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**North East
Derbyshire**
District Council

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Date: Monday, 9 January 2023

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 17 January 2023 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steenberg". The signature is written in a cursive style.

Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor William Armitage
Councillor Andrew Cooper
Councillor Peter Elliott
Councillor Mark Foster
Councillor Roger Hall
Councillor David Hancock
Councillor Lee Hartshorne

Councillor Maggie Jones
Councillor Heather Liggett
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Kathy Rouse
Councillor Diana Ruff - Chair

Please notify the Interim Governance Manager, Alan Maher by 4.00 pm on Friday 13 January 2023 of any substitutions made for the meeting.

For further information about this meeting please contact: Alan Maher 01246 217391

A G E N D A

1 Apologies for Absence and Substitutions

To receive any apologies for absence and notices of substitutions from Members.

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of the Last Meetings (Pages 4 - 16)

To approve as a correct record and the Chair to sign the Minutes of the Extraordinary Planning Committee, held on Tuesday 13 December 2022

To approve as a correct record and the Chair to sign the Minutes of the Planning Committee, held on Tuesday 20 December 2022

4 NED/21/00987/OL - CALOW (Pages 17 - 68)

Outline application with all matters reserved (except means of access) for up to 36 dwellings (Major Development/Affecting a Public Right of Way/Departure from Development Plan/Affecting Setting of Listed Building) (Amended Title/Amended Plans) (Further Amended Plans) (Amended Title/Further Amended Plans - 11 Oct) at land to the North and North West of The Homestead, Dark Lane, Calow

(Planning Manager – Development Management)

5 Late Representations Summary Update Report - NOW PUBLISHED (Pages 69 - 84)

(Planning Manager – Development Management)

6 Planning Appeals - Lodged and Determined (Pages 85 - 87)

(Planning Manager – Development Management)

7 Matters of Urgency

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



North East Derbyshire District Council

Access for All statement

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 13 DECEMBER 2022

Present:

Councillor Diana Ruff (Chair) (in the Chair)
Councillor Alan Powell (Vice-Chair)

Councillor William Armitage
Councillor Peter Elliott
Councillor Roger Hall
Councillor Maggie Jones
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Mark Foster
Councillor David Hancock
Councillor Heather Liggett

Also Present:

S Sternberg	Assistant Director of Governance and Monitoring Officer
R Purcell	Assistant Director of Planning
L Ingram	Legal Team Manager - Contentious Team
A Maher	Interim Governance Manager

PLA/ Apologies for Absence and Substitutions

60/2

2-23 Apologies were received from Councillor L Hartshorne.

PLA/ Declarations of Interest

61/2

2-23 None.

PLA/ Matters of Urgency (Public)

62/2

2-23 None.

PLA/ Exclusion of Public

63/2

2-23 RESOLVED

That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraph 5, Part 1 of Schedule 12A to the Local Government Act 1972. (As amended by the Local Government (Access to Information)(Variation) Order 2008).

PLA/ Notice of Motion under Paragraph 13.1, and if appropriate under 13.2, of the Council's Constitution

64/2

2-23

The report to Committee explained that a Notice of Motion, to rescind a decision made by Planning Committee at its meeting on Tuesday 22 November 2022, had been received. Committee had resolved that the Council cease to defend its grounds for refusing planning permission to build 397 dwellings at land west of Upperthorpe Road, Killamarsh (Application NED/18/01003).

Committee had taken this decision in order to minimise possible costs to the Planning Authority at the forthcoming Public Enquiry into the Appeal against the refusal to grant planning permission (MIN: PLA/58/22-23).

Planning Committee heard the views of the Council's external legal adviser about the grounds originally put forward by the Committee for rejecting the Application. In particular, Members received his assessment of which of these might be upheld or rejected by the Planning Inspector at a Public Enquiry.

Committee discussed extensively its rejection of the original Application and the reasons why it had felt the proposed development would not be appropriate for the site. Some Members stressed their continued support for this decision. They believed it important that the Council should continue to oppose the development in the interests of local people. They felt that this could be best done by focusing on the two grounds specified at the meeting, where the Council would be able to offer the strongest case for refusing the Application.

Other Members highlighted their concerns both about the proposed development and the potentially significant costs which the Council might incur if it could not provide robust evidence to support its grounds for refusal during a Public Enquiry on the Appeal. They stressed how this might not be a good use of public money, especially if it was not successful. Some Members reflected on possible outcomes of any hearing and how the Planning Inspector might now approve the Application, with few if any changes, regardless of the Council defence of its original decision to reject the Application on specific grounds.

At the conclusion of the discussion, the Committee was reminded that decisions taken by the Council or its Committees could not normally be revisited or changed until six months had elapsed. However, it was explained that Council Procedure Rule 13.1 (as set out Part Four of the Council's Constitution) allowed for decisions to be revisited within six months, if the necessary number of Members requested this. The Monitoring Officer confirmed that the required number of Committee had done so.

Councillor M Foster and W Armitage then moved and seconded a motion to rescind the decision made by Planning Committee on Tuesday 22 November on Item 11, Planning Appeal Killamarsh.

The motion was put to a vote and was agreed.

RESOLVED

- (1) That the Committee's decision that the Council cease to defend its grounds for refusing the Application (Application NED/18/01003), in order to minimise the costs to the Planning Authority, as set out in Minute: PLA/58/22-23, be rescinded.

Councillor M Foster and W Armitage moved and seconded a Motion that Council Procedure Rule 13.2 be suspended. Committee was reminded that this Procedure Rule prevents motions which had been rejected from being

considered and determined within six months of the decision. Committee would have to agree suspend the Procedure Rule if it now wished to consider and adopt a different Motion to that agreed at the 22 November 2022 meeting. The motion was put to a vote and was agreed.

RESOLVED

- (1) That Council Procedure Rule 13.2 be suspended for the duration of the Meeting.

A series of Motions were then proposed, considered and rejected by Committee. As provided for under the Council's Constitution, at the request of three Members present the votes on these Motions were recorded. The details of the motions and the recorded votes on them have been appended to this minute.

Following these unsuccessful motions, Councillor A Powell and M Foster then moved and seconded a Motion for the Council to defend the original decision not to grant planning permission at any Public Inquiry or other hearing on the grounds specified at the meeting, that the Chair and Vice Chair be responsible for overseeing the collation of the required supporting evidence for this defence and that the work takes place in consultation with relevant Members and officers, as appropriate.

The Motion was put to the vote and was agreed

For

W Armitage, P Elliot, M Foster, D Hancock, H Liggett, M Jones, A Powell, D Ruff

Against

A Cooper, R Hall

Abstained

K Rouse

RESOLVED

- (1) That the Council upholds the grounds specified at the meeting for refusing planning permission for the Application to erect 397 dwellings, on land west of Upperthorpe Road, Killamarsh (Application NED/18/01003), at its meeting on 27 May 2022.
- (2) That the Chair and Vice Chair oversee the collation of the required supporting evidence for these specified grounds in consultation with relevant Members and officers, as appropriate.

Appendix – Unsuccessful Motions

Councillor M Foster and W Armitage moved and seconded a Motion that the Council continued to defend the specified grounds for its original decision not to grant planning permission in any Public Inquiry or other hearing. They also asked that arrangements be put in place for named Members and officers to oversee the collation of the required supporting evidence.

An amendment to the Motion was moved and seconded by Councillor D Ruff and A Powell that the Council continued to defend the specified grounds for its original decision not to grant planning permission in any Public Inquiry or other hearing, but that the Chair and Vice Chair oversee the collation of the required supporting evidence in consultation with relevant Members and officers, as appropriate.

The amendment to the substantive Motion was put to the vote and was defeated.

For

R Hall, D Hancock, A Powell, D Ruff

Against

W Armitage, A Cooper, P Elliot, M Foster, H Liggett, M Jones, K Rouse

The substantive Motion was then put to the vote and was defeated

For

W. Armitage, P. Elliot, M Foster, H Liggett, M Jones,

Against

A Cooper, R Hall, D Hancock, A Powell, K Rouse, D Ruff

Councillor D Hancock and A Cooper then moved and seconded a Motion to reinstate the original decision of the Committee taken at its meeting on 22 November 2022. The Motion was put to the vote and was defeated.

For

A Cooper, R Hall, D Hancock, M Jones

Against

W Armitage, P Elliot, M Foster, H Liggett, A Powell, K Rouse, D Ruff

PLA/ Matters of Urgency (Private)

65/2

2-23 None.

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 20 DECEMBER 2022

Present:

Councillor Diana Ruff (Chair) (in the Chair)
Councillor Alan Powell (Vice-Chair)

Councillor William Armitage
Councillor Peter Elliott
Councillor Lee Hartshorne
Councillor Maggie Jones
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Mark Foster
Councillor David Hancock
Councillor Heather Liggett

Also Present:

A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
P Slater	Principal Planning Officer
S Sternberg	Assistant Director of Governance and Monitoring Officer
L Ingram	Legal Team Manager - Contentious Team
A Bond	Governance Officer
A Maher	Interim Governance Manager

PLA/ Apologies for Absence and Substitutions

66/2

2-23 Apologies were received from Councillor R Hall and J Ridgway.

PLA/ Declarations of Interest

67/2

2-23 Councillor H Liggett informed Committee that she would speak as a Ward Member on Item 4 (Application NED/21/01376/OL – Shirland). Councillor Liggett indicated that she would then leave the meeting and would not participate in the Committee's discussion of and determination on the Item.

PLA/ Minutes of Last Meeting

68/2

2-23 The minutes of the meeting held on Tuesday 22 November 2022 were approved as a true record.

PLA/ NED/21/01376/OL - SHIRLAND

69/2

2-23 The report to Committee explained that an Application had been submitted to vary Condition 4 (Approved Plans), Condition 16 (Temporary Access) and Condition 17 (Highway Improvement Works) of Planning Approval 19/00335/OL. These changes would provide a revised site access for a Major Development on land to the South of Hallfieldgate Lane, Shirland. The Application had been referred to Committee by Ward Member, Councillor H Liggett, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to

conditions and an appropriate 'Section 106' Agreement; or an agreement reached between the Council as Planning Authority with a developer to carry out specific work to help offset the impact of new developments on local people. The report to Committee explained the reasons for this.

Officers had concluded that because the proposed variations would only involve minor changes. It would be possible to deal with them through a 'Section 73 Application' under the Town and Country Planning Act 1990, to make minor amendments to approved plans.

Members heard that the Application proposed to change access to the site. However, the proposed variations would have some impact on the long term health of one of the trees covered by a Tree Preservation Order (TPO). Officers contended that this this would still be preferable to implementing the original access arrangements, as these would have a greater impact on the trees covered by the TPO than the suggested new access arrangements.

Officers felt that the proposed change to the access arrangements would not have an adverse impact on either the local street scene, or on the nearby Conservation Area. They recommended that as a condition for approval an appropriate Section 106 agreement should be put in place, to ensure that the financial contributions to education and affordable housing, which had been unilaterally offered by the developer, would now be carried over to this new permission.

Before the Committee discussed the Application it heard from Councillor C Cupit as local ward Member and Councillor H Liggett as local ward Member. After Councillor H Liggett had spoken she then left the meeting and took no part in the Committee's consideration and determination of the Application. Committee also heard from R Southey, K Bush and P Webster who objected to the Application. No one spoke in support of the Application.

Committee considered the Application. It took into account the relevant Planning Issues. It considered the Principle of Development and noted how outline planning permission had been granted on appeal, to construct up to 90 dwellings on the site. It took into account the implications for nearby heritage assets and the location of the proposed site access in relation to the Hallfieldgate Gate Conservation Area. It considered the impact on the local street scene, including those trees covered by a Tree Preservation Order, the necessity to remove a section of hedgerow and the effect on neighbouring properties.

Members discussed the Application. As part of this, they considered the possible implications for road safety of the proposed change. Members were informed that the Highway Authority had been consulted about the Application and that it had raised no road safety, traffic management or other objections.

Committee Members reflected on the concerns raised about how the changed access arrangements might make it more difficult for vehicles to safely enter and exit the site. They also discussed the volume of traffic likely to use the road network at and around the site. They noted the concerns raised that a more up to date assessment of this would be required.

Members discussed the impact on those trees covered by a Tree Preservation Order and the possible damage to them if the access granted under either the original permission or the proposed new access were put in place. They also discussed the impact on the street scene and especially the need to remove a section of hedgerow, so that the new access to the site could be created.

During the discussion, some Members felt that the revisions to access arrangements, the traffic management implications, the possible damage to trees and to the street scene, would amount to a major change to the existing Planning Permission. In this context, they queried whether the changes ought to have been covered by a new outline planning application.

At the conclusion of the discussion, Councillor M Foster and Councillor W Armitage moved and seconded a Motion to reject the Application, contrary to officer recommendations. The motion was put to the vote and was agreed.

RESOLVED

That Application 21/01376OL be refused, contrary to officer recommendations.

[Reasons

That the proposed variations to conditions would cumulatively result in a major change to the agreed Planning Approval (19/00335/OL), especially in terms of road safety, traffic management, protected trees and the overall character of the area.]

PLA/ NED/22/00884/RM - STRETTON

70/2

2-23

The report to Committee explained that an Application had been submitted to vary Condition 1 (Approved Plans) of Planning Approval 18/00812/RM in order to vary the layout and landscaping details of a major development at land to the east of 'Prospect House', Highstairs Lane, Stretton. The Application had been referred to Committee by Local Ward Member, Councillor A Cooper, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to conditions. The report to Committee explained the reasons for this.

Officers had concluded that it would be appropriate to deal with the variation through a 'Section 73 Application' under the Town and Country Planning Act 1990, to make minor amendments to already approved plans. Members were reminded that the site had planning permission for 28 dwellings. The proposed minor changes to the landscaping and layout details were necessary because a new company had now taken over the development of the site and had different house types to those of the previous company, which would require a different layout and landscaping on the site. Officers felt that the variations would be acceptable, the proposed changes would conform to the relevant Development Plan and National Planning Policies. They concluded that the Application should be approved.

Before the Committee discussed the Application it heard from L Harries, who objected to the Application and J Millhouse, the Agent for Application.

Committee considered the Application. It took into account the Principle of Development, the work on the site that was now underway and the landscaping changes which had been made. It considered the revised designs and how they compared with those originally agreed. It took into account the officer assessment of the proposed changes and in particular what impact they would have on those trees covered by the Root Protection Area at the boundary of the site. They heard the reasons why this area had been re-calculated. They discussed the protective fencing to be installed and the additional measures requested by Derbyshire Wildlife Trust.

At the conclusion of the discussion Councillor D Ruff and A Powell moved and seconded a Motion to agree the Application, in accordance with officer recommendations. The Motion was put to the vote and was agreed.

RESOLVED

- (1) That Application NED/22/00885/RM be conditionally approved, in line with officer recommendations.
- (2) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

Conditions

- 1) The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - STRET – 001 - proposed site plan; date scanned 14.10.22
 - 2016-458 005 rev A - Site location plan
 - 2016-458 045 rev E - Hedge Translocation
 - 2016-458 014 rev G - Refuse Collection Scheme
 - GL0779 - Hedge translocation Method Statement rev A
 - GL0779 - Landscape Management Plan rev D
 - GL0779 03 - Soft Landscaping proposals; date scanned 06.09.22
[Officer note: this plan will be updated once amended details are submitted]
 - Highstairs Lane, Stretton - Mitigation Measures rev 1
 - JH_TPP1/1 (Protective Fencing Plan); date scanned 05.12.22
 - Scheme for mitigating climate change

[Reason: For clarity and the avoidance of doubt.]

- 2) Within 14 days of this decision, the revised Root Protection Area (RPA) labelled "October 2022 Fenceline" on drawing JH_TPP1/1 (Proposed Layout; Protective Fencing Plan) shall be protected with fencing, as identified in Figure 1 of the Arboricultural Survey Report & Method Statement, prepared by John Booth dated February 2019. The approved RPA fencing shall be retained in position until all building

works along the western boundary of the site have been completed. The area within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered.

[Reason: In the interest of protecting existing trees in accordance with policy SDC2 of the North East Derbyshire Local Plan.]

- 3) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1, Class A), curtilage buildings (Part 1, Class E), hard surfaces (Part 1, Class F) and means of enclosure (Part 2, Class A) shall be erected at Plots 1-7 hereby approved without first obtaining planning permission.

[Reason: To offer protection to the trees covered by NEDDC TPO 266, in accordance with policy SDC2 of the North East Derbyshire Local Plan.]

- 4) Within 14 days of the approved grouting works being completed within the agreed Root Protection Area (RPA) as identified on drawing JH_TPP1/1 (Proposed Layout; Protective Fencing Plan), a scheme of soil amelioration within the RPA shall be submitted to and approved in writing by the Local Planning Authority. The scheme of soil amelioration could include air spade attendance to reduce soil bulk density or similar mitigation works. The agreed scheme of soil amelioration within the RPA shall be implemented in full prior to the 31st March 2023.

[Reason: To mitigate soil compaction and to protect the health and wellbeing of the trees covered by NEDDC TPO 266, in accordance with policy SDC2 of the North East Derbyshire Local Plan.]

PLA/ NED/22/00885/RM - STRETTON

71/2

2-23

The report to Committee explained that an Application had been submitted to vary Condition 1 (Approved Plans) of planning approval 17/00768/RM to change the scale and appearance details at land to the east of Prospect House, Highstairs Lane. This was the same site and development covered by the previous Application on the Agenda (NED/22/00884/RM). The Application had been referred to Committee by local Ward Member, Councillor A Cooper, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to conditions. The report to Committee explained the reasons for this.

Officers had concluded that it would be appropriate to deal with the variation through a 'Section 73 Application' under the Town and Country Planning Act 1990, which allow for minor amendments to approved plans. Members were reminded that the site had planning permission for 28 dwellings. The proposed changes to the approved scale and appearance details of the development would be required because a new company had now taken over the development of the site and had different housing types to the previous company. Officers felt that

the changes would be acceptable, that they would conform with relevant national and local planning policies and so should be approved.

Before the Committee discussed the Application it heard from L Harries, who objected to the Application and J Millhouse, the Agent for the Application.

Committee considered the Application. It took into account the Principle of Development and the work on the site. It considered the overall size and scale of the properties and how these compared to those originally approved. It took into account the relevant Local Plan Policies and the National Planning Policy Framework.

Members discussed the Application. They considered the new designs for properties and how they compared and contrasted to the original designs, as well as the size and scale of what was now proposed. Members heard how these dwellings would be in keeping with the character and appearance of the surrounding street scene. They also considered the possible impact of the proposed changes on neighbouring properties and the conditions that would be required to protect their privacy and amenity.

At the conclusion of the discussion Councillor D Ruff and Councillor A Powell moved and seconded a motion to approve the Application, subject to conditions

The Motion was put to the vote and was agreed.

RESOLVED

- (1) That the Application is conditionally approved, in line with officer recommendations;
- (2) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to scale and appearance:
 - Site Location Plan: 2016-458 005A
 - Site Survey as Existing: 2016 - 458 006A;
 - STRET 002 - House Type Bamburgh
 - STRET 003 – House Type Bamburgh (V4)
 - STRET 004 - House Type Barnard
 - STRET 005 – House Type Balmoral
 - STRET 006 - House Type Canterbury
 - STRET 007 - House Type Durham
 - STRET 008 – House Type Winchester
 - STRET 009 – House Type Hampton
 - STRET 010 - House Type Richmond
 - STRET 011 Rev A – House Type Warwick
 - STRET 012 – House Type Waterford

- STRET 013 – House Type Garages

[Reason: For clarity and the avoidance of doubt.]

- 2) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no first floor rear facing windows, dormers in the roof or Juliet balconies shall be inserted into the rear elevation of plot 7, save for the windows shown on the approved drawing which shall have obscure glazing installed in order to provide a level of obscurity at least equivalent to levels 3, 4, or 5 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.

[Reason: To ensure that the privacy and amenity of residents at Prospect House is respected, all in accordance with policy SDC12 of the North East Derbyshire Local Plan.]

- 3) Notwithstanding the submitted details, before work commences above Damp Proof Course (DPC) precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[Reason: In the interest of the character and appearance of the site and the surrounding street scene, all in accordance with policies SS9 and SDC12 of the North East Derbyshire Local Plan.]

PLA/ NED/21/1159/FLH - DRONFIELD
72/2
2-23

The report to Committee explained that an Application had been submitted for a second storey extension to create rooms in a roof space and a two storey extension to the front of a property on Bents Crescent, Dronfield. The Application had been referred to Committee by local Ward Member, Councillor M Foster, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to conditions. The report to Committee explained the reasons for this.

Officers contended that the proposed development would be in keeping with the style, proportion and materials of the surrounding street scene. It would not have an adverse impact on the privacy and amenity of neighbouring residents. Officers had concluded that it would be an acceptable development, which would accord with the relevant national and local planning policies. They recommended that the Application should be approved, subject to conditions.

Before the Committee discussed the Application it heard from M Carr and K Rogers, who objected to the Application. They also heard from the Applicant, S Kay.

Committee considered the Application. It took into account the Principle of Development and the location of the property within the defined Settlement

Development Limit (SDL) for Dronfield. It considered the relevant planning policies and in particular: Local Plan Policy LC5, (requiring domestic extensions to be in keeping with the existing property and street scene and not cause significant loss of amenity and privacy for neighbouring residents) and Dronfield Local Plan Policy D3 (requiring developments to respect the character and historic context of existing developments).

Members discussed the Application. They reflected on the surrounding street scene and assessed whether the proposed extension would complement this. They discussed the impact the proposed development on the neighbouring properties and whether this could be mitigated through appropriate conditions.

At the conclusion of the discussion Councillor M Foster and H Liggett moved and seconded a Motion to refuse the Application, contrary to officer recommendations on the grounds that it would not be in line with the Dronfield Neighbourhood Plan Policy D3 (Loss of amenity and especially light to neighbouring properties) and Local Plan Policy LC5, (compatibility with the street scene).

The Motion was put to the vote and was defeated.

Councillor D Ruff and A Powell then moved and seconded a Motion to approve the Application subject to conditions, in line with officer recommendations. The Motion was put to the vote and was agreed.

RESOLVED

- (1) That Application NED/21/1169/FLH be conditionally approved, in line with officer recommendations.
- (2) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

Conditions

- 1) The development hereby permitted shall be started within 3 years from the date of this permission.

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

- 2) The development hereby approved shall be carried out in accordance with the details shown on the following drawings:

- Amended First Floor Plan (date scanned 28th October 2022)
- Amended Front Elevation Plan (date scanned 28th October 2022)
- Amended Rear Elevation Plan (date scanned 28th October 2022)
- Amended Existing and Proposed Ground Floor Plan (date scanned 26th October 2022)
- Amended Side Elevation A (east) Plan (date scanned 26th October 2022)
- Amended Side Elevation B (west) Plan (date scanned 26th October 2022)

- Location and Block Plan (date scanned 19th October 2022)

unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

[Reason: For clarity and the avoidance of doubt.]

- 3) The proposed materials shall match those of the existing building as closely as possible.

[Reason: In the interests of the appearance of the area and in accordance with policies SS7 and LC5 of the North East Derbyshire Local Plan and policy D3 of the Dronfield Neighbourhood Plan.]

- 4) The bat and bird mitigation measures illustrated on the approved plans shall be incorporated in full prior to the first use of the first floor extension and retained as approved thereafter.

[Reason: In the interest of providing ecological mitigation measures, in accordance with policy SDC4 of the North East Derbyshire Local Plan and ENV4 of the Dronfield Neighbourhood Plan.]

- 5) The flat roof above the exiting kitchen to the rear of the property shall not be used as a raised platform or balcony.

[Reason: For clarity and the avoidance of doubt.]

- 6) Prior to the first use of the first floor extension hereby approved, the windows serving a bedroom, landing and bathroom in the first floor east and west elevations of the dwelling shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The windows shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The windows shall then be retained as such thereafter at all times.

[Reason: To protect the privacy and amenity of neighbouring residents at numbers 18 and 22 Bents Crescent, Dronfield.]

PLA/ Planning Appeals - Lodged and Determined

73/2

2-23

The report to Committee explained that two appeals had been lodged. No appeals had been allowed, dismissed or withdrawn.

PLA/ Matters of Urgency

74/2

2-23

None.

PLANNING COMMITTEE – 17th JANUARY 2023

Reference Number: 21/00987/OL

Application expiry: 20/01/2023

Application Type: Outline

Proposal Description: Outline application with all matters reserved (except means of access) for up to 36 dwellings (Major Development/Affecting a Public Right of Way/Departure from Development Plan/Affecting Setting of Listed Building) (Amended Title/Amended Plans) (Further Amended Plans) (Amended Title/Further Amended Plans - 11 Oct)

At: Land to the north and North West of The Homestead, Dark Lane, Calow

For: Stancliffe Homes Ltd

Third Party Reps: 86 objections

Parish: Calow

Ward: Sutton

Report Author: Graeme Cooper

Date of Report: January 2023

MAIN RECOMMENDATION: Grant permission, subject to conditions

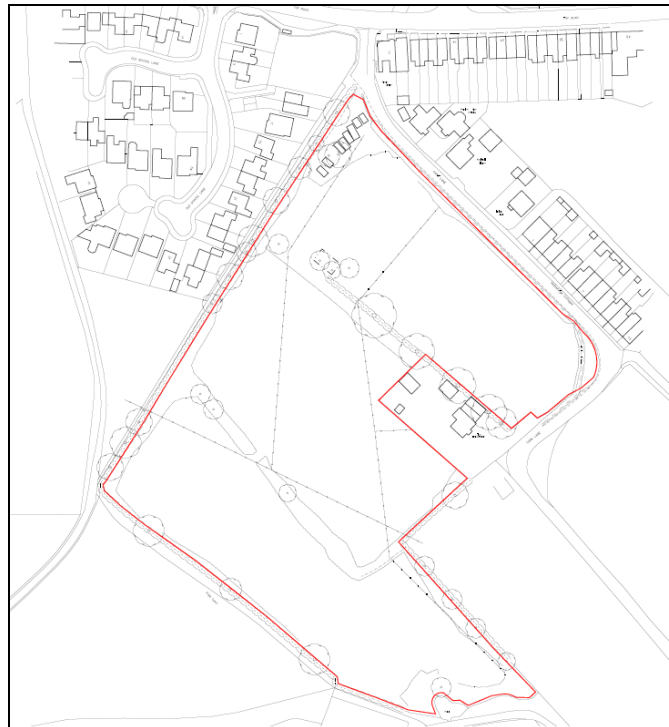


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Birkin objected to the proposal (full reasons outlined at 4.3 below) and requested that if Officers were minded to support the proposal the application be considered by members of Planning Committee.

2.0 Proposal and Background

Site Description

- 2.1 The application site is just under 3ha in size and sits to the west of Dark Lane, Calow. The site is a greenfield location intersected by mature hedgerows and it contains a number of mature trees. The site is framed on its eastern boundary by a mature hedgerow.
- 2.2 The western boundary of the site includes a number of mature trees and further hedgerow planting.
- 2.3 A rough track leads into the site in the north east corner, serving a dilapidated brick building. Immediately to the north of the site is a bridleway/public right of way (PRoW/BW8). Another PRoW (Calow FP9) extends south east from the aforementioned bridleway and connects to Dark Lane to the south.
- 2.4 Land levels fall away to the south west and the site sits outside the Settlement Development Limit of Calow, within open countryside.

Proposal

- 2.5 This application originally sought outline permission for up to 65 dwellings with all matters reserved, other than the means of access. The original proposed indicative layout is illustrated below.

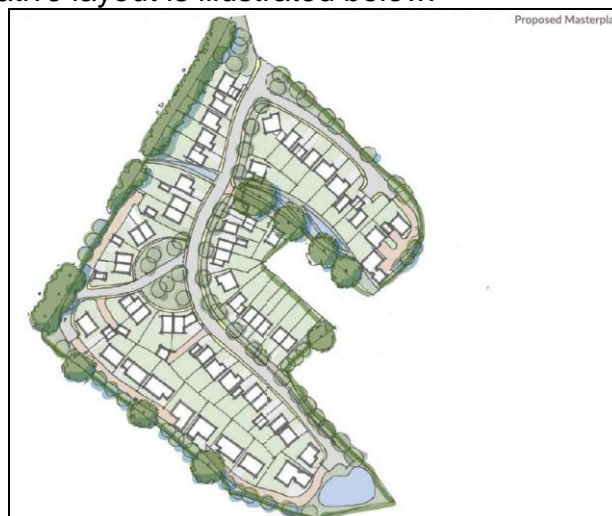


Figure 2: Proposed masterplan for up to 65 dwellings

- 2.6 Several amendments have been made to the proposal with the latest being for a reduced area of development for up to 36 dwellings on a smaller site area than originally proposed (see Fig 3 below).



Figure 3: Amended indicative site layout

- 2.7 The proposal is now seeking permission for 100% affordable housing (no open market units), with a commitment to the provision of key worker housing delivery.
- 2.8 Included with the revised details is an updated Planning Statement, Landscape and Visual Impact Assessment (LVIA), proposed mitigation measures, an updated Biodiversity Net Gain report and updated swept path drawings.

3.0 Relevant Planning History

- 3.1 15/00154/OL - Outline application (means of access submitted) for residential development (Major Development/Departure from Development Plan) (Amended Plan/Amended Title) (Refused)
- 3.2 75/00093/FL, 75/00103/FL, 75/00090/FL and 75/00089/FL – All linked to the renewal of permission for a garage (All Conditionally Approved)

4.0 Consultation Responses

- 4.1 **Parish Council** raised these objections to the original scheme:

1. Traffic and access – The Parish Council has major concerns regarding the proposed access and in particular the poor sightlines at the junction of Dark Lane and Top Road. The application has failed to take into account that there is a line of vehicles parked outside the properties on Top Road at most times of the day. This severely impacts on the visibility of traffic pulling out of Dark Lane. The addition of vehicles from potentially a further 65 properties will only serve to exacerbate this issue. The Parish Council would also like it noted that the proposed development will add traffic to the highway in addition to the adjacent site of 80 properties recently given outline approval. The impact of traffic from these developments combined is considered unacceptable and the Council agrees with the Highways Comments that “proposed development traffic on Dark Lane would struggle to seek gaps from eastbound and westbound traffic to turn right and left from Dark Lane and may result in a potential road safety issue.” The Parish Council would like to see what mitigation measures are proposed to ensure a satisfactory visibility splay is achievable and maintainable and furthermore what measures are proposed to address the many concerns of the Highways Authority as raised in their comments.

2. Settled development boundary limit and local plan – The site is not identified for residential development in either the NED Local Plan or the Emerging Local Plan and is also located outside the settlement development limit for Calow.

i) The refused application for 15/00154/OL refers to the following as a reason for refusal – “The application is considered to be unacceptable as the site is located outside the settlement development limit for Calow as set out in the Council’s Local Plan. The loss of this green field site would have a detrimental impact on the character of the area and as an area of local countryside and its loss is not outweighed by the social and economic benefits of the scheme contrary to paragraph 17 of the National Planning Policy Framework and policies GS1, GS6, H3 and H12 of the North East Derbyshire Local Plan. The Parish Council considers that, given the proximity of this site to the site of the proposed development, the same reasoning should apply

3. The Parish Council considers that the scale of the proposed development is such that it would have a disproportionate impact on the visual amenity of a large proportion of the Southern aspect of the village and as such would be unacceptable. Due to the proposed size of the development, there are a large number of dwellings which are at the perimeter of the development and the proposed development will be inescapably dominant. The current residents of the existing dwellings at the boundary to the development will suffer a detrimental impact to their residential amenity if the development goes ahead.

4. The development as proposed would constitute a change of use from agricultural land which contains essential habitat and wildlife corridors in the form of hedgerow that cross the site. The Parish Council considers the loss of this habitat to be unacceptable.
5. The Parish Council requests that the application is considered at Committee and not delegated as an officer decision.
- 4.2 The **Parish Council** were consulted on the amended scheme and considers that it's original comments still stand and that the main issue of traffic entering and leaving the proposed development via the Dark Lane/Top Road junction remains a principal concern. The proposed development is also outside of the settlement development limit for the village.
- 4.3 **Ward Member** objected to amended scheme on the following grounds:
- 1 - As a major development there will be severe harm to the local landscape and the open countryside, with the loss of green fields. Local residents currently enjoy these green amenities.
 - 2 - Public rights of way are being affected.
 - 3 - There will be a negative effect on a local Listed Building.
 - 4 - Local wildlife will be impacted upon because of the loss of grassland and hedgerows.
 - 5 - The single track road Dark Lane is difficult to use at the moment and would not be suitable for the level of traffic which is likely to result from this development.
 - 6 - The junction with the main road Top Rd is itself narrow and will be difficult for access for the increase in traffic. Top Rd is a very busy road being close to the Hospital as well as the route between Chesterfield and Bolsover and the link to the M1.
 - 7 - Local services such as Schools and GPs are already at full capacity.
- 4.4 **Highways Authority** (HA) note that the application is in outline form, with only means of access being determined at this stage – all other matters such as the precise mix, number of bedrooms, housing type and schedule of accommodation and associated parking information are not provided and would be agreed upon as part of a full planning application. As part of the proposal, illustrative site layout plan No 20-537- FSOI has been submitted, and a detailed plan still needs to be provided. Therefore, detailed comments regarding the adoption of residential streets, drainage and internal road layout will be provided at the detailed planning application stage. There were outstanding matters which have been resolved since the last Highway's response dated 19th November. Therefore, the Highway Authority has no further objection subject to conditions and notes.

4.5 The **Highways Authority** (HA) reviewed the revised drawings and planning statement submitted on 3rd February 2022 and noted no changes to the site's vehicular access. The application is in outline form, with only means of access being determined at this stage; therefore, the HA has no objection to this proposal subject to the conditions and notes advised in the Highway's response of 21st December 2021.

4.6 **Peak and Northern Footpaths Society** welcome the applicant's comments in the D&A Statement that a new green public right of way will bisect the site and a 'village green' be created, the applicant's answers to questions on the application form seem to contradict this. The question about new public rights of way on the application site was answered in the negative.

Assuming that the applicant is also the landowner of the site, which is not always the case, only a landowner can dedicate his/her land to the public for certain purposes including new public highways of whatever status.

If this new green 'prow' is to be truly public, it has to be dedicated by the landowner and that dedication accepted by the Highway Authority who will be legally responsible thereafter for the surface and for keeping it free of obstructions. That in turn means that the Highway Authority must be satisfied that the route is fit for purpose as regards width, surface and any furniture on it such as gates or stiles.

This anomaly must therefore be resolved at Reserved Matters stage if not earlier and discussions entered into between applicant and the Highway Authority. The new route should be a public bridleway meeting the standards set out in the British Horse Society's guidance for bridleway standards.

As for the "village green", that is land that should be dedicated as a village green under the relevant legislation governing the creation and protection of village greens. The Open Spaces Society are the acknowledged experts in this area of legislation. This land need protecting in perpetuity so that it isn't encroached upon in the years to come.

4.7 **Environmental Health (EHO)** raised no objections subject to land contamination conditions. No further comments were made to the amended scheme.

4.8 **Environment Agency** raised no comments to either scheme.

4.9 **Yorkshire Water** no objection subject to conditions. No further comments made to the amended scheme.

- 4.10 **Severn Trent Water Authority (STWA)** commented on the amended scheme and confirmed that the site is outside STWA's area for sewerage. STWA note that they have apparatus on site and the developer will need to contact STWA to discuss this further. A note could be included on any decision issued by the LPA.
- 4.11 **Lead Local Flood Authority (LLFA)** reviewed the information submitted for this application and raised no objections subject to conditions linked to the detailed design and associated management and maintenance plan of the surface water drainage for the site, ensuring drainage details accord with drainage hierarchy, avoiding surface water run off during the construction phase and the submission of a verification report confirming drainage details have been installed in accordance with the approved details. A number of advisory informative notes are also advised for inclusion on any granting of permission decision.
- 4.12 **Coal Authority** commented on both the original and amended scheme. They note that the application site **does not** fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. Standing advice should be included as a note.
- 4.13 **Derbyshire Wildlife Trust** reviewed the Preliminary Ecological Appraisal (PEA) (Wildscapes Ltd., 2021) and corresponded with Wildscapes' ecologist Paul Liptrot regarding survey effort. The PEA was produced prior to a proposed plan being made available and therefore does not provide a detailed impact assessment. It also makes recommendations for several protected species surveys, however some of this has been scoped out based on our discussion with Wildscapes.

A pond in the south-west of the site was analysed for GCN eDNA in June 2020 as part of a separate planning application and returned a negative result. There are no existing records of GCN within 250 m of the application area. We do not consider further survey for this species necessary.

The PEA recommends that aerial tree inspections and bat activity surveys are undertaken. This information should really be provided to the LPA prior to the determination of the application. It is important to know whether any of the trees with potential for bats are likely to be affected by the development, either felled or pruned. Activity surveys are also desirable, but it is a relatively small site and the impact on bat foraging is probably local only. Retention of habitats on site and wildlife friendly lighting would help mitigate impacts in this respect. The on-site hedgerows

are of very good quality, with Hedgerows 3, 4 and 5 considered 'important' under the Hedgerow Regulations 1997. Hedgerows 1, 2 and 6 are not considered 'important' but contain mature/veteran trees. The impacts on hedgerows as a result of the development need to be clarified and mitigation for any losses needs to be set out in detail.

Whilst the PEA has not identified any other habitats of high nature conservation value the development will result in the loss of grassland habitats and this does represent a loss of biodiversity at the site. The PEA recognises that there will be a loss and has proposed the creation of 0.8 ha of species rich grassland. However, at this stage it is not clear where this habitat creation would take place and there does not appear to room to accommodate this within the layout design.

We advise the LPA that the ecological information as submitted is preliminary only, has not yet fully assessed certain aspects of the site ecology, nor has it been able to fully quantify the biodiversity loss. Furthermore details of how biodiversity loss at the site will be addressed need to be submitted in order for the LPA to be confident that the development will not result in a net loss of biodiversity.

We would expect to see the follow-up surveys completed (notwithstanding comments above regarding great crested newt) and the impacts quantified in relation to the layout with a clear plan for how biodiversity loss at the site will be mitigated and if necessary compensated.

The PEA assessment has used Biodiversity Metrics to evaluate habitat loss and we would advise that metrics are used to help demonstrate no net loss of biodiversity at the site. This provides a more transparent way to show losses and gains in biodiversity.

- 4.14 **DWT** considered the amended scheme and updated PEA, Biodiversity Net Gain report & Metric, mitigation measures plan and revised masterplan. DWT consider that the PEA and the Biodiversity Net Gain report have been undertaken in accordance with best practice and guidelines and provide the LPA with an accurate assessment of the likely impacts of the proposed development. The information submitted also indicates that the proposed development plans would result in a biodiversity net gain through the creation of new habitats (species rich grassland and pond) and hedgerows. The development is proposing to retain the majority of hedgerow and there is only a loss of 50m with additional hedgerows proposed to compensate for the loss. The main ecological risk that the development poses is to veteran trees and hedgerows through any possible encroachment into root protection areas and the difficulty of protecting and managing hedgerows once they form the boundary to multiple gardens. In a development of this size options are rather limited,

but ideally there would be a corridor around the hedgerows that allows access for management. There is also a risk to of adverse impacts on nocturnal wildlife from lighting or from any unforeseen pruning or felling of trees. No objection subject to conditions.

4.15 **DCC Infrastructure Team** raised the following mitigation requests:

- Education – no mitigation required
- Broadband – attach advisory note on any decision
- Waste collection – no mitigation required
- Libraries - £70.46/dwelling towards “stock only” contribution at Chesterfield Library
- Public Health & Adult Social care – request that all houses are built to Lifetime Home Standards. In addition a good number of smaller 2 bed units for older residents that are built to M4(2) standards.
- Employment & Skills - The County Council would wish to work collaboratively to support the District Council to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.
- Monitoring Fees - £70/obligation requested (only one obligation requested)

DCC also confirmed that County Councillor Woolley has provided comments regarding the impact of traffic on the current infrastructure, identifying the need to improve highway safety on Top Road.

4.16 In considering the amended scheme, the **DCC Infrastructure Team** made revised comments and contribution requests. In regards to education provision it is confirmed that the normal area has capacity to accommodate primary and secondary demand. No education contributions are requested. Essentially the reply removed the library request due to the scheme being below the 50 dwelling threshold. They also confirmed that the comments of Cllr Woolley stood in regards to the impact of traffic on the local road infrastructure. He also added that this is exacerbated by the lack of off road parking for residents. An advisory note is recommended to cover superfast broadband.

4.17 **DCC Rights of Way Team** raised no objection to the proposals as it appears that the existing routes will be ultimately unaffected by the proposed works, and that the applicant’s intention is to increase the network of Rights of Way within the development. It is requested that a note be included on any decision. They also requested £5,000 of s106 funding be provided to improve the Rights of Way linking to the development which will received increased use on completion of the development.

4.18 **NEDDC Drainage Engineer** raised no comments to either scheme.

- 4.19 **NEDDC Housing Strategy Officer** commented that the Strategic Housing Market Assessment OAN Update 2017 estimates that 236 additional units of affordable housing are required each year over the next five years to fully meet affordable housing need in the district.

There is a high demand for affordable 2 and 3 bedroom properties in this area and a growing demand for 4 bedroom properties, due to the increasing number of blended families. The proposal to provide 20 percent affordable housing on this site will help to meet the demand in this area and is also in line with the Council's local plan.

The properties are in close proximity to Chesterfield Royal hospital and therefore the proposal to offer them for discounted market sale – prioritising them for NHS staff and key workers – is supported by the Local Authority and will enable these people to get on the property ladder. The fact that the properties are of the adaptable M4(2) standard will ensure stability of tenure.

In response to the amended scheme the Housing Strategy Officer confirmed the affordable housing need in this area is predominantly for 2 and 3 bedroom houses, there is also an increasing demand for 4 bedroom houses. The preferred tenure for affordable housing is for affordable rent and a smaller percentage for shared ownership or an affordable homeownership model in line with the Council's local plan. The properties should be managed by a Registered Provider or Housing Association, who have existing stock in the District and should be allocated through the Council's Choice Based Lettings system.

- 4.20 **Conservation Adviser** considered the Heritage Statement prepared by Lanpro to support this application and would concur with their findings. There will be no harm to the significance of the grade II listed Church of St Peter as a result of the proposed development in the setting of the building.

- 4.21 **DCC Archaeologist** concluded that, on the basis of the size of the site and the paucity of archaeological records, there would be little potential for below ground archaeological remains at this site. No additional field assessment was required therefore.

The Heritage statement submitted with the application does however highlight a range of hedgerows which would be considered important under the criteria of the Hedgerows Act 1997. It is stated that in the final design of the development, the aim will be to retain the majority of the hedgerows to minimise any impact on the legibility of the overall field pattern'. We would not support the removal of these hedgerows and would

expect them to be incorporated within the final design of the scheme. No further comments received to the amended scheme.

- 4.22 **NEDDC Refuse Team** raised detailed comments about refuse collection. Essentially access is required for an RCV which has a GVW of 32t with a 22.8m turning circle, allowances should be made in the construction of highways for this vehicle and the need to consider its manoeuvrability. Confirmation is provided that the refuse lorry will not enter private drives so alternative measures will need to be put in place for refuse collection. No objections were made to the proposed access details.
- 4.23 **NEDDC Economic Development Unit** requested an employment and training condition.
- 4.24 **NEDDC Parks Team** provided initial comments which required clarity. Following the submission of additional information the Parks Officer commented as follows:

Parks would have no objection to an on-site play area, in the form of LEAP, rather than contribution towards an existing play area, if it offers appropriate value, though I would suggest the developers take into consideration what contributions may be asked for in regards both enhancement of existing off-site provision and new off-site provision (i.e. between the stated £48,026.68 and £62,428.08 for new off-site provision, based on the April 2021 figures) because whilst they may not have the same groundworks cost to install a play area at the time of the site development, as well as the equipment they would of course be requiring the ancillary items (i.e. fencing, bins, benches etc) which would already be in place on an existing site. If on-site play equipment were to of low play value (i.e. a LAP), I would suggest some financial contributions towards enhancement of off-site play space.

- 4.25 **NEDDC Parks Team** were consulted again on the latest amended scheme for up to 36 dwellings. The proposed development comprises of up to 36 dwellings of an unspecified size. This could attract an estimated £28,737.80 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £10,096.11. These estimates are based on the last available update (April 2022) to Appendix D of the Council's Local Plan, and uses an average given the unknown size of the dwellings and is calculated based the number of dwellings being 36.

I have previously included figures with regards new off-site provision given the suggestion in October 2021 of an on-site play area, and this figure would assist in giving an idea of the value of provision that may be expected on the development site. When I commented on 24th March 2022 it was not clear whether an on-site play area was still proposed.

Given the proposed further reduction in the size of the development, I would not recommend an on-site play area and would instead suggest section 106 monies towards the existing off-site provision, as referenced in my comments of 24th March 2022.

4.26 **HSE** raised no objection to both schemes.

4.27 **Designing Out Crime Officer (DOCO)** raised no objection to the proposal in principle but raised the following comments:

- ☐ Suggested pedestrian routes across the site, which arise from an aspiration to integrate footpaths into the surrounding network, are proposing an over permeable site where some of the orientation, aspect and direction of footpaths is questionable.
- ☐ principles involved in creating safe movement should lead to well viewed routes with open aspects which exist to facilitate convenient circulation.
- ☐ Broadly Dark Lane is not a safe route for pedestrians but ultimately both the north to south and north east to south west routes proposed lead onto Dark Lane.
- ☐ The new footpath connection which leads to FP9 in the south eastern corner of the site is visually constrained outside of the site, and within the site runs from a turning head across a semi-private communal drive, which will weaken space hierarchy here and has the look of a nuisance generator.
- ☐ The shorter proposed green PROW running parallel with The Homestead boundary and a retained tree line, runs along the rear of housing at the Dark Lane end. so opportunities for passive supervision are lost. On the north western side it emerges onto Public Bridle Way 8 between plots, so this section and the point of convergence will be visually constrained.
- ☐ I'd recommend that the proposed route and link to the south eastern site corner is removed and consideration given to routing southern foot movement through the proposed public green and turning head on the south western site corner, meeting up with Bridleway 7, where there is potential for connectivity with a more open aspect, both within and outside of the developed site.
- ☐ If there is an overriding need for the shorter green corridor it should integrate better with active house elevations, and have the constrained aspects improved.

4.28 The **DOCO** was consulted on the amended scheme and notes that some of the comments have been addressed in the indicative layout. Some points need clarifying and can be addressed in any reserved matters submission:

- The new pedestrian link into open green space to the mid-south western border looks preferable to the previous arrangement, and in subsequent detail will require a strong buffer to define and protect the two adjacent residential curtilages, also planting to protect the rear of house
 - boundaries to the outer south eastern edge, (which looks to have been considered)
 - It appears that there is no longer a path out of the site on the south eastern corner?
 - The exact position regarding the central green corridor isn't clear.
 - I advised against connectivity onto Bridle Way 8 on the north western site edge. The path appears to have been removed but green easement between plots remains.
 - Similarly the aspect of the continuance of this corridor onto Dark Lane isn't clear. The footpath route again looks to have been removed, but is this simply planted open/wildlife space now or something more.
 - Prior comments set out the difficulties I see with the orientation of such a route pinched between new and existing garden boundaries, and the likely issues in linking open pedestrian routes onto visually annexed existing paths.
- 4.29 **NHS Chesterfield Royal** asked for s106 impact on health to be considered and requested that a total financial contribution of £141,781 be sought. Following the scheme being amended to 45 dwellings the NHS requested £98,156 towards cost pressures at Chesterfield Royal Hospital.
- 4.30 No updated figure has been provided by the **NHS Chesterfield Royal** to the latest amended scheme.
- 4.31 **Derbyshire NHS Trust** requested a health contribution to ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practices to this development are; Brimington and Calow Surgery, Brimington Surgery, Royal Primary Care Inkersall and the Inspire Health sites in Hasland. It is considered that an additional 163 patients need to be accommodated at a total cost of £31,296.
- 4.32 **Derbyshire NHS Trust** updated their comments on the amended scheme, requesting £32,400 towards the same local practices as mentioned above. It should be noted that this figure has increased due to build costs increasing since the initial response was made by DNHST. [*Officer note: this figure has actually increased on the original request due to build costs increasingly significantly since October 2021*]
- 4.33 **British Horse Society (BHS)** commented that the proposed access to the site will be in close proximity to the junction of Dark Lane and Calow Bridleway 8 which in turn, are only about 30 metres away from the junction

with the heavily congested A632. Dark Lane is a single-track road with many blind bends and high hedges and is popular with pedestrians, cyclists and equestrians. To access the Trans Pennine Trail link, riders have to cross the A632 from Dark Lane and are unable to benefit from the Pelican crossing situated several metres to the east of the junction.

I am led to understand that there are to be temporary traffic lights to help facilitate the access of HGVs and other vehicles during the building programme. However, it has been reported that the developer couldn't guarantee the safety of horse riders accessing the bridleway. Once the building work is complete, there is every possibility that there could be an additional 130 vehicles accessing Dark Lane. To avoid the congestion on the A632, anyone wishing to travel to the M1 is very likely to use Dark Lane as a short cut through to Hassocky Lane, with the potential accident risk (some accidents and incidents have already been documented along Dark Lane with HGVs misusing this narrow road). In conclusion I foresee both the building operation and the eventual habitation posing traffic related risks to equestrians and all vulnerable road users and thus I oppose the planning application.

- 4.34 To the latest amended scheme the **BHS** note the reduction of 20 houses in the revised plans but it doesn't alter their concerns about construction traffic and the eventual habitation traffic posing serious risks to equestrians and other vulnerable users along the single-track lane with blind bends which is Dark Lane and the adjacent bridleways. The BHS understand that another planning application for 75 dwellings by Woodall Homes at Oaks Farm Lane – 20/01005/FL – has been approved. Although any construction or eventual habitation traffic is unlikely to access Dark Lane, there could be an approximate increase of 300 people in the vicinity, all wishing to enjoy the benefits of walking, cycling and riding in a popular area so any traffic increase along Dark Lane is not to be encouraged. Therefore, the BHS comments in my original email of the 26 September 2021 still stand – I object to the planning application.
- 4.35 **Ramblers Association** raised no comments to either scheme.
- 4.36 **Chesterfield Cycle Campaign** raised no comments to either scheme.
- 4.37 **Derbyshire Swift Conservation Project** commented on the proposal. They request that a condition be included on any decision to ensure that the development is built with internal nest bricks designed for Swifts as a universal biodiversity enhancement for urban bird species. An example bird box is supplied with the comments.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of site notices. Site notices were placed adjacent to the application site on PRow 8 to the north and on Dark Lane. An advert was also placed in the local press.
- 5.2 86 objections have been made to the original scheme and subsequent amendments raising the following representations objecting to the proposed development:

Principle

- Outside SDL for Calow
- No need for more development - Already 120 new homes being built in locality
- Site not allocated in local plan
- Brownfield sites should be developed first

Highways

- Road from Chesterfield to Bolsover is already congested
- Impossible to join Top Road from Dark Lane, especially during peak times
- Dark Lane is too narrow to accommodate parked vehicles
- Up to a 120 vehicles will enter and exit the site on a daily basis
- Dark Lane is a well-used cycle route – increase in vehicles using this route will be harmful to cyclists
- Negative impact on public rights of way especially peoples enjoyment of these routes
- Vehicles serving development would impact on current residents
- Increase in vehicular movements from Dark Lane onto Top Road unacceptable
- Difficult to turn right on Top Road – new development will exacerbate
- Dark Lane is single track and dangerous for users
- Dark Lane is a rat run used by motorists
- All traffic will have to use Dark Lane and in turn Top Road
- Parked cars on Dark Lane using shop on corner make access difficult
- Congestion could have a negative impact on patient care at the hospital
- Traffic survey not a true reflection of traffic movements
- S bends on Dark Lane make it dangerous for additional traffic movements
- Crossing on Top Road is dangerous
- Walkers, cyclists and horse riders already find Dark Lane difficult to navigate
- Lack of parking within the scheme and around the site
- Emergency vehicles will take longer to get to their destination
- No pavements on Dark Lane

- Lack of off street parking on Dark Lane
- Dark Lane regularly used by agricultural vehicles
- HGV's should not be using Dark Lane – they will exceed weight limit of road
- Delivery and workers vehicles will make Dark Lane even more unsafe and congested
- Nowadays its not unusual for a household to have 3,4,5 cars
- Delivery vehicles already block Dark Lane
- Dark Lane used as a rat run
- Complex entrance to proposal site will be dangerous
- Two accidents have occurred in close proximity to the site entrance
- Top Road/Dark Lane is bottleneck
- Children regularly use the junction with Dark Lane/Top Road junction
- Refuse lorry struggles to navigate Dark Lane
- Numerous near misses on local road network
- Garages on Dark Lane are not abandoned and are used by residents
- Increased on street parking in the area
- Traffic from current and proposed development overwhelming road network
- Dark Lane is unsafe, congested and overwhelmed by current traffic movements
- Risk of cars from the development 'overflowing' onto Dark Lane and other neighbouring roads
- No passing places on Dark Lane
- Too many blind bends close to the proposed development on Dark Lane
- Casualty appraisal submitted with application appears to be at odds with residents experiences
- Visibility splay drawings provided do not take into account parked cars on Dark Lane – these would clearly hinder access and egress from the proposed development
- Road is already 5m wide so how would widening it to 5.5m help?
- Parking restrictions on Dark Lane would be detrimental to current residents
- Many “near misses” noted in the public comments
- Changes to road junction between Dark Lane and Top Road will have little effect on improving road safety
- Hospital car parking charges are to return increasing pressure on on-street parking in the area
- Pressure on Top Road increasing from development on Churchside (45 dwellings)

Landscape

- Open green space lost to development
- Development would destroy green infrastructure

- Development will take up to 15 years to integrate
- Site is identified as a Coalfield Village Farmland and should be protected
- This development would urbanise the area and not add anything to the landscape character. Contrary to Policy NE1
- Increase in light pollution in the area, negatively impacting Dark Lane
- Green space essential to health and wellbeing
- Loss of farmland
- Site used as Community Farm Project – for grazing cattle and used for people with learning difficulties and its health benefit
- Destruction of countryside [*officer note: this site is not in the Green Belt as raised by some residents*]
- The site is a rural setting which would be lost
- Rural views lost to development
- Open space has been important during Covid
- Historic rural corner of the village must be retained to preserve the character and uniqueness of Calow
- Peaceful rural area will be adversely impacted
- Overbearing impact on countryside and existing properties in the village
- Proposal would destroy the character of the village
- Dark Lane will be transformed into a street more akin to a settlement rather than a country lane
- Development would have a major adverse impact on the character of the countryside
- The submitted LVIA provided by the applicant does not appear to follow best practice and cannot be relied upon to give an accurate assessment of the effects of the proposed development
- Cumulative negative impact resulting from removal of hedgerows and trees to make way for the proposed development

Privacy and Amenity

- Loss of privacy to properties on Dark Lane resulting from development
- Allowing landscaping and hedgerows to grow would block natural light to properties on Dark Lane
- Increase in pollution resulting from development
- Increase in noise disturbance from development
- Increase in light pollution
- Loss of direct sunlight towards Netherleigh Cottages
- Overshadowing resulting from development on Netherleigh Cottages
- Piling would be used to create foundations
- Proposal would have an adverse impact on wellbeing of current residents
- Development would have moderate/major impact upon the visual amenity of local PRow users

- Issues raised in independent landscape report are echoed in the CPRE comments
- No noise assessment has been made from ground and air source heat pumps
- Development will increase anti social behaviour on rights of way

Infrastructure

- Difficult to get doctor's appointment at present
- No plans for additional services
- Primary school stretched
- Overloaded hospital
- Proposal will stretch these services further
- Lack of shops and facilities in Calow
- New A&E at the Royal adds to pressures on roads
- Already hundreds of dwellings approved in Calow

Biodiversity

- Site home to various wildlife
- Proposal would result in loss of wildlife and their habitats
- No mention of hedgehog highways
- Increased carbon emissions from development
- Green field site important to wildlife
- Lower pond near site has newts present
- Development of site will decimate habitats
- Pollution of ground water
- Development proposed in close proximity to mature trees and their root systems
- Removal of mature hedgerows to create visibility splays for the site
- "Dark lane" status of Dark Land would be lost
- Increased traffic movements relating to the site will impact negatively on local wildlife
- Urbanisation harmful to native birds
- Ash Die Back used as a reason to removed trees
- Loss of habitats

Drainage

- Heavy rain runs from site south
- Increased risk of properties being flooded to the south
- Drainage systems old and in need of upgrading
- Larger biodiversity/SuDS pond would be a safety issue
- Farmland and properties to the south not considered in the Flood Risk Assessment

General comments

- Need for more bungalows

- Previous scheme in 2015 was refused for 30 dwellings – things have not changed locally since, in fact highways safety is worse
- Errors in documents submitted for consideration
- Planning notices were not displayed as required [*officer note: two site notices were placed adjacent to the site, 1 on Dark Lane and the other at the entrance to the footpath from Dark Lane.*]
- Proposal conflicts with initiatives to reduce carbon
- Little thought has gone into the drainage of the site – additional hardstanding would exacerbate this problem
- Proposal should contribute to a better carbon footprint
- Risk of trauma and injury to grazing livestock from noise from residential developments
- Site used for farming activities
- Subsidence issues on site and in vicinity
- Land stability issues in the area

5.3 The **Campaign for the Protection of Rural England (CPRE)** raised a detailed objection to the proposal which can be summarised as follows:

- The site is not included either in the saved Local Plan (2005) or in the Emerging Local Plan (ELP) as suitable for development.
- The development of the site would represent an encroachment onto open countryside beyond the Calow settlement area.
- The proposed development would have an adverse impact on the character of the landscape and local environment, including the destruction of hedgerows, which would not be outweighed by any significant benefits.
- Dark Lane is described as a street which the CPRE consider a mischaracterisation. The site is in fact rural in its character.
- The proposed development is not, as stated in the 'to the edge' of the defined settlement – in fact, it is substantially outside it, and not 'to the edge' at all, continuing the trend of creeping encroachment into the open countryside beyond settlement development limits.
- Landscape assessment submitted underplays the impact of development.
- Dark Lane unsuitable to accommodate a new access road.
- Area is a pleasant and tranquil contrast from the busy A632 running through Calow and the urban area to the north.
- Destruction of hedgerows and habitats.

The full objection letter(s) can be viewed online via the Council's Public Access system.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

- 6.1 The following policies of the LP are material to the determination of this application:

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS9	Development in the Countryside
LC2	Affordable Housing
LC3	Exception Sites for Affordable Housing
LC4	Type and Mix of Housing
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC6	Development Affecting Listed Buildings
SDC9	Non Designated Heritage Assets
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place Making
SDC13	Environmental Quality
SDC14	Land Potentially affected by Contamination
ID1	Infrastructure Delivery and Developer Contributions
ID3	Sustainable Travel
ID7	Green Infrastructure
ID8	Greenways and Public Rights of Way

National Planning Policy Framework (NPPF)

- 6.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Other Material Planning Considerations

- 6.3 Successful Places Interim Planning Guidance, adopted December 2013
- 6.4 The following adopted **Supplementary Planning (and other) Documents** are relevant to this application:

- Successful Places Guidance, adopted December 2013.
- Sustainable Buildings SPD, adopted November 2011.
- Recreation and Open Space SPD, adopted October 2007.
- Developer Contributions SPD, adopted October 2007.
- Affordable Housing SPD, adopted January 2008.
- Access for All SPD; adopted December 2007.

7.0 Planning Issues

Principle of Development

- 7.1 The application site is a green field site located entirely outside the Settlement Development Limit for Calow in what is defined as an open countryside location for planning purposes.
- 7.2 Local Plan (LP) Policy SS1 covers sustainable development. Development proposals for new housing will meet development needs within defined settlements or other allocated areas having regard to the defined settlement hierarchy and the need to enhance their role as a focus for new services and facilities; promote the efficient use of land and the re-use of previously developed land, locate development where there is access to a broad range of jobs, services, and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car; reduce the need for energy in new development and ensure that it can use energy efficiently through the life time of the development, promote the social and economic wellbeing of North East Derbyshire's communities and contribute to reducing social disadvantages and inequalities; create well designed places that are accessible, durable, adaptable and enhance local distinctiveness, protect and enhance the character, quality and settings of towns and villages and heritage assets; protect and/or enhance the character, quality and diversity of the District's green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets; protect the productive potential of the District's best quality agricultural land, and avoid sterilisation of mineral resources; support the provision of essential public services and infrastructure; play a positive role in adapting to and mitigating the effects of climate change; and take account of any coal-mining related land stability and/or other public safety risks, and where necessary, incorporate suitable mitigation measures.
- 7.3 LP Policy SS2 considers the spatial strategy and distribution of development within the District. In terms of housing provision the LP makes formal provision for the delivery of a **minimum** (Officer emphasis) of 6,600 dwellings over the plan period and any new housing will be focussed on the four level 1 towns, strategic sites (The Avenue and Bi Waters sites) and level 2 settlements as defined in the Settlement Hierarchy (Calow is a level 2 settlement).
- 7.4 LP Policy SS9 covers development in the countryside. The policy sets out a number of categories where development will be approved. The proposed development does not fall into any of these categories. In all cases, where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.

- 7.5 Policy LC3 states that development proposals, such as this one for 100% affordable housing, which would normally be contrary to Policy SS9 (Development in the Countryside) will be permitted where it meets the tests laid out in the LP. A full assessment is provided below.
- 7.6 As the site is located adjoining a level 2 settlement, with otherwise good sustainability links to all services, Officers conclude that, subject to no overriding landscape or other harm, the site is in principle one capable of accommodating appropriate residential development.

Exception Site for Affordable Housing

- 7.7 Policy LC3 (Exception Site for Affordable Housing) states that development proposals, such as this one for 100% affordable housing, which would normally be contrary to Policy SS9 (Development in the Countryside) will be permitted where:
- a. They would provide affordable housing which would meet a proven need which is supported by an up to date local housing needs survey; and
 - b. It can be demonstrated that there are no suitable alternative development locations within the Settlement Development Limit; and
 - c. They are of a size, type, tenure, occupancy and cost suitable to meet identified local needs; and
 - d. They have a close association with the built up part of settlements within level 1 to 3 or neighbouring authority areas; and are in keeping with the form, size and character of the settlement, and local landscape setting; and
 - e. It can be demonstrated that the properties will be allocated to those who are in local housing need, and will remain affordable in perpetuity.
- 7.8 The applicant has submitted a Planning Statement (dated August 2022) which provides a Social and Affordable Housing Assessment. The assessment illustrates that there is a significant lack of social housing in the locality and in the wider District. It concludes that the construction of up to 36 affordable dwellings will greatly contribute to the District's affordable housing need. 50% of these would be made available to local key workers.
- 7.9 An assessment has also been undertaken of the potential for other alternative sites within the SDL of Calow. The assessment considers several sites and discounts them for various reasons. No other land is considered available in the immediate area.
- 7.10 Finally the assessment considers that the application site has a close relationship with Calow, which is a level 2 settlement, with the size, type, tenure, occupancy and cost suitable to meeting an identified local need.

The final design of the scheme will be considered at the reserved matters stage and will reflect the character and appearance of Calow.

- 7.11 The Council's Housing Officer has stated that the Strategic Housing Market Assessment OAN Update 2017 estimates that 236 additional units of affordable housing are required each year over the next five years to fully meet affordable housing need in the district. There is high demand for 2 and 3 bedroom properties in this area and a growing demand for 4 bedroom properties, due to the increasing number of blended families. The properties are in close proximity to Chesterfield Royal hospital and therefore the proposal to offer them for discounted market sale – prioritising them for NHS staff and key workers – is supported by the Local Authority and will enable these people to get on the property ladder. The fact that the properties are of the adaptable M4(2) standard will ensure stability of tenure. The properties should be managed by a Registered Provider or Housing Association.
- 7.12 In view of the above, I am satisfied that the proposed development would meet a proven need, supported by up to date housing needs data. I am not aware of any suitable alternative sites within the Calow SDL. The Council's Housing Officer considers the size, type, tenure, occupancy and cost suitable to meet identified local needs. Furthermore the application site would have a close relationship with Calow, which is a Level 2 settlement and offers an opportunity to be a form of development that would be in keeping with the surrounding street scene. Finally, a condition/section 106 agreement can be attached to any decision/concluded requiring the submission of details in relation to the provision and retention of all dwellings being affordable and available to key workers in perpetuity.

Developer Contributions

- 7.13 Local Plan Policy ID1 states that the Council will seek to secure infrastructure and facilities required that are necessary and required for the development to proceed. Any request should be in line with the Council's Developer Contributions SPD.
- 7.14 In health terms, Chesterfield Royal Hospital (CRH) originally requested £98,156 towards the delivery of health care at the hospital. No updated contribution figure has been put forward by the CRH to the latest amended scheme. The applicant has challenged the need for such a contribution as the request from the NHS CRH rather than the Clinical Commissioning Group is not in accordance with the Infrastructure Funding Statement (IFS). The applicant concludes that the request from the CRH would not increase capacity within existing local GP practices and therefore has no policy basis and does not meet the legal test in that the requested

contribution is not necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development.

- 7.15 In addition to the above request of CRH, the Derby and Derbyshire CCG has requested £32,400 towards Facilities for Primary and Community Care Services at Brimington and Calow Surgery, or Brimington Surgery, or Royal Primary Care Inkersall or The Inspire Health sites in Hasland. This request is considered to meet the legal tests for S106 contributions.
- 7.16 Derbyshire County Council (DCC) have made S106 contribution requests relating to the following:
- £25,100 towards requirement/funding of two replacement bus stops
 - £5,075 towards Travel Plan monitoring
 - £5,000 towards upgrading of public rights of way and greenways in the vicinity of the site to enhance connections
 - £4,000 towards monitoring of parking on Dark Lane and a potential Traffic Regulation Order (TRO) being required
 - £34 per dwelling towards bus taster tickets (as refundable bond within S106 or included in Travel Plan)
 - £70 per trigger towards monitoring and reporting of s106
- 7.17 No education or waste recycling contributions are requested by DCC. In addition, the request for a £70.46/dwellings “stock only” library contribution has been removed due to the threshold for this contribution being 50 dwellings. In terms of the request for bus taster tickets to be included in any S106, discussions are on-going as to how best to cover this request. Officers are advised that this request will be covered either by a refundable bond contained in the S106 or included in the Travel Plan to be claimed by new residents. This will be resolved between the legal representatives prior to any S106 being signed by all parties.
- 7.18 In addition to the above requests of DCC, a note should be included in any decision covering The Digital Derbyshire programme to promote all households having access to high speed broadband.
- 7.19 A recreation and open space contribution of £28,737.80 towards enhancement of either Eastwood Park or Allpits Road Play Area and £10,096.11 towards a 10 year maintenance of the above play area is requested by the Council’s Parks Team.
- 7.20 The applicant has confirmed, that with the exception of the request from the CRH, they will meet the contribution requests made. Officers agree that the request from the CRH has not been adequately justified in this case and fails the necessary tests. The provision of financial contributions covering the above matters can be included in any S106 agreement.

Landscape Considerations

- 7.21 Local Plan policy SDC3 states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The policy expands to state that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character.
- 7.22 Policy LC3 states that proposals should have a close association with the built up part of settlements within level 1 to 3 or neighbouring authority areas and local landscape setting.
- 7.23 The application site comprises 3 fields (For clarity, field 1 is the one closest to Dark Lane, field 2 is the central field and field 3 the furthest south west) which sit to the south west of Dark Lane and is framed to the north west boundary by an existing public right of way, which doubles as a bridleway (bridleway No8). Another Public Right of Way (PRoW 9) runs adjacent to the south western boundary of the application site. An area proposed for wildlife enhancement and SuDS contained in the southern corner of the site also lies adjacent to a further PRoW 10 which extends to the south east and joins Dark Lane further to the south. Development would surround The Homestead to the south. The site includes well established trees and hedgerows running along the boundaries and through the centre, subdividing the three fields.
- 7.24 The amended proposal (see Fig 4 below) seeks to reduce the number of dwellings on site (and so the developable area) to no more than 36 and introduces a biodiversity improvement area, central green corridor and surface water attenuation area. Access will be taken from Dark Lane and properties front onto Dark Lane and back onto all other external boundaries. (N.B. The application is made in outline and so the plan is only indicative unless otherwise identified – Officers advise that if permission is granted that reference is made to a developable area).



Figure 4: Indicative layout for up to 36 dwellings

- 7.25 The Derbyshire Landscape Character Area Assessment categorises the site as part of the Nottinghamshire, Derbyshire and Yorkshire Coalfield National Character Area. Its landscape character type is Coalfield Village Farmlands as defined in Table 8.1 of the Local Plan¹. The land is categorised as post 1650 enclosure established between 1682 and 1835, with only minor changes between 1835 and 1997.
- 7.26 In terms of agricultural quality, the land is classified as Grade 4 which is identified as *“Land with severe limitations which significantly restrict the range of crops or level of yields. It is mainly suited to grass with occasional arable crops (for example cereals and forage crops) the yields of which are variable.”*²
- 7.27 The applicant has submitted various Landscape and Visual Impact Assessment (LVIA) reports prepared by Rosetta Landscape Design dated August 2021, December 2021 and August 2022.
- 7.28 The Council reviewed the originally submitted LVIA in November 2021. As a result of these comments concern was raised to the original scheme and the applicant revised the scheme down from 65 dwellings to 45 dwellings, both with 20% affordable housing. A further review concluded that there would still be overriding harm resulting from the reduced proposed development.

¹ North East Derbyshire Local Plan 2014-2034 (para 8.13-8.19)

² <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

- 7.29 Following the above comments, the applicant amended the scheme again further reducing the developable area. An amended layout and revised LVIA dated August 2022 was submitted for consideration.
- 7.30 The Council undertook a further LVIA review dated September 2022 and concluded that the visual impact of the further reduced scheme would be moderate-minor during wintertime, when leaf cover is greatly reduced. The proposal would be visually imposing from bridleway 8 and an offset from this route would help reduce the visual impact. Boundary planting could be considered at the reserved matters stage, and over time this would reduce the overall visual effects to less than significant from this location.
- 7.31 Within Field 2 (central area), the layout utilises the maximum land available within the red line and did not offer any 'breathing space' around adjacent sensitive receptors. Furthermore the interface between the proposal and existing dwellings was awkward. The applicants LVIA considered this impact to be moderate, however the Council considered this change to be large. Even though the built form in this location was proposed to be single storey the proposal would still protrude into the countryside. As such it was recommended that this element of the scheme should be amended.
- 7.32 The Council review concluded that the proposal should provide some offset from bridleway 8 and the development and that development should not extend beyond the boundary of The Homestead to the south and the rear of properties on Old School Lane, broadly aligning with the existing development within Calow.
- 7.33 The scheme was amended still further to that now before members. Officers conclude that it has fully taken on board Officers latest comments and now limits the line of the built form. Development would be focused on field 1, nearest Dark Lane to the north east. Part of field 2 would also be developed with the remaining part of field 2 and all of field 3 retained as open space, SuDS and biodiversity features. Boundary hedgerows and mature trees would also be retained and enhanced.
- 7.34 Officers, advised by consultants, conclude that to allow development would clearly lead to some unavoidable landscape impact given its transition from a greenfield site to one accommodating development. However the revised proposal reduces the level of impact on the immediate environs of the site and retains the natural development line of Calow containing development to an area otherwise largely enclosed by existing development.

- 7.35 Officers consider that the latest amended scheme positively addresses the earlier concerns raised by the Council and retains a natural development line for the village and does not extend it meaningfully or harmfully into countryside beyond. This together with the enlarged area of public open space proposed to the south of the site softens any impact to an acceptable degree and protects the village's setting.
- 7.36 In view of the above, Officers conclude that the wider public benefits of the scheme, which include 100% affordable housing, enhanced public open space, biodiversity net gain and contributions to mitigate the impact of development weigh heavily in favour of the proposed development.

Design and Street Scene Considerations

- 7.37 Policy SS1 of the LP states that development proposals will “*create well designed places that are accessible, durable, adaptable and enhance local distinctiveness*” and policy SS9 does not support new housing of this nature in the countryside, further it states that “*in all cases, where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.*”
- 7.38 Local Plan policies and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development. Specifically, Local Plan policy SDC12 seeks to ensure new development meets the highest standards of urban and architectural design, positively contributing to the quality of the local environment.
- 7.39 Policy LC3 states that development proposals be required to have a close association with the built up part of settlements within level 1 to 3 or neighbouring authority areas; and be in keeping with the form, size and character of the settlement.
- 7.40 DCC Policy Team requested that to promote health and wellbeing all proposed dwellings should meet the Governments National Described Space Standards and Lifetime Homes Standards to encourage downsizing in older age and independent living for all ability and mobility levels. This can be included as a note on any approval and will be considered at the reserved matters stage.
- 7.41 The applicant submitted a design review panel assessment of the original scheme. It concluded that the scheme has potential for improved connectivity and attractive green space. It also notes the scheme appears

reflective of an above average housing scheme. It raises no issues on separation distances and that trees can be retained on site. Whilst the review did not involve Officers from the Local Authority, it is still welcomed and carries some weight in the decision process. No updated design review has been submitted to the latest amended scheme.

- 7.42 Officers also note the comments of the Designing Out Crime Officer in relation to the design of the scheme, however the submitted layout is purely indicative and any specific design details would be considered at the reserved matters stage.
- 7.43 The amended scheme before members is in outline with all matters, other than the means of access, reserved for up to 36 dwellings. Officers consider that a scheme could be prepared as part of any future reserved matters or full submission which could respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.

Privacy and Amenity Considerations

- 7.44 Local Plan policy SDC12 includes a requirement for new development to *“Protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts”* and to create open space which is overlooked and development which is inclusive to all.
- 7.45 The Council's Successful Places Planning Guidance provides guidance on separation distances, gardens sizes and the general layout of development to avoid loss of privacy for existing and future residents.
- 7.46 The properties most likely to be impacted by the proposed development would be those immediately adjacent to the application site, these being properties on Dark Lane and Old School Lane. The proposal is in outline with all but access details reserved. As such the final layout of the proposed development will be considered at the reserved matters stage.
- 7.47 The proposal will lead to an increase in vehicular movements into and out of the site. The construction phase is a temporary period but all associated activity can be controlled to a degree by an hours of operation condition. Officers conclude that the resulting development of up to 36 dwellings will not lead to an unacceptably harmful increase in vehicular movements into and out of the site which would be harmful to neighbouring residents.
- 7.48 The Council's EHO has raised no concerns at the impact of the proposed development on air quality and noise. The hours of construction, dust

mitigation, construction traffic routing, etc can be controlled by way of condition and by separate environmental legislation is there is a statutory nuisance. Given the proximity to residential properties Officers consider it necessary to limit the hours of operation and deliveries. This can be controlled by way of condition on any decision.

- 7.49 In view of the above, Officers consider that there is no reason why a potential 36 dwellings cannot be accommodated on the site without giving rise to any loss of privacy and amenity. However it is noted that these details would be considered at the reserved matters stage and can be adequately controlled and assessed then.

Heritage Considerations

- 7.50 The Local Plan policy SDC7 states that development that affects heritage assets with archaeological interest will be permitted provided that it can be demonstrated that the development will not be harmful to the archaeological interest of the assets or their settings, having regard to their significance.
- 7.51 The NPPF requires Local Planning Authorities to consider the potential direct or indirect impact on heritage assets. Greater weight should also be given to considering the impact of a proposed development where a designated heritage assets are involved. A suitable heritage assessment should be submitted to clearly assess the harm to such assets. Substantial harm or loss of significance to assets of the highest significance (i.e. scheduled monuments) should be 'wholly exceptional'.
- 7.52 Section 66 of the 1990 Act states 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*'.
- 7.53 A Historic Environment Desk Based Assessment has been submitted, dated July 2021 prepared by Lanpro Services. The report concludes that there are no designated heritage assets in the study site and that the proposed development will have no impact upon any heritage assets in the surrounding area. The report has identified sections of hedgerow forming field boundaries within the study site that could be considered 'important' within the criteria of the Hedgerows Act 1997. It is recommended that these are retained to minimise any impacts on the legibility of the overall field pattern. There is also low potential for the survival of prehistoric and Roman period remains within the study site.

- 7.54 The Council's Conservation Officer agrees with the findings of the submitted Historic Environment Desk Based Assessment and that there will be no harm caused to the significance of the grade II listed Church of St Peter as a result of the proposed development in the setting of the building.
- 7.55 Officers note the presence of a Derbyshire HER feature close to the south west boundary of the site. DCC archaeologist concluded that, on the basis of the size of the site and the paucity of archaeological records, there would be little potential for below ground archaeological remains at this site. No additional field assessment was required therefore. They also state that they would not support the removal of hedgerows that are considered important under the Hedgerows Act 1997, and would expect them to be incorporated within the final design of the scheme.
- 7.56 In view of the above, it is considered by Officers that the proposal would not result in any harm to nearby listed buildings or their settings. Furthermore there is a low potential for archaeological remains and 'important' hedgerows can be retained to minimise any impacts on the legibility of the overall field pattern.

Highway Safety Considerations

- 7.57 The proposal is for up to 36 dwellings with a single point of vehicular access taken from Dark Lane, Calow. Access is not a reserved matter and is to be considered at this outline application stage. Figure 5 below illustrates the proposed access to the site from Dark Lane. Dark Lane leading from Top Road to the site entrance will be 5.5m wide.



Figure 5: Extract from Site Access Plan

- 7.58 LP policy ID3 states that planning permission will only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 7.59 The Highways Authority (HA) has been consulted on the proposed development and note that only the access details are being considered at this stage. Based on the details provided, the HA has no objection subject to conditions.
- 7.60 In addition to the above, the HA have requested a contribution towards the upgrading of a bus stop on Top Road and contribution towards monitoring parking on Dark Lane and a potential future Traffic Regulation Order (TRO). The developer has agreed to contribute towards these and this would be covered in any future S106 agreement.
- 7.61 Objections have been received from local residents in relation to highway safety. Officers accept that the proposal will increase movements into the site and along Dark Lane, onto Top Road.
- 7.62 Notwithstanding the above, the NPPF is clear that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or have a residual cumulative impacts on the road network would be severe.

- 7.63 Matters relating to on-site parking provision will be considered and assessed at the reserved matters stage. Construction traffic can be controlled by way of condition to prevent use of the entire length of Dark Lane, as can the site delivery times. Furthermore the Council's refuse lorry will enter and exit the site in a forward gear, details of which can be considered at the reserved matters stage.
- 7.64 Officers consider, based on the advice received from the statutory consultee, that the proposed development would not lead to a demonstrable severe harm to highway safety along Dark Lane or the wider highway network; therefore the issue of highway safety in this instance is considered to be acceptable.

Footpath Considerations

- 7.65 The proposed development will abut a bridleway (PRoW 8) along the north west edge of the site. This connects into a Bridleway which extends along Dingle Lane connecting Top Toad to the north and Calow Lane to the south. A public footpath (PRoW 9) also extends south from this Bridleway and connects into Dark Lane to the south. Figure 6 below illustrates the bridleway (green) and footpath (purple) connectivity around the site.

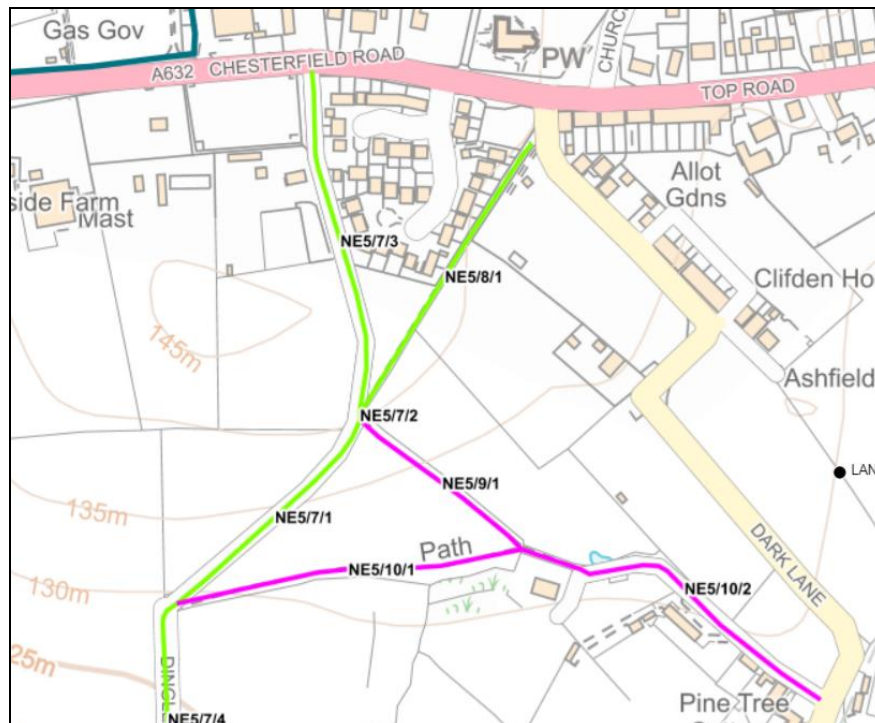


Figure 6: Bridleway and footpath routes around the application site

- 7.66 LP policy ID8 seeks to protect all existing Greenways throughout the District. Development proposals will be expected to maintain or improve the permeability of the built environment and access to the countryside for

all users. The proposal should not result in the deterioration of the public right of way network.

- 7.67 With the proposed development extending close to the boundary of the Bridleway to the north west and having good connectivity to the wider network it is important that any reserved matters scheme interacts positively with these connections and does not have an adverse impact on these routes. The overall design of the scheme and its interaction with the right of way network will be considered at the reserved matters stage.
- 7.68 In addition to the above design issues, the proposal will provide a financial contributions towards the upgrading of public rights of way and greenways in the vicinity of the site to enhance connections. This request was made by DCC Rights of Way Team and has been agreed with the applicant.

Drainage Considerations

- 7.69 The site is within a Flood Zone 1, which has a low probability of flooding. The Council's mapping tools suggest that there is some low level risk from surface water flooding on site, particularly along Dark Lane and along the north east boundary of The Homestead. The indicative plans suggest a SuDS attenuation basin in the southern corner of the site.
- 7.70 The applicant has submitted a Flood Risk Assessment (ref: 44926-001 dated September 2020) prepared by Eastwood and Partners Consulting Engineers. The report concludes that there is no good reason why the development cannot be provided with a satisfactory foul and surface water drainage scheme.
- 7.71 The Lead Local Flood Authority (LLFA) raised no objections subject to conditions included in the detailed response above.
- 7.72 Yorkshire Water and the Environment Agency raised no objections. Severn Trent Water Authority raised no objections but noted that the site falls outside their sewerage area and confirm they have equipment on site.
- 7.73 Objections have been received from local residents raising concern at flood risk for dwellings and land to the south, plus the current infrastructure being incapable of accommodating the additional loadings. Furthermore concern is raised at the risk to people going close to the attenuation basin.
- 7.74 Whilst the objections of local residents are noted, no substantive evidence has been submitted to Officers to indicate that there is a high risk from flooding nor is the area shown to be at an elevated risk from flooding or surface water flooding. It appears clear to Officers that this technical

matter can be addressed by way of a planning condition relating to foul and surface water drainage.

- 7.75 In view of the above, Officers consider that the proposed development can be adequately drained and will not adversely affect the local environment, amenity or public health.

Land Contamination/Land Stability Considerations

- 7.76 A Phase 1 Geotechnical and Geo-Environmental Site Investigation has been carried out by Eastwood and Partners Consulting Engineers, dated 17 March 2020. The report concludes that an intrusive site investigation will be required. By way of trial pits. Any potential pollutants will need to be analysed. Investigation works will determine the foundation design.
- 7.77 The Council's Environmental Health Officer (EHO) has raised no objections to the proposal, subject to land contamination conditions being included in any decision.
- 7.78 The Coal Authority were consulted and they note that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted. A standing advice should be included as a note on any decision.
- 7.79 Some concern has been raised by residents to subsidence and land stability issues in the area. It is appreciated that the site is in a defined Development Low Risk Area and Officers have to be guided by the Coal Authority and Environmental Health professionals. Without evidence to the contrary Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.80 An initial Preliminary Ecological Appraisal (PEA), prepared by Wildscapes was submitted dated 23 March 2020. A Tree Survey, prepared by Rosetta was also submitted. As a result of changes to the proposed development an updated PEA was submitted, dated 15 November 2021. In addition a Biodiversity Net Gain Report (BNGR), prepared by FPCR dated January 2022 was submitted. The updated PEA concludes that the fields are of low nature conservation value and that four hedgerows qualify as 'Important' under the Hedgerow Regulations 1997. Veteran trees are also present. Commentary is provided on bats being present and the proposed wider biodiversity enhancement area. The BNGR concludes that the new southern field used as a habitat enhancement has potential to meet

biodiversity net gain of 10%. A more detailed Biodiversity Metric 3.0 considers that the scheme could result in a significant habitat enhancement.

- 7.81 Derbyshire Wildlife Trust (DWT) were consulted on the amended details and note that the development has a small localised impact due to the loss of modified grassland and could indirectly result in some longer term declines in hedgerows (if management by new homeowners is unsympathetic). Mature and veteran trees could also be vulnerable to damage if their root protection zones are affected. The design has attempted to retain the majority of hedgerows and trees and the biodiversity proposals include planting new hedgerows as well as other habitats. On balance, DWT conclude that the assessments have demonstrated that a net gain can be achieved and as such the development would be compliant with the NPPF provided that it was implemented in accordance with the recommendations in the ecological reports. With regard to bats the applicant will need to fully comply with the advice set out in the PEA paragraph 139 that states 'if any tree removal or pruning is required or if it cannot be suitably demonstrated that the trees with bat roost suitability can be protected from other potential impacts as detailed in section 5.4.2, bat surveys will be required to determine if bats are roosting in the moderate or high suitability trees'. Notwithstanding the concern over the future management and protection of hedgerows on site DWT raise no objection subject to conditions covering protecting breeding birds during construction, external lighting, preparation of a construction environmental management plan and production of a biodiversity enhancement and management plan.
- 7.82 The Derbyshire Swift Conservation Project commented on the proposal and requested that the development is built with internal nest bricks designed for Swifts as a universal biodiversity enhancement for urban bird species. This can be covered by way of condition (biodiversity enhancement strategy) on any decision and would form biodiversity net gain and an important Swift habitat.
- 7.83 Officers welcome the Biodiversity Net Gain (BNG) proposed as part of the development, but note the proposal would result in a loss of habitat area. Furthermore the overall impact on hedgerows is unknown as future management of the hedgerows within the development may be problematic due to the boundaries of some of the gardens being immediately adjacent to hedgerows. It will be important on any reserved matters scheme and biodiversity enhancement scheme that hedgerows are not incorporated into private gardens and are managed independently.
- 7.84 Whilst concern of local residents is noted in regards to the loss of habitats, the BNG is demonstrable and mature trees and hedgerows are retained

where possible, Officers consider that the proposed development can achieve BNG and is in compliance with Local and National planning policy.

Other Considerations

- 7.85 The Council's Economic Development Unit, Employment and Skills Officer requested that a training and employment condition be included in any decision. The Council has a Working Communities Strategy which seeks to enhance employment, training and skills within the community. As such Officers consider that this condition should be included in any decision.

8.0 Summary and Conclusion

- 8.1 The proposal is for a 100% affordable housing scheme on land which sits outside the Settlement Development Limit in a countryside location.
- 8.2 Officers have secured amendments to the scheme such that it is now significantly reduced (in terms of developable area) from that originally proposed. Therefore, whilst within the countryside Officers note that new development is not necessarily unacceptable providing any impact is acceptable and not overriding.
- 8.3 In this case, new development would sit within a pocket of land largely enclosed by existing development adjoining a level 2 settlement. It has been concluded that the landscape impact would be contained and limited. Officers conclude that this limited impact is acceptable and not necessarily overriding. The Council would retain control over future development through the reserved matters application that would be required and so can ensure that the form of development would be in keeping with the surrounding settlement. To do this however, it would be necessary to condition any development such that new hard surfaced development would be in accord and not exceed that defined on the latest submitted indicative plan. This is the recommended approach.
- 8.4 Adding weight to the proposal is the intention that it would be for 100% affordable units. The size, type, tenure, occupancy and cost of the new housing can be controlled by way of condition. This adds considerable weight in favour of the scheme in Officers opinion.
- 8.5 The proposal makes financial contributions towards local healthcare, bus stop enhancement, travel plan monitoring, public right of way and greenway enhancements, monitoring of parking on Dark Lane, bus taster tickets for new residents, recreation and open space enhancements and monitoring fees. This is a neutral consideration to offset the impact of new development, but the failure to meet the CRH request is not considered a negative.

- 8.6 The application site includes a number of 'important' hedgerows which can be retained to minimize the impacts on the legibility of the overall field pattern. Furthermore Officers conclude that the proposed development would not result in any harm to the nearby listed church and its setting. These factors are neutral issues.
- 8.7 A new access will be formed onto Dark Lane, details of which are being considered as part of this application. The Highways Authority raised no objection to the proposed works and as such Officers conclude, based on the substantive evidence received and the comments of the statutory consultee that the proposal would not lead to a demonstrable severe harm to highway safety along Dark Lane and upon the wider highway network.
- 8.8 Footpaths and Bridleways adjacent to the site and in the immediate area can be safeguarded and enhanced as a result of the proposed development. Officers therefore consider that the proposal offers an opportunity to enhance the greenways in this location and this adds limited weight in favour of the scheme.
- 8.9 Matters relating to design and the impact on the privacy and amenity of neighbouring residents and land uses will be considered at any future reserved matter stage.
- 8.10 Technical matters such as site drainage, land stability, land contamination and ecology can be addressed by suitably worded conditions although the ecological enhancements and net biodiversity gain add weight in favour of the application.
- 8.11 Overall, Officers conclude that the development is largely in accordance with the provisions of the Development Plan, proposing affordable housing on land adjoining a sustainable settlement and with only a limited impact on the countryside. No evidence has been brought forward to counter the technical advice of consultees and all technical matters can be addressed by way of condition. Accordingly, the proposal is recommended for approval subject to the prior completion of a legal agreement and conditions.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED subject to agreement of S106 Agreement to include the issues as set out above and to provide affordable housing**, with the final wording of the conditions and section 106 agreement delegated to the Planning Manager (Development Management):-

Conditions

- 1) Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.

[Reason: To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990.]

- 2) Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is started.

[Reason: The application is in outline only and not accompanied by detailed plans.]

- 3) Unless otherwise required by any condition contained in this decision notice the development hereby permitted shall be carried out in accordance with the details shown in the following plans:

- 2147.02 (Location Plan)
- 20-537-FS01 (Site Access)
- LTP/4080/P1/01.01 Rev A (Dark Lane/Top Road Visibility Splay Drawing)
- LTP/4080/P1/01.02 Rev 0 (Site Access/Dark Lane Visibility Splay Drawing)

[Reason: For clarity and the avoidance of doubt.]

- 4) The overall level of development shall not exceed that specifically shown on Concept Masterplan Rev C.

[Reason: Any development exceeding this quantum of development would adversely impact on the character and appearance of the area.]

- 5) 100% of the housing units hereby approved shall be affordable dwellings.

Before development commences, a scheme for the provision of the affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in full in accordance with the approved scheme and shall meet the

definition of affordable housing in the Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. Detailed breakdown of the tenure of all the units (by plot number);
- ii. The arrangements for managing the affordable housing units by the RSL;
- iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

[Reason: To comply with policy LC3 of the North East Derbyshire Local Plan.]

Construction/Design Details

- 6) Before development commences, details of the existing ground levels, proposed finished floor levels of the extension and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside, and neighbouring street scene.]

Landscaping

- 7) All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

[Reason: In the interest of the character and appearance of the site and the surrounding street scene.]

- 8) The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme for the delivery and future maintenance of all on site public open space, including a landscape management plan and a timetable for implementation relative to the completion of dwellings hereby

approved. Any approved public open space shall be implemented in full in accordance with the approved timetable and shall be maintained in accordance with the approved scheme thereafter.

[Reason: In the interest of providing adequate outdoor recreation space in accordance with policy R5 of the North East Derbyshire Local Plan.]

Employment

- 9) Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

[Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan and in the interest of the overarching aims of the Council.]

Climate Change

- 10) The details to be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters shall include a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy and the National Planning Policy Framework.]

Environmental Health

- 11) Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public/bank holidays.

[Reason: In the interest of highway safety, the amenity of neighbouring residents.]

- 12) Before the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report Ref 44926 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.]

13) No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by condition 12 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref 44926 submitted with the application and through the process described in condition 12 above, and;

c) Upon completion of the remediation works required by condition 12 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.]

Ecology

- 14) Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

[Reason: In the interest of protecting wildlife and limiting light spill into the surrounding countryside. All in the interests of policies SDC3 and SDC4 of the North East Derbyshire Local Plan.]

- 15) A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should be in accordance with the details provided in the Biodiversity Net Gain Report prepared by FPCR, January 2022 and the Preliminary Ecological Appraisal prepared by Wildscapes November 2021. It shall be suitable to provide to the management body responsible for the site and shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.

- e) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the enhancement measures
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Habitat enhancements for roosting bats and nesting birds
- j) Details including a plan showing the location of hedgehog gaps in gardens
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term 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: In the interest of providing a net biodiversity gain, all in the interests of policy SDC4 of the North East Derbyshire Local Plan.]

- 16) No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved

details, unless otherwise agreed in writing by the local planning authority.

[Reason: In the interest of providing a net biodiversity gain, all in the interests of policy SDC4 of the North East Derbyshire Local Plan.]

Drainage

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

[Reason: In the interest of satisfactory and sustainable drainage.]

- 18) The development shall be carried out in strict accordance with the details indicated within the submitted report, "Flood Risk Assessment prepared by ARP, dated September 2020".

[Reason: In the interest of satisfactory and sustainable drainage.]

- 19) 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. FLOOD RISK ASSESSMENT DARK LANE, CALOW FOR STANCLIFFE HOMES - 44926-001 September 2021 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority

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

- 20) 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 and to obtain a full

understanding of the springs within the site and any associated mitigation requirements.

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

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

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

- 21) 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.]

- 22) 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.]

Highway Safety

- 23) Prior to any works exceeding demolition and site clearance, a construction management plan or construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
 - Routes for construction traffic, including abnormal loads/cranes etc
 - Hours of operation
 - Method of prevention of debris being carried onto highway
 - Wheel washing facilities
 - Pedestrian and cyclist protection
 - Proposed temporary traffic restrictions
 - Size of HGV for construction activities
- 24) Prior to any works exceeding demolition and site clearance, construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- 25) The proposed site shall not be taken to use until the Dark Lane at the site frontage will be upgraded to 5.5m carriageway width in accordance with the plan LTP/4080/P1/01.01/A.
- 26) No part of the development shall be occupied until new vehicular access has been formed to the proposed site in accordance with the application drawing No LTP/4080/P1/01.02/O, provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the accesses, for a distance of 43m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
- 27) The Highway Authority recommends that the first 5m of the proposed access road should not be surfaced with a loose material (i.e. unbound chippings or gravel). There shall be no gates or other barriers within 5m of the nearside highway boundary, and any gates shall open inwards only.
- 28) No part of the development shall be occupied until parking of residents and visitors vehicles and details of secure cycle parking facilities for the occupants of, and visitors to, the development have been provided

within the site in accordance with the details/plan which need to be agreed as part of a subsequent Reserved Matters applications. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

- 29) The carriageways of the proposed estate roads shall be constructed in accordance with Condition 22 above, up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
- 30) Before any other operations are commenced, the internal layout/internal design of the roads needs to be agreed as part of a subsequent Reserved Matters applications. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage proposal, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross-corner visibility, forward visibility, pedestrian visibility etc. should be provided, all in accordance with current guidance in a manner be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.
- 31) Notwithstanding the submitted details, no part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for

a period of five years from first occupation of the development permitted by this consent.

[Reasons: In the interest of highway safety, all in accordance with Policies ID3 of the North East Derbyshire Local Plan.]

Informatives:

- a) DISCON
- b) NMA
- c) Provision of bins
- d) The applicant should note that Derbyshire County Council (DCC) operate the Digital Derbyshire Programme which helps provide access to high speed broadband services for residential and business users. You are encouraged to make enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable. More information on how to incorporate broadband services as part of the design of new development is available by following the link below: <https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>.
- e) No clearance of trees, hedgerow or scrub shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
- f) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

- a) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in

accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

- b) The public right of way (PROW) passes from the surrounding of the site is. These routes must remain unobstructed on its legal alignment at all times, and the safety of the public using these routes must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 0169533190.
- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 - Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.
- c) Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 580000) or email to ETE.DevControl@derbyshire.gov.uk.
- d) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by email to ETE.DevControl@derbyshire.gov.uk or call to 01629 538658. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

- e) Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
- f) Pursuant to Section 163 of the Highways Act 1980, where the site curtilages slopes down towards the public highway/new estate street, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- g) 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.
- h) Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
- i) Severn Trent note that they have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-anddeveloping/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link: Please visit www.digdat.co.uk.

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide(opens in a new window).

Please look at the district area supply plan (PDF)(opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at:
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/newconnections/new-connections-charging-arrangement-2019-2020.pdf Scroll down the “New Connections Charging” document - 1 April 2019 to 31 March 2020 go to Page 29 Diversion of a Water Asset. Please attach all the relevant documentation and relevant fee and return the form to: Severn Trent Water Ltd, PO Box 5311, Coventry, CV3 9FL. Telephone: 0800 707 6600 Email: new.connections@severntrent.co.uk

- j) The applicant should note the advisory/informative notes included in the comments of the Lead Local Flood Authority letter dated 20 April 2022.

Planning Committee 17th January 2023

SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

PARISH: Calow

APPLICATION: 21/00987/OL

CASE OFFICER: Graeme Cooper

1. SOURCE OF COMMENTS: Neighbour – Mrs Flaxman

DATE RECEIVED: 07/01/2023

SUMMARY:

I wish to make a complaint regarding the short notice given for the Planning Committee date of the above application. This planning application was submitted 18 months ago and has been delayed various times by the developer for various reasons. The stress this has caused me and my family is ridiculous, so to find out today that we now have a week to prepare for the actual committee date is not fair and again, is causing us stress.

How can people be expected to get time off work at such short notice to attend a very important meeting? Some residents wishing to attend and give a 3 min presentation are NHS workers, School Teachers, who cannot get time off at short notice.

I will be contacting you first thing Monday morning to discuss this and will also be contacting local press to make them aware of this ridiculous situation.

How can a planning application be deemed as fair when all the time the developers are given unfair advantages over residents.

I urge you to re consider the date to allow residents time to prepare, get annual leave from work and to make sure we are represented fairly.

OFFICER COMMENTS:

In line with Council policy 5 working days notice is required to notify of planning committee. All contributors to this application were notified either by post or email on Friday 6th January. Members are of the view that this item should be considered at planning committee on 17th January.

2. SOURCE OF COMMENTS: Neighbour – Mr Flaxman

DATE RECEIVED: 09/01/2023

SUMMARY:

Morning, as you can imagine I have had a very stressful weekend after finding out, by post, on Saturday morning that the planning meeting for this proposal is taking place in a weeks time. Some of the residents have not yet received the letter due to the post.

How can we receive such short notice – we have been waiting over 2 years for the meeting and then to find out it is in a weeks time is disgraceful. There are lots of residents will be contacting the council today asking for a delay and complaining. There are a lot of people that want to speak and come to the meeting to show their opposition and for that to be organised I am trying to sort out a public meeting. At such short notice I am struggling to hire the community centre and people have to be registered by Friday 5pm. People need to prepare what they are going to say, organised so there are no repeated points and get time off work.

We have already complained to Alan Maher and will be contacting the Derbyshire Times today.

In the order to make it fair to residents can I please ask for a delay and some notice of the meeting so we can be organised.

OFFICER COMMENTS:

In line with Council policy 5 working days notice is required to notify of planning committee. All contributors to this application were notified either by post or email on Friday 6th January. Members are of the view that this item should be considered at planning committee on 17th January.

3. SOURCE OF COMMENTS: Neighbour – McLaughlin

DATE RECEIVED: 09/01/2023

SUMMARY:

I was approached over the weekend by a neighbour who informed me that a meeting has been arranged for Tuesday 17th January at 13.45pm at NEDDC

Council Offices regarding the above planning application.

I would like to make an official complaint

I was not informed of this meeting, even though I have formally objected to this planning application

The lead time to this meeting is very short and does not give the residents in Calow much time to organise to speak, arranging time off work etc.

There is no information on the actual planning application website to state that a meeting has been arranged. I find this typical of NEDDC lack of attention to detail and not keeping the community up to speed with updated information. I am presently trying to arrange time off work and would like to speak at this meeting.

I would also like to make a comment on the housing projects in and around Calow, of which there are several some already have planning permission, others still awaiting a decision (some under NEDDC and other under CBC)

Why is it that the planning office have approved or are willing to approve housing project that are not required to provide efficient energy heating such as air source heat pumps, solar panel installation, increased structural insulation, electric charging points, rainwater capture, the list goes on.

Most of the older properties in our region will need to be retro fitted with these products if we are to lower our carbon footprint, so why are new properties exempt from providing these energy saving products (no doubt these too will need retro fitting in a few years)

It is ludicrous that this is happening in the present day and benefits the developers pockets rather than the communities they build in.

OFFICER COMMENTS:

In line with Council policy 5 working days notice is required to notify of planning committee. All contributors to this application were notified either by post or email on Friday 6th January. Members are of the view that this item should be considered at planning committee on 17th January. The agenda for the meeting on 17th January was published on 9h January.

Matters relating to energy heating such as air source heat pumps, solar panel installation, increased structural insulation, electric charging points, rainwater capture, etc can be covered at the reserved matters or at building regulation stage. This is an outline application which is considering the principle for developing the site for 100% affordable housing.

4. SOURCE OF COMMENTS: Neighbour - Allcock

DATE RECEIVED: 07/01/23

SUMMARY:

I'm in receipt of your letter dated 5 January 2023, received today (7 January 2023) advising that the above planning application will be presented to the Planning Committee on 17 January 2023. The date when the Planning Committee needs to be informed of addressing the Committee is 13 January 2023 (5pm).

I find this timescale absolutely astonishing in terms of raising the residents objections to the proposed Application. Given that there has been numerous amendments to the Application since the first Application was submitted, for residents to be given 6 calendar days to prepare to speak is completely unacceptable and frankly it looks extremely suspicious.

I would respectfully request that the date for the Application to be presented to the Planning Committee be moved to the end of January or early February 2023.

On the basis that you do not work on Saturday or Sunday, I look forward to a response on Monday 9th January by either email or telephone.

OFFICER COMMENTS:

In line with Council policy 5 working days notice is required to notify of planning committee. All contributors to this application were notified either by post or email on Friday 6th January. Members are of the view that this item should be considered at planning committee on 17th January.

5. SOURCE OF COMMENTS: Neighbour – Armstrong

DATE RECEIVED: 09/01/23

SUMMARY:

I email with my utter disgust regarding the planning letter we received Saturday morning with not 5 days notice, other residents have not even received a letter and ask for these dates to change, it's unfair and totally disrespectful to treat the local residents and community NEDDC serve like this.

OFFICER COMMENTS:

In line with Council policy 5 working days notice is required to notify of planning committee. All contributors to this application were notified either by post or email.

6. SOURCE OF COMMENTS: Neighbour - Wood

DATE RECEIVED: 09/01/23

SUMMARY:

I am emailing to make a complaint about the timing of the planning meeting for 21/00987/OL for the Dark Lane housing development. Please can the meeting be delayed to allow sufficient time for residents to prepare to voice their concerns.

OFFICER COMMENTS:

In line with Council policy 5 working days' notice is required to notify of planning committee. All contributors to this application were notified either by post or email.

7. SOURCE OF COMMENTS: Neighbour - Hives

DATE RECEIVED: 10/01/23

SUMMARY:

My objections remain the same the site is totally unsuitable and the access is on to a clearly signposted single track road which is already congested. I received the letter informing me of the planning meeting in todays post. This is far too short a notice for such an important meeting as objectors may need to arrange time off work or may even be on holiday and not be aware of the meeting until after it has taken place.

OFFICER COMMENTS:

In line with Council policy 5 working days' notice is required to notify of planning committee. All contributors to this application were notified either by post or email.

8. SOURCE OF COMMENTS: Neighbour - McGowan

DATE RECEIVED: 10.01.23

SUMMARY:

I have received a letter this morning by second-class post re: the above planning application.

It is deplorable that the District Council contact interested parties at the eleventh hour and would respectfully ask that the meeting on 17 January 2023 be postponed.

OFFICER COMMENTS:

In line with Council policy 5 working days' notice is required to notify of planning committee. All contributors to this application were notified either by post or email.

9. SOURCE OF COMMENTS: Neighbour - Jackson

DATE RECEIVED: 10/01/23

SUMMARY:

I was distressed to receive the email from your department relating to the above application and to read that the application will be presented to the Planning Committee on 17/1/23 where it is recommended to be APPROVED SUBJECT TO SECTION 106 AGREEMENT.

It seems to me that all the objections to this development from the local community have been completely ignored and that the planning department are determined to allow this development to go ahead regardless of how the people living alongside it feel.

There is plenty of housing being developed in the very small Calow area and those against this development feel that Dark Lane is not the ideal site as the traffic restriction is awkward. This will line the pockets of the developers at the expense of a lot of local people living on Dark Lane and it's immediate neighbours.

Please don't let this application be granted without taking full account of how the many local people are against it.

Please delay the meeting planned for 17/1/23 until the local community have a chance to further explain how seriously against this development they are.

OFFICER COMMENTS:

All material objections received to this application have been taken into consideration in the report drafted for members of planning committee. Officers have to present a report to members with a recommendation, in this instance it is considered that the benefits of the scheme outweigh the potential harm. This is assessed in full in the report to members. The strength of opinion against this scheme is clear, with all comments taken into consideration in making a recommendation. Anyone wishing to attend planning committee to voice their objection has an opportunity to attend in person or via Zoom.

10. SOURCE OF COMMENTS: Neighbour - Allcock

DATE RECEIVED: 09/01/23

SUMMARY:

I do not appear to have received any response to the email I sent on 7th January 2023 relating to the above Application. Not to have received any response is, I feel, a total disgrace given the anxiety this Application has caused my family and residents of Dark Lane and Old School Lane from day 1.

I would repeat my request that the Planning Committee date to consider the Application is put back to allow more notice for objections to planned. To only give a few days notice is a further disgrace, and as I suggested gives rise to suspicions that a decision to accept the Application has already been made.

I look forward to your response.

OFFICER COMMENTS:

The request by members of the public to delay this meeting has been considered by the Chair of planning committee and it is planned to continue with the meeting on the 17th January as planned.

An email response has been provided Mr Allcock.

11. SOURCE OF COMMENTS: Neighbour - Downey

DATE RECEIVED: 09/01/23

SUMMARY:

I write with regard to the above application. I have received an email notifying of planning committee meeting scheduled for 17 January at 13:45. I wish to attend the meeting and speak but my work commitments mean I cannot make this date at such short notice. I anticipate other residents are in similar circumstances. I would like to request that the meeting be rescheduled to give more notice to allow residents time to make arrangements.

OFFICER COMMENTS:

As above the request to defer/delay was considered by Chair of planning committee but it the meeting will go ahead on the 17th January. Objectors have an opportunity to speak in person, via Zoom or send a third party to make their representations.

12. SOURCE OF COMMENTS: Neighbour - Nightingale

DATE RECEIVED:

SUMMARY: 09/01/23

I have just been informed there is a planning meeting to decide the above application on the 17th of this month.

This seems very short notice for the local residents to organise an attendance at the meeting and prepare any objections.

Is it possible to include this application in a later meeting to give us time to prepare our case for refusing this application.

OFFICER COMMENTS:

As above.

13. SOURCE OF COMMENTS: Neighbour - Ready

DATE RECEIVED: 09/01/23

SUMMARY:

Hello this email is to complain about the short notice of the planning meeting, in fact I have had no notice of the planning meeting, I heard it was happening from a neighbour in the end. As a resident of Dark Lane we expect to be given the correct

notice about this meeting and the time line should suit all parties involved. The residents need to prepare for this as well not, just the council and the house builders. These planning meetings must be organised and conducted in the correct manner.

OFFICER COMMENTS:

As discussed above, in line with Council policy 5 working days notice is required to notify of planning committee. All contributors to this application were notified either by post or email on Friday 6th January.

14. SOURCE OF COMMENTS: LLFA

DATE RECEIVED: 10/01/23

SUMMARY:

The LLFA reiterated their comments of 8th February 2022.

OFFICER COMMENTS:

These comments raise no new material planning considerations.

15. SOURCE OF COMMENTS: Neighbour - Ready

DATE RECEIVED: 09/01/23

SUMMARY:

I am emailing you to express my grievance at a meeting being called at such short notice for people living on Dark Lane. There isn't enough time for residents to arrange speakers and key notes for the arguments against the proposed planning. The meeting should be rescheduled for both sides to get there point across fairly.

OFFICER COMMENTS:

See above.

16. SOURCE OF COMMENTS: Neighbour - Wells

DATE RECEIVED: 11/01/23

SUMMARY:

We are writing to object to amended planning application 21/00987/OL.

The modified proposal to build 36 assorted dwellings on the land opposite my home on Dark lane and which will nearly surround "The Homestead" on Dark Lane.

The 36 dwellings on this estate will have 70 motor vehicles which will need to exit the estate onto Dark Lane and return to the estate from Dark Lane.

Air pollution.

The complex road junction linking The A632 (Top Road), the bridle path, Dark Lane, Church Lane ,The exit from the new proposed housing estate , the car parking on Dark Lane will cause much traffic congestion .

More traffic will be queuing to get onto Top Road. There will be more queuing and stop / starting of traffic on the A632 (Top Road) this will produce even more air pollution in Calow at this junction.

When the pedestrian crossing is used on Top Road, there will be longer queues of traffic which will increase air pollution in Calow.

There is already increased queuing of traffic at the entrance to the new Co-op and the entrance to the new hospital carpark on the opposite side of the road to the new Co-op. This queuing will also increase air pollution in Calow.

The queuing I have just mentioned combine to reduce the traffic flow rate through Calow and increases the overall air pollution level in Calow above safe national standards.

Pedestrians, walkers, cyclists, and horse riders that use Top Road will be affected by this air pollution. Even the people using the recreation facilities will affected by the air pollution. There will be an influx of young people living on the proposed new housing estate, who will need to attend the local schools. The local junior school is within walking distance of this estate, these children are the people most susceptible to the medical conditions caused by motor vehicle air pollution

An air quality survey has been carried out by Imperial College, London on behalf of the World Health Organisation (WHO). According to this survey Top Road is in the 51st national percentile, the amber region on the WHO colour reference scale and exceeds three WHO limits. This means that the air quality on Top Road is poor and that there should be a demand for action to improve air quality on Top Road.

Levels and Health Effects

Pollutant one:- PM2.5

At Top Road, the annual average of the pollutant PM2.5 is 9.60mcg/m³. The WHO safe limit is 5mcg/m³.

These particles which are less than 2.5 micro-metres in diameter, can cause asthma, Respiratory inflammation and can even promote cancers.

Pollutant 2 :- PM10

The reading for PM10 at Top Road is 15.68mcg/m³. The WHO limit is 15mcg/m³.

PM10 can cause wheezing, bronchitis and reduce lung development.

Pollutant 3 :- NO₂

The reading for NO₂ at Top Road is 18.14mcg/m³. The WHO limit is 10mcg.

Exposure for a year or more to 30mcg/m³ leads to a 5.5% increased risk of disease related mortality.

New medical research has now proven that air pollution causes Alzheimer's disease and dementia.

This national survey is now out of date, the number of motor vehicles passing through Calow will have increased and air pollution will have increase even more.

Research has proven that air pollution produced by exhaust fumes from all petrol and diesel powered vehicles does cause cancer.

When a human cell dies phages eat the dead cell. When the phages are eating the dead cell if pollutant PM2.5 is present in the human body next to the dead cell it will penetrate into the dead cell. When PM 2.5 is in the cell it brings the cell back to life but not as the original cell but as a cancer cell. This cancer cell is free to replicate and spread through the human body.

As the volume of traffic passing through Calow increases due to the new housing estates being built along the A632 and the increased traffic flow on the A632 between Chesterfield, the M1 , and the various industrial and warehousing estates traffic congestion and air pollution will increase.

A bit of history about Dark Lane.

The builder who built Netherleigh Cottages on Dark Lane also built Jubilee Cottages and Oak Tree Cottages on Dark Lane.

As his building work progressed down the lane the groups of cottages became progressively smaller .

Whilst the building work was being carried out down Dark Lane on Jubilee Cottages and Oak Tree Cottages.

At no point were there any plans to build houses on the fields across the road from Netherleigh Cottages. At that time this land was productive agricultural land.

There were plans to build cottages on a road called Church Side and these cottages were to be build on the land/allotments at the back of Netherleigh Cottages.

I would like to finish our objection to this amended planning application with three quotations:-

The first one from myself: Keep our fields green and the night sky dark

The second one from David Attenbrough (Not perfect but the right idea)

“We have one last opportunity to correct the effects of global and protect wildlife.

Do not waste this opportunity.”

The third one from Brian May.

“Vanishing habitat is the most pressing issue facing wildlife today. It’s essential we preserve wild areas to ensure our spectacular wildlife continues to flourish”.

These are our objections to amended planning application number 22/00987/OL.

Yours sincerely,

Eur Ing C.D.H.Wells

Mrs E.A.Wells

PS.

1) If any further planning objections occur to us after you receive this letter, we reserve the right to notify you about them and for them to be considered.

2) Both my wife and I live at the above address, we have both contributed to this planning application, and consider this letter to be two objection letters to this proposed planning application.

OFFICER COMMENTS:

These comments do not raise any new material planning considerations that are not already covered in the Officer report to members of planning committee.

17. SOURCE OF COMMENTS: Neighbour – Drury

DATE RECEIVED: 11/01/23

SUMMARY:

I write with regard to the above application. I have received an email notification for a planning committee meeting scheduled for 17 January at 13:45.

I wish to attend the meeting but am not able to reschedule my work commitments for this date. Also I am concerned that there does not seem to be time for a site visit by the planning committee and I think this is essential to understand the implications of these development proposals.

Therefore I request that the meeting be rescheduled to give more notice to allow residents to attend and to facilitate a site visit by the planning committee.

OFFICER COMMENTS:

As above the request to defer/delay was considered by Chair of planning committee but it the meeting will go ahead on the 17th January. Objectors have an opportunity to speak in person, via Zoom or send a third party to make their representations. A virtual site visit will be held on the 16th January.

18. SOURCE OF COMMENTS: Neighbour - Howell

DATE RECEIVED: 11/01/23

SUMMARY:

I received a letter on the 9th January informing me of the committee meeting on the 17th January. I object to this time line as it gives the community no time at all to react to this proposed development.

This land and Dark lane are totally unsuitable for development and I can't think of a single reason the council would want to approve it.

OFFICER COMMENTS:

As considered above and these comments raise no new material considerations.

19. SOURCE OF COMMENTS: Neighbour – Armstrong**DATE RECEIVED:** 11/01/23**SUMMARY:**

Hello, I am writing as a resident of Dark Lane, Calow regarding the housing development. We have been given just one weeks notice for the upcoming planning meeting which is insufficient time, along with the fact that only a small number of residents were actually sent letters giving this information. This is very unfair along with unprofessional as it provides an obvious advance to the developers as limited people will be aware.

I hope something more appropriate can be arranged.

OFFICER COMMENTS:

As above, all contributors have been notified in writing with the required 5 days notice.

20. SOURCE OF COMMENTS: Chesterfield Royal Hospital**DATE RECEIVED:** 13.01.23**SUMMARY:**

A S106 request of £78,525 was requested by Chesterfield Royal Hospital. See below for the full breakdown.

Application Ref: 21/00987/OL
 Planning Officer: North East Derbyshire District Council
 ONS Mid 2018 Population Est: 101,125

Development Dwellings: 36 Development Population: 83
 Population Multiplier: 2.30 See Info Tab for options
 Blended Tariff threshold %: 80%

2019/20 Actual Costs (as per Annual Accounts)
 Clinical Pay: £50,568,512
 All other costs: £118,572,121
 Total Cost: £271,140,633
 Staffing Cost % total Cost: 56%
 Premium Staff cost (see info sheet): 61%

Activity Type	Activity 2019/20 Plan	% Activity rate per annum per head of population	Activity rate per annum per head of population	Delivery Cost per Activity (18/19 Ref Costs)	12 mths Activity for 36 Dwellings	Delivery Cost for 36 Dwellings	Overperformance Rate on Emergencies Under Blended Tariff Agreement	Premium Costs of Delivery	Cost Pressure (Claim)
A&E Attendances	27,363	27.1%	3:10	£174	22	£3,899		£4,021	£4,021
Non Elective Admissions	12,588	12.4%	1:10	£3,038	10	£31,317	£ 25,054	£32,301	£57,355
Elective Admissions	1,594	1.6%	0:1	£3,407	1	£4,447		£4,587	£4,587
DC Admissions	8,814	8.7%	1:10	£580	7	£4,186		£4,318	£4,318
Outpatient appointments	70,701	69.9%	7:10	£123	58	£7,121		£7,345	£7,345
Diagnostic Imaging	16,614	16.4%	1:5	£64	14	£871		£898	£898
Total					113		£ 25,054	£53,471	£78,525

OFFICER COMMENTS:

Officers note this updated S106 request which has been amended down from £98,156 to £78,525. Regardless of this request Officers are of the opinion that the request has no policy basis and does not meet the legal test in that the requested contribution is not necessary to make the development acceptable in planning terms, directly related

to the development and fairly and reasonable related in scale and kind to the development. This matter is covered at 7.14 of the officer report to members.

21. SOURCE OF COMMENTS: Mark Fletcher MP

DATE RECEIVED: 13.01.2023

SUMMARY:

I am writing in relation to the proposed housing development off of Dark Lane, Calow (Planning Ref: 21/00987/OL). Whilst I am extremely supportive of the Government's house building agenda - having campaigned during the 2019 General Election for more affordable housing - I strongly believe it must be done in consultation with local residents and the Council must work with the housing developer to ensure there is the necessary infrastructure in place, so that it does not have a negative impact on our beautiful countryside, public services, and the local community.

Whilst this proposal is only a small development of 36 dwellings, I do share the concerns of local residents for the impact this will have on Top Road and the wider local road infrastructure network. I hope further consideration will be given to these points when reviewing the merits of this development, but if successful, the Council should consider the inclusion of additional mitigation measures to ensure local residents are not negatively impacted.

Thank you in advance for your consideration.

OFFICER COMMENTS:

Comments noted and Officers do not consider that these raise any new material planning matters.

22. SOURCE OF COMMENTS: Neighbour - Feltham

DATE RECEIVED: 15.01.23

SUMMARY:

I object to planning application 21/00987/OL for a number reasons. The site is described as consisting of 'three open fields' in at least two reports supporting this application with no mention of the small garage site at the northeast corner adjoining the plot. The garage site is also described as an area of sheds apparently abandoned. I would have thought the fact the hedge by the side of Dark Lane is kept neatly trimmed all the year round would indicate they were not abandoned. In fact the 'sheds' are old garages that were at one time used for their intended purpose, I agree that a number of them are in a poor state of repair and used as rubbish stores.

However, two or three are still fit for purpose even if they are not necessarily used all the time. Mine is the exception, I have rented it continuously for almost fifty years and still use it daily. I live in a terraced house on Top Road where it is hazardous to park that is if a space can be found and decided all those years ago the best option was to keep it securely off the road. Despite Stancliffe Homes claiming to be keen on public consultation I have heard nothing from them regarding their intentions for me or the garage, I became aware of the planning application from neighbours who told me of the public meeting that was held on the 21st September 2021 where I raised the question with their representative. I did not receive a satisfactory answer and have still not heard from them. Perhaps I will arrive at my garage sometime in the future and found it demolished round the car. Dark Lane is a 1km long single track lane with a usable footway along the whole length of only 200m. I use the lane regularly on foot as well as driving, rarely do I manage to drive its full length without having to either squeeze into a gap or reverse. When walking there is a particularly narrow section albeit straight for approximately 200m southeast of 'The Homestead' where it is frequently necessary to squeeze into the hedge to allow vehicles to pass. The lane is also used on an almost daily basis by horse riders. Tractors towing trailers of various sizes are also a common sight. The applicant is claiming that the majority of vehicles will turn left out of the new development, but offers no evidence to support the claim. Even if that is the case it may not be a large majority and even a few more vehicles on Dark Lane would cause problems. The 'Landscape & Visual Impact Assessment' by Rosetta Landscape Design has a number of glaring errors or inaccuracies i.e. Netherleigh Cottages referred to as Netherfield Cottages, Minters Close as Hunters Close, Top Road as Top Lane. These obvious ones beg the question how many more obscure ones are there? Even the 'Masterplan Report' by Peak Architects is not free of errors, the site is described as being under 1 mile east of Chesterfield town centre on page 6. Not, I would have thought a good basis for a planning application. I could include the effect on wild life and nature in general in my objections however, I think they have been covered adequately by others

OFFICER COMMENTS:

Comments noted and Officers do not consider that these raise any new material planning matters.

North East Derbyshire District Council

Planning Committee

17 January 2023

Planning Appeals Lodged and Determined

Report of the Planning Manager – Development Management

This report is public

Purpose of the Report

- To inform the Committee of the appeals lodged and determined.

1 Report Details

1.1 Appeals Lodged

No appeals have been lodged.

1.2 Enforcement Appeals Lodged

No Enforcement Appeals have been lodged.

1.3 Appeals Allowed

The following appeal has been allowed:-

Mr Peter Gregory - Construction of an agricultural building for storage of agricultural equipment, hay and sheep at lambing time at Cowley Hall Farm, Cowley Lane, Holmesfield (22/00011/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Colin Wilson colin.wilson@ne-derbyshire.gov.uk

1.4 Appeals Dismissed

The following appeals have been dismissed:-

Mr James Green - Single storey front and two storey side extension with Juliet balcony (Conservation Area) at 2 Birdfield Farm, White Lane, Ridgeway (22/00194/FLH)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Kevin Figg kevin.figg@ne-derbyshire.gov.uk

Mr John Osbourne - Creation of auxiliary accommodation to existing storage building. Comprising three bedrooms, one with on suite, a bathroom, a kitchenette, a lounge and loft storage area at Elmwood House, Snowdon Lane, Troway (22/00153/FLH)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Colin Wilson colin.wilson@ne-derbyshire.gov.uk

1.5 Appeals Withdrawn

No appeals have been withdrawn.

2 Conclusions and Reasons for Recommendation

2.1 N/a.

3 Consultation and Equality Impact

3.1 N/a.

4 Alternative Options and Reasons for Rejection

4.1 N/a.

5 Implications

5.1 Finance and Risk Implications

N/a.

5.2 Legal Implications including Data Protection

N/a.

5.3 Human Resources Implications

N/a.

6 Recommendations

6.1 N/a.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)		
Report Author		Contact Number
Katie Spelman		01246 217172