strategy drawing has been submitted but there is no indication of where proposed trees and plants will be planted, this will need to be conditioned and advice regarding fruit trees taken into consideration.*

*Given the substantial tree loss throughout the site:  
T2, T6-T10, T12, T14, T17, T22, T33, T38 & T39 Oak, T11, T19, T47, T48 & T51 Sycamore T15, T16, T18, T20, T21, T23, T24, T25 Ash T37 Hawthorn Unidentified trees to the rear of plots 17-22 G53 Oak, Hawthorn, Birch, Holly (From the information provided in the AIA and revised site layout plan 100-047/002 AE it is unclear whether these trees will be retained) G54 Hazel, Oak (From the information provided in the AIA and revised site layout plan 100-047/002 AE it is unclear whether these trees will be retained) G55 Ash, Oak, Sycamore, Hawthorn, G56 Oak, Sycamore, Ash, G57 Hawthorn, Sycamore, Ash, G62 Ash, Hawthorn & G63 Ash, Sycamore, Oak, Hawthorn, Apple; I therefore object to the application on the following grounds:*

*An excessive number of trees and habitats will be lost to the scheme which would result in a net loss of biodiversity on the site.*

- Conflicting and inaccurate information when comparing the revised site plan 100-047/002 AE to the AIA which was based on drawing 100-047-002 rev AA*
- The unknown numbers of trees and habitats to be lost to facilitate the development.*
- Drainage impacts not addressed in the AIA so the impacts on the existing trees within G59 and what trees will require removing are unknown.*

*Any decision should be deferred until a revised AIA is submitted which is based on the revised site layout as the full impacts are unknown. Should consent be granted then conditions are required including tree protection, site monitoring and landscaping.*

5.10.13 The comments and concerns of the Tree Officer are acknowledged. There is proposed to be a substantial loss of trees and hedgerow throughout the site. However, this has been considered in the biodiversity net gain assessment indicated above. Whilst the loss of the extent of trees is a disappointing element of the scheme considerable negotiation to aim to keep as many trees as possible has been undertaken. However, due to the topography of the site it has not been possible to retain the majority of the trees.

5.10.14 The discrepancies in the submitted Arboricultural report are again disappointing as this is a further submission to address the same initial concerns raised. In addition, the concerns regarding the full extent of the 15m buffer to the plantation and drainage infrastructure impacts have been raised but are not fully resolved. However, given that the broad parameters of the impacts are known as the layout is now set, it is considered reasonable to now progress the case subject to a series of conditions to clarify these outstanding matters.

5.10.15 Given the extent of housing needed to meet the requirements of Policy H3 along with the topography of the site which results in the need to provide development platforms, it is considered that subject to imposing conditions to clarify the remaining tree concerns and the biodiversity measures set out above, the proposal is considered to be broadly acceptable in line with 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 In terms of ground conditions the Council's Environmental Health Officer has commented that: *I agree with the conclusions and recommendations of the Geoenvironmental report, with regard to contaminated land issues*

5.11.3 The submitted GeoEnvironmental Appraisal report concludes that;

Following a desk top review of available reports no significant soil contamination sources were identified. Abandoned shallow mine

workings and mine gas were considered to represent the most significant risks to end users and to proposed buildings. Basic radon gas protection measures will be required.

“Initial testing suggests the natural Topsoil and Topsoil Made Ground is suitable for re-use, although further testing will be required prior to placement in garden and landscaped areas. Localised elevated concentrations of arsenic have been detected associated with Colliery Spoil Made Ground. It is recommended that 600mm of clean soil cover be placed where Colliery Spoil Made Ground is present. Alternatively, bioavailability testing may be used to demonstrate that the arsenic does not pose significant risk to end users, thus removing the requirement for a formal clean cover layer.

In order to prevent accidental combustion of coal seams, it is recommended that a minimum 1.0m of cover be placed where coal seams are exposed at outcrop. Alternatively, coal could be excavated from exposure at outcrop and replaced with appropriate soil materials for garden areas.

Redevelopment of this site will almost certainly be subject to planning conditions relating to remediation and validation. Potential remediation options have been outlined and these options will need to be developed to produce a detailed Remediation Strategy report. Raft or suitably reinforced strip foundations are considered appropriate for the site – to be finalised by the structural engineer. Further rotary investigation of the potential for indicated workings in the Blackshale seam in the east of Area A should be undertaken when ground conditions improve during dry weather. Further investigation comprising trial pits will be required in previously inaccessible areas of the site to confirm ground conditions. Supervised topsoil strip will be required to identify positions of indicated former shafts and to identify previously unidentified shafts. Rotary proof drilling to prove depth and extent of all shafts will be required either during or prior to preparatory works.”

5.11.4 From this assessment in the report it is clear that a planning condition is required to secure the further investigations required and secure appropriate mitigation. Subject to this condition the proposal is considered to have suitably considered the risks of ground contamination in line with Policy CLP14 of the Adopted Local Plan.

5.11.5 The Coal authority have also commented on the submission as the site is known to have impacts from former coal mining activity:

*“The Coal Authority records indicate that the site has been subject to historic recorded underground coal mining at shallow depth and is likely to have been subject to historic unrecorded underground coal*

*mining at shallow depth. Our records also indicate that thick coal seams outcropped across the site and that within, or within 20m of the planning boundary there numerous recorded mine entries (shafts).*

*The applicant has obtained appropriate and up-to-date geological and mining information, as well information from the results of intrusive site investigations undertaken. This has been used to inform the Coal Mining Treatment Summary Statement (17 September 2021, prepared by PPCP Ltd), which accompanies the planning application. From a review of the site investigations undertaken, the Statement is able to confirm that both identified shallow coal mine workings and mine entries will require consolidation and treatment.*

*On the basis that the development layout has clearly been designed around the recorded mine entries, and subject to the imposition of a planning condition to ensure the recommended remediation, the Coal Authority has no objections to this planning application.*

*The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.*

*The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.*

#### *Mine Gas -*

*Wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist.*

*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 Coal Authority concurs with the recommendations of the Coal Mining Treatment Summary Statement (17 September 2021, prepared by PPCP Ltd)); that recorded mine entries and shallow coal mine workings pose a risk to the proposed development and that remediation should be undertaken prior to development.*

*The Coal Authority therefore has no objection to the proposed development subject to the imposition of the conditions to secure the above.”*

5.11.6 Subject to the conditions required to address the ground conditions arising from the former coal mining activity, the consideration



of this issue has been suitably addressed to accord 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. 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 The application is accompanied by a Site-Specific Flood Risk Assessment which notes that; site is within Flood Zone 1, more vulnerable developments (such as housing) are permitted within this flood zone which is at low risk of flooding. There are no records of historic flooding within the development site boundary. Two ordinary minor watercourses are present within the site – one flowing in a natural valley through the centre of the site and another one along the most northern site boundary. The watercourses confluence in the most north-western corner of the site before continuing in a north easterly direction, towards Holme Brook, a main river. The central watercourse receives a discharge from the Yorkshire Water surface water sewer.

5.12.3 Initially objections to the scheme were received from the Lead Local Flood Authority and Yorkshire Water. The drainage strategy plans were then updated based on the comments provided to which the LLFA have now provided an updated response:

*“Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 22nd April 2022. The LLFA has no objection in principle subject to conditions.”*

5.12.4 As yet further comments are awaited from Yorkshire Water. It is anticipated that these will have been received by the time of the committee meeting and it is hoped that their response will recommend

conditions. Subject to the response from Yorkshire Water, imposing conditions as recommended and a water efficiency condition the proposal will meet the requirements of Policy CLP13 of the Adopted Local Plan.

### **5.13 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 medium (£50) CIL charging zone and part within the high (£80) 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 has not been calculated as yet as the submission of an updated CIL form 1 is awaited from the applicant. This will be reported verbally to the committee.

## **6.0 REPRESENTATIONS**

6.1 49 comments have been received from local residents and are summarised below, including a petition with 28 signatures and additional letters from the same parties.

### Response to original scheme:

#### 1. Principle issues –

- Consider the impacts of building on green fields on the environment and reducing green accessible spaces.
- Enough green fields have been lost to development.
- Green space is vital for residents mental health.
- Consider the impact in terms of climate change.
- Housing should be on brown field land.
- No need for further housing
- Our green fields are irreplaceable.
- This does not fulfill the green infrastructure policy of the Borough CLP15.
- There is little or no improvement to local walking and cycling infrastructure with no footpath on the edge of the development along Linacre Road. This does not encourage active travel.
- Appalled to hear Ashgate plantation is to be built on.
- This is natural space for residents which is important to those on Leadhill Road who have health or mobility issues.

- Why is this beautiful site being considered for development.
- Holme Hall is already too built up.

## 2. Climate change –

- This spells environmental disaster at a time when climate change is the number one challenge facing the human race.
- Loss of trees when we should be planting more for the future.
- We should be re-using existing buildings.
- Carbon impact of construction works with cement causing 8% of global emissions.
- The Council has declared a climate emergency and continues to allow building.
- Such grassland sites are needed for carbon capture.
- At COP26 it was said ‘we are 1 minute to midnight’ in relation to the climate emergency. This should be left as a wildlife haven.
- Solar panels, rainwater harvesting and ground source heat pumps should be a minimum.
- The buildings need to be integral to decarbonizing energy not contributing to pollution.
- Will the houses be carbon zero? Have decent insulation? Have heat pumps?
- This ignores COP26 promises
- What heating systems will be installed.
- There is no mention of building to an energy efficiency higher than that required by law.
- There is no mention of renewable energy provision.

## 3. Wildlife –

- There will be adverse impacts on wildlife
- Risk to the ecology of Ashgate Plantation.
- Unacceptable loss of trees
- Harm to local species
- Has the site been checked for bats, owls, buzzards, hedgehogs and other species seen in the area.
- There is no information referring to the impact on local wildlife
- There will be a loss of around 2 acres of protective cover for wildlife, woodland, scrub and hedgerows,

such habitat is being lost across the borough at an alarming rate.

- This will result in the loss of vital wildlife corridors.
- It would be better to use the site for tree planting.
- Owls nest in the trees.
- No information as to how a biodiversity net gain will be provided.
- How will the stream be protected?
- There is a substantial loss of biodiversity.

#### 4. Highways -

- Concern about speed limit – we need a light up sign reminding road users.
- Concerns regarding parking through construction and after.
- Concerns regarding the adequacy of loading and turning vehicles during construction.
- This increase in the volume of traffic will be a danger to highway safety.
- The existing road surface is already worn, this will make it worse.
- Access will be dangerous for local disabled people and those with hearing and sight problems, going through the centre of their community.
- The location of the access roads is not ideal, this road is getting busier.
- The road is used as a rat-run with the bend making increased traffic a danger.
- Plot 55 facing the road will encourage residents to park on Linacre Road which will cause a danger.
- Parking is not sufficient and will lead to overflow parking on Leadhill Road.
- The submitted information shows that the majority of vehicles using Linacre Road drive above the speed limit, parking on this road will be a danger.
- Speed limit reminders are needed.
- Traffic flows were measured during lockdown.
- There is no link road between the two parts of the site to minimize vehicles to the main access.
- The bus services are not every 12 minutes but are with the 39 and 170 service combined are every 17 minutes

the 39 service runs every 20 mins, 3 buses per hour between 7.17am and 5.43pm only.

- There are no bus shelters.
- The 39 service should be routed through the estate.
- Delivery vehicles will increase traffic impacts
- No detail of what cycle infrastructure is to be provided.
- The site should be as permeable as possible.

#### 5. Infrastructure -

- There is already too much demand on local GP services.
- This will create more pressure for stretched public services.
- Where will the children go to school.
- Where will the CIL money be spent?
- There are no NHS dental places
- The infrastructure monies will not compensate for the lack of investment in the NHS, shortage of medical personnel and carers.

#### 6. Environmental impacts -

- The additional traffic will impact on air quality especially for those with health conditions.
- Other nearby parks are not close enough for the elderly or disabled to enjoy, these residents need these fields.
- Noise and nuisance from construction which will particularly impact shift workers.
- Dust will impact on the elderly and disabled residents.
- There will be more domestic waste and litter, where will all of the rubbish go?
- This is unstable ground with mineshafts.
- Will future residents be made aware of the mining risks.
- Pollutant gases will be released from the ground from former coal mining works.
- Will the developers clean up on a daily basis?
- This will cause massive disruption to residents.

#### 7. Amenity impacts –

- It is not appropriate to put a play area near bungalows.
- The plans show (plot 75) a two storey house right next to my fence which will adversely impact my living

conditions, outlook and light, as well as my solar panels. I am concerned about my energy bills and use of fossil fuels.

#### 8. Design –

- Housing design is from a limited pattern book improvements could be integrated to improve the appearance of individual houses.
- Will the design match that of the area?
- Will consideration be given to building materials that will be pleasing for many years to come.
- This proposal will urbanise the area changing its character.
- The density is completely out of character.

#### 9. Drainage –

- The end of the street nearest 'The Grange' has begin to flood in very wet winters.
- The plan does not leave enough green space and the open space appears to be used for drainage.
- The drainage area is to be surrounded by roads and driveways and therefore will not be safe.
- The increase in built form will increase flooding
- This will result in additional flood risk as severe climatic events cause further pressure.
- More housing will lead to flooding.
- Can the current drainage system cope with the increase in housing.

#### 10. Other -

- Will landlords buy up units and rent them at a profit?
- This should be considered EIA development with an environmental statement submitted.
- Who will be liable if our houses suffer structural impacts from the development.
- Will the loss of trees and the ground works result in land stability issues.
- This seems a very dense development.
- What is the construction schedule?
- Will council tax be reduced to offset the disruption.

- Is there a conflict of interest with Keir carrying out the ground investigations for the Council, then being the preferred bidder?
- Has CBC looked into the composition and intentions of the developer.
- A contribution for the hospital is required with modelling suggesting £759,000.
- Could consideration be given to more 5 bed homes and apartments to suit all sectors of the community.
- Telling residents that devaluation of property is irrelevant is a very arrogant and selfish stance and ignores resident concerns.
- Will the land to the south be built on?
- How will this impact the Moorlea development?

11. Response to amended scheme:

- What if any concerns raised have been addressed.
- Can you provide a list of changes
- Why have we been given only a short time to reply.
- The 170 bus service is now hit and miss, you can wait up to 3 hours for a bus that may not arrive.
- Bus service 39 is increasingly unreliable.
- The climate officer is raising concerns. This should not be approved until there are answers to the concerns raised by various organisations.
- No strategy to deal with net loss of biodiversity.
- There remains an objection on urban design grounds, from the Tree Officer, from Yorkshire Water and from the Lead local Flood Authority.
- The proposed play area is not safe being close to a busy road.
- Objection in principle remains.
- Impact on wildlife including badgers
- Impact on highway safety and no pavement provided along Linacre Road.
- Inadequate parking at the local shops.
- We will be overlooked by the proposed housing.
- Pleased that the houses have been repositioned but the safety of elderly residents in their purpose built retirement area is at risk and will cause problems for the residents having a huge impact on them.
- Leadhill Road should not be used for the new housing.

- Residents of Leadhill Road should not have to give up their safe environment to this housing when the road could link into the main site.
- Where will residents walk their dogs?
- Should not develop this valued green space for housing.
- Develop the brownfield sites first.
- The amended scheme is little different to the original scheme.
- Originally raised concerns remain.

12. Comment in support:

- Linacre Road was constructed with a 30mph limit as it was due to have housing both sides of the site.
- We need more affordable homes to support local families and local facilities.
- Access to the land behind the shops will improve and be assessable to everyone.

13. Suggested improvements:

- Provide paths and cycleways to enable people to walk and cycle to Holme Hall shops, school and dentist. Facilitating walking and cycling will improve health and wellbeing and increase community cohesion.
- Provide ground source heating for all the houses which should have low cost, low carbon heating.
- Plant more trees to make a greener environment.
- All homes should have electric vehicle charging.
- Provide a footpath and grass verge along the new development side of Linacre Road.
- Provide pedestrian crossings.
- Provide traffic speed reduction measures to slow traffic.
- No construction workers should be allowed to park on neighbouring roads.

**7.0 HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary



- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2021 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 application site is allocated in the Adopted Local Plan for the development of a minimum of 300 dwellings. The proposal in providing for 301 dwellings with link to Wardgate Way and a buffer to the Ashgate Plantation is considered to meet the requirements of policies H3 and RP1 of the Adopted Local Plan. Having considered all other material considerations relating to the case including climate impacts, infrastructure needs, design, amenity impacts, highway safety, biodiversity, trees, ground conditions and drainage; the matter is

considered overall to be acceptable subject to conditions and a legal agreement to secure contributions as set out above and the provision of affordable housing.

9.2 At the committee meeting it is anticipated that a further update on the outstanding bat surveys of specific trees, final comments from Yorkshire Water and the final CIL liability figure will be provided.

## **10.0 RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to securing the following via a legal agreement:

- NHS (CCG) contribution - £144,576 for GP practices
- Link from the site to Wardgate Way - £70,000 to CBC
- Affordable housing as submitted at 18% provision across the site providing 55 units altogether with a 50/50 split on tenure (shared ownership and rent)
- Travel plan monitoring fee - £15,680
- Travel plan bond - £35,000
- Travel plan fee - £1,750
- Contribution towards Real Time Information at bus stops - £24,400
  
- Biodiversity net gain of 18 habitat units at £20,000 per unit to CBC = £360,000

And 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 or specific condition set out below. All

external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Site location plan 100-047/015 received 22.09.2021

Site layout 100-047/002 AE received 26.04.2022

House types:

Alderley 100-47/134 D received 19.04.2022

Alfriston 100-47/110 D received 19.04.2022

Arlington 100-47/112 F received 19.04.2022

Ashleworth 100-47/143 C received 19.04.2022

Blakeney 100-47/116 C received 19.04.2022

Buckland 100-47/117 D received 19.04.2022

Chiddingstone 100-47/119 B received 19.04.2022

Cliveden 100-47/121 B received 19.04.2022

Derwent V1 100-47/144 C received 19.04.2022

Derwent V2 100-47/123 D received 19.04.2022

Dunstable 100-47/129 B received 19.04.2022

Holmewood M4(2)100-47/100 B received 19.04.2022

Melford 100-47/130 F received 19.04.2022

Morden 100-47/102 C received 19.04.2022

Moulton 100-47/133 D received 19.04.2022

Sudbury 100-47/125 D received 19.04.2022

Willington 100-047/127 D received 19.04.2022

2B4P M4(2) 100-47/107 C received 19.04.2022

3B5P M4(2) 100-47/104 C received 19.04.2022

2B3P M4(2) Bungalow 100-47/106 C received 19.04.2022

AFF 402 A 100-47/109 C received 19.04.2022

3B4P (M4(3)) Bungalow 100-47/141 D received 19.04.2022

Street scenes 100-047/017 K received 26.04.2022

Biodiversity net gain report received 20.04.2022

Reason - In order to clarify the extent of the planning permission.

3. Prior to works commencing above slab level a detailed scheme of highway improvement works for the relocation and upgrade of the existing bus stops and provision of verge crossing points fronting the site on Linacre Road together with a programme for the implementation and completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

Reason: In the interests of highway safety and promoting sustainable travel / development in accordance with policy CLP22 of the Adopted Local Plan.

4. Prior to works commencing above slab level until a detailed scheme of tactile pedestrian crossing points on Linacre Road, on crossing desire lines, together with a programme for the implementation and completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required improvement works have been constructed in accordance with the approved details.

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

5. No development, including preparatory works, shall commence until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The detailed design shall also include appropriate visibility sightlines and measures for warning other highway users of construction traffic entering or emerging from the site access. The access shall be retained in accordance with the approved scheme throughout the construction period free from any impediment to its designated use.

Reason: To ensure safe and suitable access for all users, in the interests of maintaining highway efficiency and safety, recognising that even initial preparatory works could bring about unacceptable highway safety impacts in accordance with policy CLP22 of the Adopted Local Plan.

6. No development, including preparatory works, shall commence until a development program has been submitted to the Local Planning Authority for written approval. The program shall identify any phasing arrangements, together with construction and implementation timescales of how the development will progress.

Reason: To ensure adequate facilities are provided for the residential units as they are completed, within a reasonable timescale in accordance with policy CLP22 of the Adopted Local Plan.

7. Notwithstanding the submitted information prior to first occupation of the dwellings hereby approved, details of roadside boundary treatments / screen planting in the vicinity of plots 144 & 153 to 157 have been submitted to and approved in writing by the Local Planning Authority. The proposals shall demonstrate how opposing vehicle headlights will be shielded from view, which may otherwise distract existing highway users on Linacre Road. The approved details being in place prior to occupation of those plots and maintained thereafter.

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

8. No development shall commence until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:

- a. parking for vehicles of site personnel, operatives and visitors
- b. site accommodation
- c. storage of plant and materials
- d. routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
- e. provision of roadside boundary hoarding behind any visibility zones
- f. any proposed temporary traffic management.
- g. details of wheel washing facilities for construction traffic

Works on site shall be completed in accordance with the agreed details.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase in accordance with policies CLP14 and CLP22 of the Adopted Local Plan.

9. New permanent vehicular access junctions shall be formed to Linacre Road and provided with visibility sightlines extending from a point 2.4 metres back from the carriageway edge, measured along the centreline of the access, 43 metres in each direction, measured to the nearside carriageway edge (or tangential where on a bend) with there being no obstruction between the sightline and the adjacent carriageway edge exceeding 1 metre in height above the carriageway channel level. The area in advance of the visibility sightlines shall be laid out as part of the street and shall not form part of any plot or other sub-division of the site, and shall remain as such thereafter. The access shall be laid out

and fully completed in accordance with the approved details prior to any dwelling, taking access from the junction, being occupied.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways in accordance with policy CLP22 of the Adopted Local Plan.

10. Before works to create any new estate streets take place, construction details of the residential estate street(s) and footway(s) (including layout, levels, gradients, surfacing, means of surface water drainage via a positive gravity-fed system discharging to a public sewer, highway drain or watercourse) and construction program shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details. For the avoidance of doubt the applicant is advised to agree the construction details with the Highway Authority prior to discharging this condition.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development in accordance with policy CLP22 of the Adopted Local Plan.

11. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 11 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan.

12. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act (1980).

Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard in accordance with policy CLP22 of the Adopted Local Plan.

13. No part of the development hereby permitted shall be first occupied until a revised Travel Plan, which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicles and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and policy CLP22 of the Adopted Local Plan.

14. All new estate street junctions shall be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, 25 metres in each direction measured to the nearside carriageway edge (or tangential where on a bend) with there being no obstruction between the sightline and the adjacent carriageway edge exceeding 1 metre in height above the carriageway channel level. The area in advance of the visibility sightlines shall be laid out as part of the street and not part of any plot or other sub-division of the site and shall remain as such thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general highway safety along

the neighbouring streets in accordance with policy CLP22 of the Adopted Local Plan.

15. The premises, the subject of the application, shall not be occupied until the estate streets have been provided with suitable turning arrangements to enable service and delivery vehicles to turn. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

Reason: To ensure that adequate turning facilities are provided for delivery / service vehicles once occupation takes place in accordance with policy CLP22 of the Adopted Local Plan.

16. When the new permanent accesses hereby permitted are brought into use, any existing redundant vehicular access shall be permanently closed and the highway margin reinstated, in a manner to be agreed with the Local Planning Authority, and no further points of access be created thereafter.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway in accordance with policy CLP22 of the Adopted Local Plan.

17. Prior to the first occupation of each dwelling, space shall be provided for the parking of vehicles associated with that dwelling in accordance with the approved plan(s) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.

Reason: To ensure adequate parking and turning provision, in the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan.

18. 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.

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

Reason: 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.

20. Following completion of 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;

- Which and how many dwellings within the development have satisfied M4 (2)\* accessible and adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)\* wheelchair adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)\* wheelchair accessible dwellings standard. (\*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same.))

The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

Reason: In the interests of disabled people and access for all to comply with policy CLP4 of the Adopted Local Plan.

21. No development shall commence until;  
a) any remediation works and/or mitigation measures to address the mine entries and the shallow coal mine workings, as may be necessary, have been implemented on site in full in order to ensure that the site is 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 consideration of former coal mining activity to ensure public safety in accordance with policy CLP14 of the Adopted Local Plan.

22. 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 the recorded mine entry.

Reason: To ensure appropriate consideration of former coal mining activity to ensure public safety in accordance with policy CLP14 of the Adopted Local Plan.

23. Prior to commencement, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:

a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other

Monday to Friday: 08:00 – 18:00

Saturday: 08:00 – 13:00

Sundays and bank Holidays - No working

b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;

c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;

d) Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;

e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times.

All works shall be fully implemented in accordance with the approved CEMP. The CEMP shall be reviewed at least at the start of each phase of the development or where there are changes to relevant legislation or where changes are made to the agreed CEMP.

Reason: This pre commencement condition is required to safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

24. 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.

25. Prior to commencement of works on site (including site clearance, ground works and setting up site compounds), a Badger Mitigation Strategy shall be submitted to the LPA for approval. This shall specify protection measures during and post-construction, along with habitat enhancement measures and maintenance of connectivity throughout the site and to Ashgate Plantation. The agreed Strategy shall be implemented in full.

Reason: In the interests of protected species in accordance with Policy CLP16 of the Adopted Local Plan.

26. Prior to commencement of works on site (including site clearance, ground works and setting up site compounds), a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”, to include Ashgate Plantation, the north-eastern woodland, the stream and all retained trees/vegetation.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of protecting habitats and species throughout the construction process in accordance with Policy CLP16 of the Adopted Local Plan.

27. Prior to first occupation, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats, badgers and other nocturnal wildlife. The woodland edge habitats, central corridor and known badger sett shall be protected from lightspill, as far as practicable. The Strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan will be required to demonstrate acceptable levels of lightspill to sensitive ecological zones/features.. Such approved measures will be implemented in full.

Reason: In the interest of protecting habitats and species throughout the construction process in accordance with Policy CLP16 of the Adopted Local Plan.

28. Prior to building works commencing above foundation level, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- integrated bat boxes in 20% of dwellings.
- integrated swift/universal bricks in 50% of dwellings.
- external house martin cups and/or starling boxes on 20% of dwellings.
- insect bricks in 10% of dwellings.
- A scheme for providing gaps 130 mm x 130 mm in garden fencing to maintain whole site connectivity for hedgehogs.
- minimum of two hibernacula in association with SuDS features.

Reason: In the interest of protecting habitats and species throughout the construction process in accordance with Policy CLP16 of the Adopted Local Plan.

29. The archive from the archaeological work carried out during the previous investigation and enabling stage of the development shall be deposited with Chesterfield Museum within 28 days of first commencement on site, unless otherwise agreed for technical reasons, in accordance with the previously approved Written Scheme of Investigation (WSI) Land to the East of Linacre Road, Chesterfield, Derbyshire. Written Scheme of Investigation for Strip Map and Sample Excavation, ARS Ltd September 2018.

Reason: To ensure appropriate recording and deposition of material in accordance with policy CLP21 of the Adopted Local Plan.

30. Notwithstanding the details on boundary treatment plan 100-047/013 D received 19.04.2022, prior to any boundary treatment being installed on site or first occupation whichever comes first, a revised plan shall be submitted to and approved in writing by the Local Planning Authority demonstrating clearly the locations of estate railings and post and rail fencing, a more robust boundary to the north of the site to separate the public and private spaces, details of a boundary treatment to the play area if necessary, details of any retaining boundary structures (including sections where necessary), the setting back of screen walls to allow for natural surveillance from rear elevations and more clarity of the treatments of the private boundaries adjacent to the public open spaces. The approved details shall be installed on site prior to the occupation of each unit to which the treatment relates and prior to the last unit being occupied in terms of any open space boundary treatment.

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

31. Prior to first occupation details of entrances into the site including where possible the re-use of stone from within the central corridor to form dry stone wall features shall be submitted to and agreed in writing by the Local Planning Authority. The agreed works shall be installed on site prior to the occupation of the 150<sup>th</sup> unit.

Reason: To ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

32. Notwithstanding the submitted materials plan, prior to works commencing on any external faces of the dwellings hereby approved; details of all facing materials, including brick, render, heads and cills along with details of eaves, verges, windows, doors, (including garage doors) colours and finishes shall all be submitted to and agreed in writing by the Local Planning Authority. Work shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

33. Prior to being installed details of proposed play area/s including equipment and surfacing shall be submitted to and approved in writing by the Local Planning Authority in accordance with details of any tree protection or suitable mitigation measures agreed under condition 36. The play area shall be installed in accordance with the agreed details and be available for use prior to the occupation of the 150<sup>th</sup> unit, unless written justification is submitted and agreed to allow for installation at a later time through the construction process.

Reason: To ensure appropriate play provision of development in accordance with Policy CLP20 of the Adopted Local Plan.

34. Prior to the commencement of the development hereby approved (including the grading/excavations of the land and all preparatory work), a scheme for the protection of the retained trees, 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 retained trees.
- d) 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.
- e) 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.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area (This should also include an exclusion zone in the designated 15m buffer zone).

- i) 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
- j) Boundary treatments and play equipment/surfacing within the RPA
- k) Methodology and detailed assessment of root pruning
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping

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 will not be damaged during demolition, land clearance 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.

35. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) 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.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved Tree Protection Plan and Arboricultural Method Statement in accordance with Policy CLP16 of the Adopted Local Plan.

36. Prior to first occupation of any dwelling hereby approved; 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, unless otherwise agreed as a phasing programme. 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) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
  - d) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants, to include fruit trees to encourage foraging, all with the aim of enhancing biodiversity;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise,  
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.
- j) details of all hard surfacing materials including vehicle, pedestrian and cycle routes and informal circulation areas;
- k) details of all minor artefacts and structures (e.g. furniture, refuse, signs, lighting etc);

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

37. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats, as identified in the agreed Biodiversity Net Gain Feasibility Assessment report to meet the habitat gains set out in the Biodiversity metric calculation and landscaping of the site agreed under condition 38.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);

- g) Details of the body or organization responsible for implementation of the plan;
  - h) Ongoing monitoring and remedial measures,
  - i) Details of the company to be set up to manage the any private highways areas and the landscaped areas of the site in perpetuity,
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure the long term management of the site including highways and open spaces and the protection of wildlife and habitat objectives, to secure opportunities for enhancing the site's biodiversity value in the long term in accordance policy CLP16 of the Adopted Local Plan

38. A scheme in line with the proposed street scene section detailing all proposed finished floor and land levels shall be submitted to and approved in writing by the Local Planning Authority prior to any importation of earth to site or excavation works commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory landform in the interests of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

39. Prior to any work commencing on site levels or on any drainage works, details of all contours and finished details of the attenuation ponds including any headwall or culverting details. Works shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

40.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. CHE/21/00707/FUL Flood Risk Assessment- 247164
  - b. CHE/21/00707/FUL South parcel drainage calculations - 261720
- 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 in accordance with policy CLP13 of the Adopted Local Plan.

41. 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. And to ensure that development will be safe from flood risk including from groundwater and natural springs.

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with policy CLP13 of the Adopted Local Plan.

43. The proposed attenuation ponds should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications. An associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed surface water drainage system does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future in accordance with policy CLP13 of the Adopted Local Plan.

44. 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 in accordance with policy CLP13 of the Adopted Local Plan.

45. 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)

a) no means of enclosure (other than those hereby permitted) shall be erected within the curtilage of any dwelling where it is in line with or forward of the principal elevation of that dwelling, and

b) no outbuildings shall be erected exceeding a size of 10 square metres where sited forward of the side elevation of plots 022, 026, 028, 032, 039, 040, 044, 046, 047, 049, 052, 053, 057, 058, 068, 083, 084, 098, 099, 106, 112, 130, 150, 152, 158, 166, 171, 182, 220, 228, 231, 234, 247, 261, 274, 275, 301; and

c) no extensions shall be erected within the curtilage of plot 83, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reasons: To safeguard the finished form of development, particularly where curtilages that are highly visible within the public realm and where such works may impact the root protection areas of important trees, in accordance with policies CLP16 and CLP20 of the Adopted Local Plan.

46. Prior to the commencement of development an updated sustainability statement shall be submitted to and agreed in writing by the Local Planning Authority detailing; demonstration (without pre-registration) of compliance with the June 2022 building regulations in terms of solar PV provision and EV charging facilities, along with details as to how the dwellings will be suitable for future retrofitting of renewable technologies, a statement on how emissions will be reduced through the construction process, and an assessment of the opportunities to create or connect the development to an energy centre/heat network. Works shall be completed in accordance with the agreed statement.

Reason: To seek to make the development suitable for renewable technologies and to seek to reduce emissions from development in accordance with Policy CLP20 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 details of the application in order to achieve a positive outcome.

2. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

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.

4. In line with condition no. 29 above; Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018)

5. Highways:

a) Public Right(s) of Way (PRoW) (Chesterfield C2/133/2) as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area.

Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – [ETE.PROW@derbyshire.gov.uk](mailto:ETE.PROW@derbyshire.gov.uk). The grant of planning permission does not entitle the developer to obstruct the PRoW. Development, in so far as it affects the PRoW, should not be started, and the PRoW should not be obstructed, until the necessary order under Section 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed. It should not be assumed that because planning permission has been granted an order will invariably be made or confirmed.

b) Planning permission does not give you approval to work on the public highway.

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 is strongly recommended that you contact the County Council at the earliest opportunity to allow time for the process to be completed, which may take up to 16 weeks.

Advice regarding the technical, legal, administrative, and financial processes involved in Section 278 Agreements may be obtained by contacting the County Council via email –

[ete.devcontrol@derbyshire.gov.uk](mailto:ete.devcontrol@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement. (For the avoidance of doubt the developer will be

required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.)

c) If the roads within the proposed development are to be offered for adoption by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed, and all sureties and fees paid prior to the commencement of development. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please contact the County Council's Implementation team – email [ete.devcontrol@derbyshire.gov.uk](mailto:ete.devcontrol@derbyshire.gov.uk).

d) If an adoption Agreement is not in place when the development is commenced, the Highway Authority is obliged to serve notice on the developer, under the provisions of the Advance Payments Code part of the Highways Act 1980 (section 219 / 220), to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

e) Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

f) Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.

g) Pursuant to Section 127 of the Highways Act 1980, no works may commence within the limits of the public highway to reinstate the footway and redundant vehicular access 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 127 Agreements may be obtained by contacting the County Council via email – [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

h) There are bus stops on the public highway adjacent to the site access which require relocation, so they do not obstruct emerging visibility. The developer must contact Derbyshire County Council's Public Transport Unit for advice by emailing [ETC.PublicTransport@derbyshire.gov.uk](mailto:ETC.PublicTransport@derbyshire.gov.uk). Should the development be approved and necessitate the re-siting of a bus stop to current standards all relevant costs of these works will be recharged to the developer.

i) 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 against the landowner.

j) Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), associated with any service / statutory undertaker connections, at least 6 weeks prior notification should be given to the Place Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section / Highways Hub).

6. Housing developments are encouraged to look to provide for NGA



broadband infrastructure and services as part of the design of their development schemes at the outset.

7. LLFA:

Advisory/Informative Notes (It should be noted that the information detailed below

(where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

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

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

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

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

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

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

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

- The flood warning procedure

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

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

I. Surface water drainage plans should include the following:

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

J. On Site Surface Water Management;

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

- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

### Peak Flow Control

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

### Volume Control

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

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

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

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

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

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

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