

ITEM 3**Outline application for the demolition of existing office premises and erection of residential dwellings, with all matters reserved except access at Manor Offices, Old Road, Chesterfield for CSC Computer Sciences Ltd.**

Local Plan: Unallocated

Ward: West

Committee Date: 12th December 2022**CONSULTATIONS**

Highway Authority	Comments made see report
Coal Authority	Comments made see report
CBC Tree Officer	Comments made see report
CBC Housing	20% provision should be made with a mix of 90% rent and 10% shared ownership. The demand in the area is for family homes of 2, 3 and 4 bedrooms.
Derbyshire Wildlife Trust	Comments made see report
CBC Conservation Officer	Comments made see report
Archaeology	Comments made see report
Historic England	No advice offered, consult internal advisors
CBC Climate change officer	Comments made see report
CBC Economic development	The EDU is supportive of the proposal. There is a good supply and availability of high-grade office accommodation more centrally located within the borough and therefore it is considered that a housing development is on this site would not have a detrimental impact to supply of office accommodation within the borough. Recommend a condition on local labour/supply.
Yorkshire Water	Condition recommended
Lead Local Flood Authority	Conditions recommended
CBC Design services drainage	Disposal of foul and surface water via public system would need consent. SUD's should be investigated and the surface water hierarchy considered.
NHS CCG	Request contribution of £27,840

Derbyshire Constabulary Designing Out Crime Officer	No objections. The layout would need to consider; rear gardens boundaries adjacent to open space, garden access for central terraced units, open aspect to Old Road footpath link to ensure natural surveillance.
Representations	Six comments received including one in support

2.0 THE SITE

2.1 The application site is 2.3 hectares of vacant buildings, open space and hard surfaced areas. The premises on site have been vacant for some years and a new use for the site is therefore required. The boundaries of the site are generally well planted/landscaped. The site is in a built-up area surrounded by residential development and a vacant commercial unit to the north east at Brampton Manor. There are TPO trees on the adjacent site associated with the Manor.

2.2 To the north east of the site is Brampton Manor which includes the Grade II listed Manor, the Grade II* listed Gazebo and scheduled monument and Grade II listed barn to the north of the Manor.

2.3 The housing surrounding the site is largely 1930's render finished and more modern housing to the west and north and Victorian/Edwardian red brick to the south.

2.4 The site has undulating levels with a large level change to the west of the site, the site levels off to the north lowering to the south east. The site is elevated from Old Road with planting along the frontage.

Location plan and google image:



Site images:



3.0

SITE HISTORY

3.1

Planning history only relating to the development of the site for office accommodation.

4.0 **THE PROPOSAL**

- 4.1 Outline planning permission is sought for the demolition of the existing buildings on site and for residential re-development. All matters other than access are reserved for future consideration. Whilst the description of development does not indicate a final number of units the application form refers to the provision of 58 dwelling units.
- 4.2 An indicative master plan has been provided which shows how 58 units could be accommodated on the site:



- 4.3 This indicative layout shows the retention of vegetation to the edges of the site and the soft landscaping to the frontage thereby retaining the verdant character of the site within the street scene.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

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

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Impact on Heritage Assets and Design
- Impact on residential amenity
- Highways safety
- Biodiversity and trees
- Ground conditions
- Drainage
- Contributions

5.5 Principle of Development

5.5.1 Policy CLP1 notes that in regard to the Spatial Strategy for development in the Borough; The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2.

- 5.5.2 Policy CLP2 notes in part that:
Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:
- a) deliver the council's Spatial Strategy (policy CLP1);
 - b) are on previously developed land that is not of high environmental value;
 - c) deliver wider regeneration and sustainability benefits to the area;
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;
- 5.5.3 The application site is vacant previously developed land where the Council's Economic Development Unit has confirmed this is a location where the retention of such office uses are not required with better more centrally located office space available within the Borough. Therefore, the loss of the commercial use is not a concern. Being vacant previously developed land and buildings within a location where there is good access to local facilities means the site is suitable for residential development in line with policies CLP1 and 2 of the Adopted Local Plan. In considering the principle of development, other matters need to be considered in detail.
- 5.5.4 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. The tenure mix required by policy CLP4 is for a split of 10% affordable home ownership and 90% affordable rent.
- 5.5.5 As the site contains vacant buildings the floor space of these needs to be discounted from the affordable housing requirement of the floor space of the new housing, this is known as vacant building credit. Given the buildings on site are of considerable size it is likely there will be little if any affordable housing requirement arising from the development. As the final number of units and their floorspace are unknown at this outline stage it is important to ensure the S106 agreement includes an

appropriate caveat for the provision of affordable housing beyond any discounted floorspace. On this basis the proposal will meet the requirements of policy CLP4 in terms of affordable housing.

5.5.6 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.

5.5.7 As the final numbers of units and their design are unknown at this stage a condition to secure 25% of the units as M4(2) will be sufficient to ensure compliance with policy CLP4.

5.5.8 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.

5.5.9 The Council's Forward planning team has noted that the site sits within the Brockwell, Ashgate and Loundsley Green Analysis Area for open space provision. The analysis area is deficient against the CBC quantity standard in terms of parks and gardens, provision for children and young people and natural and semi-natural greenspace. The deficiency within the analysis area would meet the threshold for the provision of a new area of natural and semi-natural green space on site when applying the standards set out in the Local Plan. There will therefore be a requirement for a Natural and Semi-Natural open space within the development. On the indicative site plan 0.5 hectares of open space is shown. Some open spaces may perform a dual or multi-function purpose for example, semi-natural greenspace incorporating naturalistic play features, also providing opportunities to meet biodiversity net gain.

5.5.10 It is therefore considered that as the site is close to existing play areas the identified need on site for natural areas which is also needed for biodiversity will ensure sufficient open space/informal play in the area as a result of this development. The reserved matters application will assess this provision in more detail once the layout is known.

5.5.11 Climate change:

The local plan primarily considers matters of climate change in regard to the sustainable nature of sites in terms of access to services and facilities primarily through walking and cycling and use of public transport.

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.

5.5.12 The Council's Climate Change officer has noted:

It is difficult to assess the mitigations proposed by the applicant at this stage without detailed specifications for building works proposed, I recommend that the applicant be asked to provide evidence that they are taking steps to reduce the emissions of building works and end-use of the proposed development; in particular, reference to:

- Embodied carbon in building materials (e.g. minimising cement use, maximising timber use etc.)
- A high standard of insulation
- Low carbon heating / heat recovery
- Minimising energy demand from buildings
- Meeting the higher water efficiency standard
- Installing microgeneration technologies
- Providing adequate storage for recycling bins
- Installing charging points for electric vehicles
- Providing a justification of the inclusion of a gas main to the site (if proposed)
- A commitment to not install log / coal burning devices

I recommend that the applicant be asked to provide evidence that they are taking steps to reduce the vulnerability of site users to the effects of climate change over the projected lifetime of the dwellings. In the Chesterfield area, the Environment Agency projection suggests that we could expect to see approximately 30% less rain in the summer, approximately 30% more rain in the winter, around 20% higher peak rainfall intensity and up to 6°C increase in peak summer temperatures by 2050. Essentially, an increase in floods, droughts, and heatwaves. I accept that the site is not considered appropriate for a SUDS scheme, or discharge directly to a watercourse (relying on discharge to the sewer network). I would, however; hope to see reference in the design for the installation of rainwater collection devices as standard on dwellings for garden irrigation / vehicle washing etc. I would also expect to see reference to building design taking appropriate consideration for future changes to the climate which could include:

- Passive cooling technologies / tree planting
- Enhanced insulation

From the point of view of natural ecosystems (CLP14, CLP16), I accept that the designs have considered biodiversity net gain. Although, I would add my support to the proposal (in the biodiversity statement submitted by Peak Ecology) for the introduction of native species rich hedgerows to the south of the site.

5.5.13 As the detail of the proposed housing will not be known until the reserved matters stage, it is considered that the comments of the Climate Change Officer can be addressed through a condition which requires these matters to be addressed in a statement as part of the reserved matters submission. On this basis given the sustainable nature of the site it is considered matters of Climate Change have been adequately addressed.

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

5.5.15 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 £27,840 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.

5.5.16

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

Impact on Heritage Assets and Design

5.6.1

Policy CLP21 notes in regard to the Historic Environment:

In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.

5.6.2

In this case there are important heritage assets adjacent to the site whose setting may be impacted by the development. The Council's Conservation officer has commented:

There are three listed buildings to the east of the site: grade II* listed 'Gazebo at Manor House'; grade II listed 'Manor House'; and grade II listed 'Brampton Manor Barn'. The latter is also designated a Scheduled Monument. The Manor House dates from circa 1600 and the barn was built at around the same time to serve the Manor House. The Gazebo was added later circa early C18.

The emphasis in adopted Local Plan policy (CLP21) and in NPPF Policy 'Conserving and enhancing the historic environment', is on protecting built heritage assets, including their settings. The applicant's Design and Access Statement (DAS) includes a concept plan: which acknowledges these heritage assets and the need for site design to take their settings into account. Development areas 7 and 8 may have some impact on the setting of the Manor House and wider curtilage, though again boundary tree cover provides screening. Given the topography of the site, the existing boundary tree screening, the Manor House car park, and distance between the site and the Barn and Manor House, the impacts on the settings of these two buildings is likely to be less than

substantial, though this would be subject to building heights, building orientation and boundary treatments.



However, development area 7 would appear to potentially abut the mature tree lined avenue which provides an attractive access to the listed buildings and is a part of the Manor House curtilage, so impacts on this element of the Manor House's curtilage could be substantial and potentially negative, but again this would be subject to building heights and positioning, building orientation and boundary treatments.

The eastern section of development site is adjacent to the Gazebo (2), from which it can be viewed, albeit partly screened by tree cover (photograph below) so there is the potential for the development to have substantial impacts on the setting of this grade II* building. The applicant's concept plan shows a landscaped buffer zone of planting and trees which would provide some distance between new built form and the Gazebo (2). The applicant acknowledges (DAS, p. 14) that there is potential to create a formal setting for this asset through the provision of open space and retention of trees, as well as orientation of

highways to frame views of the Gazebo when looking west. It is noted that the DAS inaccurately describes the Gazebo as grade II listed when it is in fact grade II*. The concept plan also recognises that there is the potential for conflict between the development and the Manor House so the proximity and orientation of dwellings will be an important consideration. Overall, the concept plan places a great deal of emphasis on the protection of existing boundary treatments, including the existing trees, which at present form an attractive and natural screening between the development site and the listed buildings and wider curtilage. Rather than seeing the existing trees as a constraint, the concept plan incorporate them into the proposed general landscaping, which the Conservation Officer confirms support. He would also support the proposal to retain the attractive existing natural stone wall along the southern edge of the site which provides an element of local distinctiveness. The Conservation Officer comments that the applicant's DAS is comprehensive and has been informed by robust pre-application advice, hence the heritage assets adjacent to the site have been recognised and the applicant's concept plan reflects a requirement to protect or enhance their settings. However, much will depend on the design concept in the final reserved matters application, in particular proposed building heights, building orientation and boundary treatments, particularly in respect of the grade II* listed Gazebo, which is a building with regional national significance.

5.6.3

Archaeology have also commented on the proposal:

The Proposed Development Area is shown on the Derbyshire HER to lie adjacent to a listed building MDR5363, an early 18th century Gazebo associated with what appears to be formal terraced gardens associated with Brampton Hall. Brampton Hall is a listed building (MDR5403), its present iteration dating initially to c. 1585 but being possibly on an earlier site. Finally, the site lies some 63 metres to the south-west of a 16th century crooked barn which is a scheduled Monument (MDR 5383), and is also associated with Brampton Hall.

The 1898 Ordnance Survey suggests that a raised earthwork which defined the southern edge of the formal gardens was preserved, it also demonstrates that earthworks (possibly a hollow way), lay at the southeast corner of the site. Buildings to the west of the Manor House but within the site at its eastern and northern extent also seem to be shown on Ordnance survey.

A desk based assessment "An Archaeological Desk Based Assessment of land at Brampton Manor, Chesterfield, Derbyshire" (Sidebottom 2018) which can be accessed at the HER does not include the site

explicitly but does cover the adjacent plot to the east and could be usefully consulted.

As the site itself seems to have been open space until the mid 1960s, because the site is on land formerly described as Lower Common, and because the site since development seems to have been largely open space (and car parking), there is a reasonable chance that buried archaeological remains may be preserved within the site associated with:

- medieval settlement
- construction of the formal gardens
- Occupation and buildings along the line of the putative Holloway and to the west of Brampton Manor

Archaeology is a material consideration under the planning process and para 205 of NPPF (2021) requires “developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.”

The scope of any archaeological work should be informed by reference to the Geotechnical Investigation, background research and development design/plan and should be discussed with this office. A condition is recommended for a written scheme of investigation.

5.6.4 The archaeological interest of the site can be accommodated through the recommended condition which will ensure any found archaeology is suitably recorded. The impact of the development on the setting of the adjacent heritage assets is more difficult to assess given the outline nature of the application. The adjacent assets are of high value and their setting needs to be carefully assessed. The proposed layout as shown on the indicative plan does reflect appropriately on the setting of the assets in providing space within the development to retain an open aspect of the Gazebo in particular. It is therefore considered that with careful consideration the development of the site, which is already developed with modern buildings, could be appropriately designed to respect the setting of the adjacent buildings. At this stage it is not considered that the proposal will result in less than substantial harm as the impacts are largely unknown and can be mitigated through design and layout. It will be important when considering the reserved matters to ensure these principles for the development are maintained.

5.6.5 In design terms the mix of surrounding development in terms of age and type and the commercial development on site all result in a site that is well contained and would be appropriate for a variety of building styles.

The layout plan shows the area to the site frontage retained which is considered important for the street scene as the soft landscaping here is a strong characteristic of the site. A condition to secure a development framework for the site prior to the submission of the reserved matters would aid in the consideration of design styles for the site linking into the indicative layout and ensure that the setting of heritage assets is taken into account at the earliest stage.

- 5.6.6 Subject to more detailed consideration at the reserved matters stage it is considered feasible to develop the site without adversely impacting on the setting of adjacent heritage assets to an unacceptable degree. A condition to secure a development framework will ensure the indicative layout is considered at the reserved matters stage in mitigating against any harm. Whilst the development may result in low level less than substantial harm due to having a wider area of the site for development, it is considered that this would be outweighed by the public benefits arising from additional housing and the redevelopment of a vacant site with substantial unoccupied buildings in line with policy CLP21 and Part 16 of the NPPF.

5.7 Impact on Residential Amenity

- 5.7.1 Concern has been raised that the development will result in noise and nuisance to existing residents from construction works and that the proposed development will result in overlooking and loss of light and privacy. It is important to note that at this stage the detail of the development is not being considered.
- 5.7.2 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.
- 5.7.3 Whilst concerns about the impacts in terms of privacy and light have been raised these cannot be resolved at this stage as this would be for consideration at reserved matters stage. It is feasible with this size of site to ensure that any potential amenity impacts are within the appropriate separation distances as set out in the Council's Residential SPD.
- 5.7.4 There will always be impacts from noise and nuisance as a result of construction works taking place on any site but conditions to limit the

hours of works on site and to ensure measures to minimise dust and dirt onto the road will minimise these impacts and are included in the recommendation.

5.8 Highway Safety and Parking Provision

- 5.8.1 There are concerns that the development will adversely impact on highway safety and parking. 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.
- 5.8.2 The Highway Authority has noted that: As the application is for the access only and all other matters are reserved, it is noted that the submitted Design and Access Statement proposes to retain and use the existing vehicle access, but update it to include pedestrian access and ensure safe movement in and out of the development. Therefore, to ensure the proposed access upgrade meets the County Council approval, it is recommended that a condition regarding the access is included in any determination.
- 5.8.3 The proposed development may result in increased traffic from the site however it has to be noted that the site was previously an office development with substantial areas of car parking which would have had a large number of vehicles movements to and from the site. This is a fall back position whilst ever the buildings on site remain. The proposal to redevelop the site has to consider highway impacts. Given the Highway Authority comments and the previous use of the site it is considered that the development is appropriate in terms of highway safety.

5.8.4 The concerns regarding parking and the potential of overspill parking onto existing heavily parked roads nearby is understood but cannot be considered in detail as part of this application. This matter will be considered as part of the reserved matters application.

5.9 **Biodiversity, impact on protected species, enhancement and Trees**

5.9.1 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.

5.9.2 Derbyshire Wildlife Trust has commented on the proposal: We have reviewed the Preliminary Ecological Appraisal (Peak Ecology, 01/02/22). Most existing trees appear to be retained within proposals. Whilst those on the eastern and western boundaries will fall within gardens, a large proportion will be located within open space, providing greater long-term security for these trees. A single nocturnal bat survey is recommended for Building 2 and this should be completed prior to determination. Precautions and enhancements are recommended for other species, which can be secured through conditions.

A Biodiversity Net Gain Statement (Peak Ecology, 25/02/22) has also been submitted. Proposals will result in a net gain of habitat units of +55.53 %. This is based on the creation of “other neutral grassland” in areas of open space, which must contain more than nine native species, along with native scrub planting. Currently a net loss of -38.14 % of hedgerow units is predicted. The report recommends new native hedgerow planting within the southern open space to avoid this loss. These details should be added to the landscape plans ensure a net gain is realised.

Notwithstanding the outstanding bat survey, we recommend that the following conditions (omitted) are attached to any approval. If bats are recorded, an additional condition may be required regarding mitigation and licensing. Conditions recommended.

- 5.9.3 The bat survey work found roosting potential within the Grade II* listed gazebo which is to remain unaltered as part of this proposal therefore no further work is required in regard to this building. The single storey building to the south east of the site was considered to have low level potential for bats but the ecological report recommended further survey work be carried out prior to determination. As the application is outline only and needs a further reserved matters submission it is considered that due to the low level potential noted, a condition can be imposed to ensure a bat survey is undertaken before the submission of reserved matters which shall be undertaken at the correct time of year and the results of this can then inform the reserved matters application. Other than ensuring the protection of nesting birds through demolition/site works there are no other protected species issues relating to the site.
- 5.9.4 From the biodiversity report submitted it appears that due to the largely developed nature of the site a biodiversity net gain can be achieved on site without the need for off-site provision. This will be considered in detail at the reserved matters stage taking into account the indicative layout and the open spaces proposed which will provide important green corridors, a condition is required to ensure a detailed metric is also submitted in support of any reserved matters application.
- 5.9.5 Subject to conditions ecological and biodiversity impacts are considered to be acceptable in accordance with policy CLP16 of the Adopted Local Plan.
- 5.9.6 There are protected trees adjacent to the site along the eastern boundary and a mature trees and planting within the site, primarily to the perimeter boundaries.



The Council's Tree Officer has commented on the case: There are two Chesterfield Borough Council Tree Preservation Orders No. 42 & 52 that may be affected by the development (boundaries of Brampton Manor). There are also areas of soft landscaping around the perimeter of the site and buildings, comprising numerous trees, bushes and grassed areas.

The illustrative development proposals comprise 58 new dwellings with associated parking and gardens, vehicular and pedestrian routes and open green spaces along the frontage and northern and eastern boundaries along with existing retained trees as shown on STEN Architecture, Illustrative Masterplan December 2021_Drawing no:2181.01 The Design and Access statement states 'The proposal is characterised by the retention of existing trees and delivery of pleasant open spaces' and 'the key to the success of the landscaping scheme is the retention of trees and boundaries.' To the frontage of the site off Old Road there is an open grassed area and an existing copse of trees within the site boundary close to the southern edge. The large, grassed area and trees provides an attractive feature close to the site entrance

and should therefore be retained in any development. The existing site boundaries to the west and north are adjacent to residential properties and are consolidated by existing trees belts. Any new development should retain these features which provide a suitable screen, retain the amenity and wildlife corridor provided on the site. It is proposed to utilise the existing entrance off Old Road for the new development although so improvements may be required.

Arboricultural Impact Assessment

An Arboricultural Impact Assessment by The Tree and Woodland Company dated January 2022 has been submitted with the application. A total of 35 individual trees and 22 groups of trees have been recorded. The survey highlighted 6 Category A tree/group features, 18 Category B features, 29 Category C features and 4 Category U features. The indicative proposals will require the removal of 11 individual trees and 5 groups, 3 of which are part groups. This includes 1 Category B moderate value feature, 11 Category C low value features and 4 Category U value features.

The report comments that 'The tree cover on site is largely defined by well established tree groups along the site boundaries and within an area of green space to the front of the site. There are significant offsite trees running alongside Old Road and adjacent to the site's eastern boundary within the grounds of Brampton Manor.

The majority of trees are in good/fair condition and provide valuable arboricultural and landscape value to the site and local surroundings' and that 'Under the current indicative proposals, there are a few retained trees/groups (T1, T7, T16, G13) that indicate minor encroachments within Root Protection Area's (RPA's). These encroachments are mainly in areas where there is current hardstanding which is likely to limit root growth and it is therefore considered that any root impingements are likely to have minor impacts'.

Comments

It is considered that the retained trees can be appropriately safeguarded if a detailed planning application is based on the indicative proposals and as part of a more detailed design layout. Suitable construction methods and protection measures can be detailed within an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) and should be conditioned.

- 5.9.7 Again as this application is outline the details of retained and removed trees, other than demonstrated on plan are somewhat unknown at this stage, in line with the submitted report their retention is preferred and

will impact on biodiversity at the site. It is therefore welcomed that the indicative layout seeks to retain trees to the boundaries, and this will be expected to be followed through at the reserved matters stage. The conditions requested by the Tree Officer are included within the recommendation. It is also noted that the boundary to the west of the site has substantial level changes and mature planting and it will be important for this boundary to be carefully considered as part of the reserved matters case including any level changes with detailed sections. Subject to the recommended conditions and a condition for the reserved matters to include level details to the western boundary it is considered the proposal meets the requirements of policy CLP16.

5.10 Ground conditions

5.10.1 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.

5.10.2 The Coal Authority has noted that:
The application falls within the defined Development High Risk Area. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies in a surface coal resource zone.

A coal mining risk assessment accompanies the application. The report identified that a coal seam, assumed to be the three quarters coal outcrops beneath the site and is present beneath the northern half of the site at shallow depth. Two further coal seams are likely present beneath the site. There is considered to be high risk of unrecorded mine workings and a moderate risk of unrecorded mine entries to be present associated with the three coal seams. Therefore, intrusive investigation will be required to assess these risks.

Intrusive investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on 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. A permit will be required.

Wherever coal resources or coal mine features exist at shallow depth or at the surface there is potential for mine gases to exist which needs to be considered by the LPA.

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

5.10.3 A Phase 1 Environmental Assessment has been submitted to support the proposal. This report concludes that the only significant source of potential contamination on the site is current and historical storage of hydrocarbons to fuel a backup generator and a former diesel fired heating system. There is limited potential for Made Ground to be present associated with earthworks undertaken in the 1950s to 1970s as part of the construction of the current buildings, a further ground investigation is therefore recommended, this can be secured via condition.

5.10.3 Subject to conditions to secure further ground investigations and potential remediation the proposal is considered to meet the requirements of Policy CLP14.

5.11 Drainage

5.11.1 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.

5.11.2 The application is supported by a Flood Risk Assessment which notes: the site is within flood zone 1 of low probability of flooding. The report notes that the existing nearby sewer pipe is of small diameter and its capacity may be exceeded, therefore suitable mitigation of raising floor levels to the southern site boundary by 150mm above existing ground

levels so that no basements are formed. On this basis the development of the site will result in a significant reduction in the surface water run off rate from the site into the adjacent adopted sewer network and will therefore provide betterment on the existing situation by decreasing the risk of sewer flooding to the benefit of the site and wider catchment. It is noted that a detailed strategy would be part of a subsequent submission.

5.11.3 Yorkshire Water has recommended a condition be imposed and note that:

Yorkshire Water has no objection to:

i) The proposed amount of domestic foul water to be discharged to the public combined water sewer located on Old Road to the south of the site.

ii) The proposed amount of curtilage surface water to be discharged to the public combined water sewer located on Old Road to the south of the site, (at a restricted rate of 5 (five) litres/second). submitted on SuDS Strategy 3316-SUDS dated December 2021 by Integra Consulting. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel: 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

5.11.4 The Lead Local Flood Authority has recommended detailed conditions.

5.11.5 Subject to conditions the proposal is considered to be acceptable in terms of drainage implications in line with policy CLP13.

5.12 Development Contributions and CIL Liability.

5.12.1 Further to para 5.5.15 above the NHS CCG have noted:

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 Chesterfield and Surrounds and includes the following GP practices

- Chatsworth Road Medical Centre
- The Surgery at Wheatbridge
- Inspire Health – Avenue House
- Royal Primary Care Ashgate including Holme Hall and Grangewood sites.

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 Chesterfield and Surrounds.

This area has been identified as a high priority for investment, as a result of planned housing developments and population growth. The contribution has been worked out to be £27,840.

- 5.12.2 The proposed development will also be liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. This will be finalised once the detailed scheme is known.

6.0 REPRESENTATIONS

- 6.1 Six comments received which raise the following concerns:

- Request made for contributions for the Hospital at £147,000.
- The building will be along the entire aspect of the border of my property impacting quality of life, privacy and wellbeing. There will be pollution, mess and noise from the demolition and building works. We may be overlooked by 2 or 3 storey houses. The greenery along the boundary will be lost. Adverse impacts on wildlife. There will be additional traffic impacts, know of 2 accidents since we lived here in 1998. Vehicles often travel above the speed limit. Additional GP provision will be needed. Residents have not been considered in this application.
- The proposal will impact on traffic on an already busy road. Additional traffic will be a danger to children using the pavements. This will impact air quality and health. There is wildlife including bats in the area.

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- From the plans we cannot discern the proposed buildings. Building higher than 2 storeys would impact on light for properties on Old Road due to the level change. Will the new access be adopted? There may be traffic overspill onto Old Road where parking is already difficult.
- The green areas of the site need to be protected and not within gardens. The Arboricultural report notes most of the western boundary vegetation to be of low value to be replaced. We would like the hedge to remain. Trees should be retained for wildlife and to combat climate change. Additional traffic will make local roads busier. The application notes 116 parking spaces but this may include garage parking. Additional parking spilling out from the site will cause issues in the local area. Two storey houses to existing site boundaries should not have loft rooms to respect privacy. Additional school places and GP provision will be needed.
- We live locally and strongly support the proposal which could bring back life to a site which would otherwise stand derelict for a number of years and bring a fresh centre to the community.

These comments are addressed in the report above.

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The proposal for the redevelopment of this vacant brownfield site in a sustainable location is considered to be appropriate in line with policies CLP1 and 2 of the Local Plan. Climate matters will be considered in more detail through the reserved matters, noting that the main way in which climate is considered is through sustainable development ensuring homes are within easy access of services and facilities, as on this site.
- 9.2 The indicative layout considers the setting of the adjacent listed buildings which are of high value and sensitivity through green spaces and layout of highways, it is important therefore that any reserved matters application also considers the indicative layout in this respect. The green spaces on the indicative plan also provide important wildlife corridors and opportunities for biodiversity through new planting and retention of trees.
- 9.3 Through a subsequent reserved matters application issues of concern such as amenity impacts, parking, design and layout will be considered in detail.

9.4 Conditions are recommended to deal with matters such as ground conditions and drainage.

9.5 The proposal meets the requirements of planning policy and there are no material considerations arising to indicate a determination not in accordance with the Local Plan.

10.0 RECOMMENDATION

10.1 It is therefore recommended that the application be **GRANTED** subject to a S106 to secure:

- Affordable housing for floorspace beyond the vacant building credit
- CCG contribution of £27,840

and subject to the following conditions:

Conditions

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-

- a) the scale of the development;
- b) the layout of the development;
- c) the external appearance of the development;
- e) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), an Arboricultural Impact Assessment (AIA) shall be submitted to assess the impacts the detailed design layout will have on the retained trees, 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) to be 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 installation of boundary treatment works.
 - e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) a specification for scaffolding and ground protection within tree protection zones.
 - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - k) Boundary treatments within the RPA and any facilitating felling/pruning.
 - l) Methodology and detailed assessment of root pruning

m) 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 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 policies CLP16 and 20 of the Local Plan.

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

Reason: To ensure safe ground conditions in accordance with policy CLP14 of the Local Plan.

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

Reason: To ensure safe ground conditions in accordance with policy CLP14 of the Local plan.

6. The access shall be formed (improved) with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres and footway widths of 2m to Old Road in accordance with the application drawings, laid out, constructed and provided and visibility sightlines of 45m measured in each direction to the nearside edge of the carriageway, as measured

from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

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

- 7.
- a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to, and approved by, the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - 1. The programme and methodology of site investigation and recording
 - 2. The programme for post investigation assessment
 - 3. Provision to be made for analysis of the site investigation and recording
 - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 - 6. Nomination of a competent person, persons or organisation to undertake the works set out within the Written Scheme of Investigation
 - b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
 - c) The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure any below ground archaeology is investigated and recorded in line with policy CLP21 of the Local Plan.

8. The development shall be carried out in accordance with the details on the submitted SuDS Strategy 3316-SUDS dated December 2021 by

Integra Consulting, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Local Plan.

9. 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. 'Land North of Old Road Chesterfield' Design and Access Statement, Issue 1, January 2022 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
 - b. 'Manor Offices Site, Old Road, Chesterfield S40 3QT Proposed Residential Development' SuDS Strategy, Ref: 3316-SUDS including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
 - c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted In the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Local Plan.

10. 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 other drainage system;
- iv. to a combined sewer.

In the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Local Plan.

11. 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 the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Local Plan.

12. 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 the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Local Plan..

13. No individual dwelling approved as part of the reserved matters for any phase (or sub-phase as may be approved in writing by the Local Planning Authority) of the development shall be occupied until the 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.

14. 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 Core Strategy.

15. In line with the need to provide 25% of the units to M4(2) standard, 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.

16. No development shall start 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. a scheme of wheel washing

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.

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

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

18. Vegetation clearance and the demolition of Building 2 shall only be undertaken outside of the main breeding bird season (March to August inclusive) or else be preceded by a nesting bird check by an ecologist, no more than 48 hours before the commencement of works. If active nests are found, an exclusion zone (~5 m) shall be implemented around the nest until it has been confirmed by the ecologist that chicks have fledged and the nest is no longer in use.

Reason: In the interests of protecting nesting birds in accordance with policy CLP16 of the Local Plan.

19. The two sycamore trees on the eastern boundary located within G7 (Arboricultural Assessment, January 2022, The Tree and Woodland Company) shall be soft felled under the supervision of an ecologist to safeguard roosting bats. See Section 5.1.1 of the Preliminary Ecological Appraisal (Peak Ecology, 01/02/22) for details.

Reason: In the interest of protected species in accordance with policy CLP16 of the Local Plan.

20. Measures to control the spread of invasive species, as set out in Section 5.2 of the Preliminary Ecological Appraisal (Peak Ecology, 01/02/22), shall be implemented in full.

Reason: In the interest of local habitat and ecology in accordance with policy CLP16 of the Local Plan.

21. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP shall ensure that proposed landscaping will result in the predicted biodiversity gains calculated in the Biodiversity Net Gain Statement (Peak Ecology, 25/02/22). This shall include appropriate grassland, scrub and hedgerow mixes and management prescriptions to achieve the target habitats. The LEMP should combine both the ecology and landscape disciplines and 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 five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
- i) details of the enhancement measures detailed in Section 5.3 of the Preliminary Ecological Appraisal (Peak Ecology, 2022) and updated by the British Standard for Integral Nest Boxes (BS 42021:2022).

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 approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate landscape management of the site in the interest of biodiversity net gain in the long term in accordance with policy CLP16 of the Local Plan.

22. In association with condition 21 above, any reserved matters application shall be accompanied by a detailed biodiversity metric and associated biodiversity enhancement scheme to demonstrate the existing and proposed biodiversity on site showing a measurable net gain in habitat units on the site, as near to 10% net gain as possible.

Reason: To secure biodiversity net gain on site in accordance with policy CLP16 of the Local Plan.

23. Prior to the submission of any reserved matters application a further bat survey of Building 2 shall be carried out in accordance with the advice contained within the Preliminary Ecological Appraisal (Peak Ecology, 01/02/22) and submitted to the Local Planning Authority for agreement and should any bat species be found a scheme of necessary mitigation or building retention shall also be submitted and agreed by the Local Planning Authority and the information used to inform the reserved matters application.

Reason: In the interests of protecting bats in accordance with policy CLP16 of the Local Plan.

24. Prior to any demolition, construction or contaminated land remediation works commence in connection with each identified phase, 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.

- 25.
- 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 Local Plan.

26. As part of the reserved matters application a sustainability statement shall be submitted detailing; consideration of climate change in design and construction, use 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, all to address the comments of the Council's Climate Change Officer received 10.08.2022.

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

27. 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.

28. As part of the reserved matters application a detailed scheme for the western boundary of the site detailing final levels, boundary treatments and sections shall be submitted.

Reason: To ensure appropriate and early consideration of the western boundary where there is a substantial change in levels in accordance with policies CLP14 and 20 of the Local Plan.

29. Prior to the submission of the first reserved matters application, a Development Framework Masterplan shall be submitted to the Local Planning Authority for approval in writing. The Framework shall seek to establish the overarching design approach for the entire site reflecting on the submitted Heritage Statement Issue 1 January 2022 and the Illustrative Masterplan no. 2181.01. The Framework should be compatible and expand upon the principles set in the Design and Access Statement (DAS) and those of the adopted Supplementary Planning Document 'Successful Places: Housing Layout and Design'.
Reason - To ensure that the development is designed to an appropriate design quality / standard taking into account the setting of adjacent

heritage assets in accordance with Policies CLP20 and 21 of the Local Plan.

Informatives:

1. Highways -

In addition, the following notes shall be included for the benefit of the applicant.

- Section 184 Licence. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.
- 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 gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- If construction works are likely to require Traffic Management, all road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following [link](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp) - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Regarding the internal road layout, it is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense'.

Before construction begins the developer must either:-

- Complete payment of the estimated cost of highway works in accordance with the Notice served under the Advance Payments Code, or
- Enter into a Section 38 Agreement which provides a bond for due completion of the works.

Where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the developer where it is advised that the Local Planning Authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. This requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980.

The applicant will need to demonstrate all aspects relating to layout, levels, gradients, surfacing, lighting and means of surface water drainage, but the attached plans do not indicate the extent of the land that is currently under the developer's ownership and control or if there are small pockets of land that sit outside the existing unadopted highway boundary to secure a Section 38 agreement, all affected landowners must be prepared to dedicate their land for highway purposes and enter into a Highways Act 1980 Section 72 agreement, prior to the commencement of any works.

Notwithstanding the above comments, the Highway Authority considers that the development should be constructed, laid out in accordance with the following 6C's Design Guide requirements:-

1. Due to the lack of any speed restraint shown, the applicant should refer to Council's document Delivering Streets and Places which states that 'In such cases, horizontal calming measures are preferred to vertical calming measures (eg. Speed cushions, road humps, raised tables etc.)'.

2. The access drives to the proposed development road shall be no steeper than 1 in 12 for the first 6m from the rear of footway and 1 in 6 thereafter.
3. Details of arrangements for storage of bins and collection of waste and suitability of the layout for use by a Large Refuse Vehicle of 11.6m length should be demonstrated by means of appropriate swept paths.
4. Without benefit of details printed to scale, it isn't possible to ascertain the width of the proposed road widths, so carriageways and footways should be shown and annotated to be a minimum of 5.5m and 2.0m width respectively.
5. Off-street parking should be provided at a level to satisfy your own Authority's standards, each space being of 2.4m x 5.5m which should be increased in length to 6.5m where a space is in front of a garage. Single garages with minimum internal dimensions of 3m x 6m and any double garages 6m x 6m minimum dimension with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.
6. Measures to prevent surface water run-off from entering the public highway from any areas at a higher level will need to be shown.
7. The Highway Authority no longer accept shared surfaces within the public highway because of the impact that this has on the blind and partially sighted, so these will remain private.
8. On street residential parking within the public highway is no longer allowed by the Highway Authority. Wherever possible, the parking spaces should be provided within the curtilage of the property.
9. Adoption of the estate streets is a purely voluntary act between the developer and the Highway Authority and acceptance of the proposals for planning purposes does not in any way compel the Highway Authority to enter into an adoption Agreement at a future date.
10. Any redundant vehicular and pedestrian accesses shall be permanently closed with a physical barrier and the existing crossovers reinstated.
11. Pedestrian crossing locations or tactile paving should be shown within the site.
12. Until bedroom numbers per dwelling has been provided, parking provision cannot be assessed and should be made in line with the HA design guide (2 spaces per 2/3 bed property and 3 spaces per 4 bed property).
13. Tracking should be provided for a supermarket delivery/ambulance type vehicle within the turning heads.
14. The proposed highway drainage and road lighting should be submitted as part of the technical approval process. All visibility splays should be shown including onto Old road.

2. Lead Local Flood Authority:

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 and Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

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

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

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

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

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

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

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

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

J. On Site Surface Water Management;

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

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.