

PLANNING COMMITTEE – 29 JUNE 2021

Reference Number: 20/01005/FL

Application expiry: 30.06.2021

Application Type: Hybrid full and outline permission

Proposal Description: Outline planning application for the construction of up to 80 no. dwellings and associated works (all matters reserved except access) (Major Development/Affecting a Public Right of Way) (Amended Title/Amended Plans/Amended Details) (Further Amended Plans)

At: Land from the east of Dark Lane to the west of Oaks Farm Lane, Calow

For: Woodall Homes Ltd

Third Party Reps: Reps from 89 local residents

Parish: Calow Parish

Ward: Sutton Ward

Report Author: Graeme Cooper

Date of Report: 8 June 2021

MAIN RECOMMENDATION: Grant, subject to conditions and S106

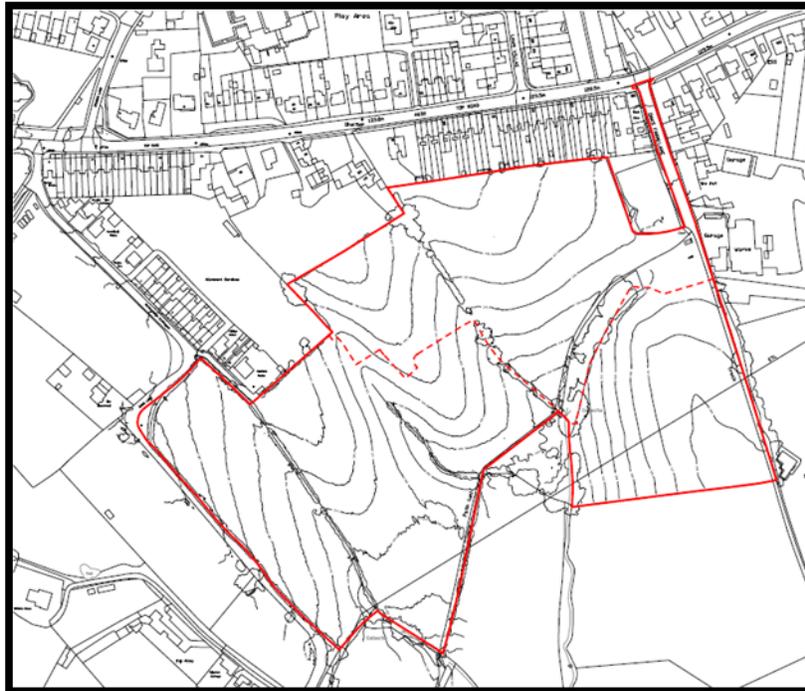


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 The local ward member (Cllr Kerry) contacted Officers during the course of the application's consideration to formally request that it be considered by members of planning committee due to it being outside the village settlement on agricultural land. Concerns were raised at the site access from both Top Road and Dark Lane which are considered to be substandard. Members of planning committee are therefore required to determine the application in line with the Council's constitution.

2.0 Proposal and Background

Site Description

- 2.1 The site is situated to the south of Calow, outside the defined Settlement Development Limit. It is made up of rolling agricultural land intersected by mature hedgerows and tree planting.
- 2.2 The northern extent of the site is framed with a mix of hedgerow, fencing and walling, where it backs onto properties on Top Road. Most of these properties have long narrow gardens which abut the application site.
- 2.3 To the rear of numbers 50-56 Top Road permission has been granted in outline (reference NED/18/00777/OL) for up to 20 dwellings. This permission remains extant and would abut the application site.
- 2.4 The western extent of the site is framed to the north and west by Dark Lane. Properties on Dark Lane abut the site in its north west corner. The western boundary with Dark Lane is made up of a mature hedgerow.
- 2.5 To the south the site abuts other agricultural/equestrian uses and is edged with mature hedgerow planting and some areas of scrub and trees. A public right of way (PRoW 11) runs from Dark Lane to the west across the southern part of the application site and connects to Oaks Farm Lane to the east.
- 2.6 To the east, Oaks Farm Lane connects the application site from Top Road. This road is rough in nature and serves other residential properties, a children's care home, a recreation area and a number of garage businesses. Oaks Farm Lane doubles as a public right of way (PRoW 12).
- 2.7 Most of the application site is Grade 4 (Poor) quality agricultural land, with a small pocket in the southern corner Grade 3 (Moderate/Good) quality.

Proposal



Figure 2: Original masterplan

- 2.8 The original application (figure 2 above) was for a hybrid scheme of full planning permission for 73 dwellings (Phase 1) and outline permission for a further 144 dwellings with all matters reserved other than access (Phase 2).
- 2.9 Access into Phase 1 would be from Oaks Farm Lane, with access into Phase 2 being from Dark Lane.
- 2.10 The proposal included a central area of public open space and further open space to the southern extent of the wider site.
- 2.11 The scheme illustrated that the public right of way connecting Dark Lane to Oaks Farm Lane would be realigned through the site.
- 2.12 Officers raised concerns at the proposed development which resulted in the following amendments being received.

Amendments



Figure 3: Latest amended scheme indicative layout

- 2.13 The latest amended scheme (figure 3 above) has been submitted for up to 80 dwellings with all matters reserved, other than access details. Essentially the proposal has removed Phase 2 of the original scheme and taken on board comments provided by the Council's Landscape Consultant.
- 2.14 Indicative layout drawings (Drawing 9597-L-03 Rev A) have been submitted illustrating a single point of access into the site from Oaks Farm Lane. Approximately 80 dwellings are illustrated on the indicative layout with the southern extent of the site retained as green open space.
- 2.15 It has been confirmed that the revised scheme would provide 20% affordable housing, with a mix to be agreed at the reserved matters stage.
- 2.16 In addition to the above, a landscape design note, legal advice note, updated travel plan and transport assessment, planning statement addendum, heritage impact assessment and flood risk assessment have been submitted for consideration.

3.0 Relevant Planning History

- 3.1 20/00823/EIA - EIA Screening Opinion for proposed residential development (No EIA required)
- 3.2 14/00157/CM - CM4/0114/156 Derbyshire County Council consultation on proposal to drill exploratory boreholes, erect containerised units, associated plant and equipment, extract natural gas, generate electricity and ancillary operations (Objection – appeal dismissed 28 October 2015 – reference: APP/U1050/W/15/3002704)
- 3.3 03/01507/FL - Installation of combined sewer overflow chamber and control kiosk (Conditionally Approved)
- 3.4 Two applications (13/00840/CM and 12/00862/CM) relating to County Council applications for exploratory bore holes and associated plant and equipment to extract natural gas were withdrawn and no decision made.

4.0 Consultation Responses

- 4.1 **Parish Council** submitted the following comments in relation to the original scheme:

1. Traffic and access – The Parish Council has major reservations regarding a number of issues identified in the applicants' transport assessment and which have been highlighted in the comments from the Highways Authority. Namely;

i) The traffic surveys carried out to assess traffic flow and queueing traffic levels were carried out on the 8th September 2020.

This clearly would not reflect a realistic and genuine traffic demand as there has been a dramatic decline in traffic on the roads during the COVID 19 pandemic. The Parish Council would request that the survey is redone if and when traffic levels return to normal or that the survey is amended following assessment of historical traffic surveys to provide a realistic picture of traffic flow under business-as-usual conditions

ii) The consideration of number of trips in the transport assessment do not take into account trips from other committed developments in the locality and so do not present an accurate representation of the likely cumulative traffic impact on the local road network

iii) The transport assessment has only considered a traffic assessment at the junctions of Dark Lane and Oaks Farm Lane onto Top Road. It is locally well documented that residents from the nearby Traversgate development are unable to turn right out of the development in rush hour traffic. Consideration should also be given to the impacts of the traffic generated by the development on the wider network.

iv) Trip numbers in the transport assessment have been generated using the category of “Affordable Housing” when only approximately 30% of the development is identified as affordable provision. This would also reduce the figures for number of trips on any traffic assessment.

v) Visibility splays information for the Oaks Farm Lane/Top Road junction have not been provided. The line of sight here is severely impacted by parked cars on Top Road. The Parish Council would like to see what mitigation measures are proposed to ensure a satisfactory visibility splay is achievable and maintainable.

vi) It is relevant that one of the reasons given by the planning authority for refusal of an adjacent site (15/00154/OL refers) with proposed access on to Dark Lane was that “The development would access onto Dark Lane where on road parking is prevalent and off-road parking limited. Access to the main highway network is already restricted. The additional traffic arising from the development would have a detrimental impact on the existing highway network as Dark Lane is too narrow to accommodate the additional traffic and the access from the site to Dark Lane and both North and South to Top Road and Calow Lane respectively would have an adverse impact on highway safety and the cumulative impact from the development would be severe and so in contrary to section 4 of the National Planning Policy Framework and policies GS1,GS6, H12 and T2 of the North East Derbyshire Local Plan.

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 Councils 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 site is currently in use as productive agricultural land and as such provides an important service to the local and wider communities. The

fields are currently sown with winter wheat and are always farmed. At a time when pressures on food production are likely to increase considerably over the next few years, the Parish Council would not approve of the loss of such land for development purposes.

5. A portion of the proposed site forms part of a previous application (14/00157/CM) for the extraction of Natural Gas. Although this previous application was refused under appeal (APP/U1050/W/15/3002704 refers), there is a concern that there remains a large reservoir of gas underneath the proposed development site. It is of note that the nearby village of Arkwright was abandoned due to the presence of methane. The Parish Council would request that a full geological survey is carried out by the applicant to assess for the likelihood of Methane/Natural Gas, prior to the application being considered by the Planning Authority.

4.2 Further **Parish Council** comments to amended plans:

This Council has the following objection comments on the application:

1. Traffic and access – The Parish Council has major concerns regarding the proposed access and in particular the poor sightlines at the junction of Oaks Farm 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 Oaks Farm Lane and this is further highlighted by a recent serious accident within 100 yards of this junction. The addition of vehicles from potentially a further 80 properties will only serve to exacerbate this issue.

The Parish Council would like to see what mitigation measures are proposed to ensure a satisfactory visibility splay is achievable and maintainable.

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 site is currently in use as productive agricultural land and as such provides an important service to the local and wider communities. The fields are currently sown with winter wheat and are always farmed. At a time when pressures on food production are likely to increase considerably over the next few years, the Parish Council would not approve of the loss of such land for development purposes.

5. The Parish Council requests that the application is considered at Committee and not delegated as an officer decision

4.3 **Ward Member** comments:

Cllr Kerry - I am against this application, it is outside the village settlement on agricultural land. The access to the site both from Top Road and Dark Lane are both substandard. I request that this application goes before the full committee.

4.4 No further comments were received from **local ward members** to the amended scheme.

4.5 **Councils Planning Policy Team** provided comments on the Council's current planning policy position. These included clarity on the relevant policies to be considered in assessing the scheme and the current housing land supply position. This being 8.3 years as of May 2020.

A more comprehensive policy assessment was also provided confirming that the current development plan and emerging plan are restrictive towards housing development on this site and, as the emerging local plan position is well advanced, there are few objections to the relevant policies in the emerging plan and it broadly aligns with the NPPF, great weight can be afforded to these policies.

The final point raised relates to the 'call for sites' process. This site formed part of two sites considered and Officers concluded that they did not represent an appropriate extension to the settlement.

No further formal comments were provided in relation to the amended scheme.

4.6 **Highways Authority** initially requested more information following the submission of the original scheme.

Following the submission of the amended proposals the **Highways Authority (HA)** note that the proposal is for the outline planning application to construct 80 dwellings and associated works (all matters reserved except access). I note that the proposal is for a combination of two, three-bed and four-bed dwellings. I am aware that the Highway Authority provided comments on the previous proposal for the same planning application reference for 217 dwellings. For this application, the scale of the development has been reduced from 217 dwellings to 80 dwellings. I also note that as part of the revised proposal, 20% affordable housing will be provided. They have noted the revised illustrative masterplan for approx. 80 dwellings.

Detailed comments were provided in relation to parking, the proposed access and the internal road layout details of which would be considered in more detail at the reserved matters stage.

The transport assessment was considered and comments provided on the traffic impact assessment, highway safety, the proposed access and site accessibility. It is considered that improvements to the bus stop in line with previous comments be provided.

Moving onto the Travel Plan (TP), it appears that most of the original HA comments have been incorporated into the revised TP which is fit for purpose. Monies towards bus taster tickets (£49/dwelling) and Travel Plan Monitoring (£5,075) should be secured by way of legal agreement.

Subject to amendments requested above being taken into consideration no objection is raised by the HA subject to conditions covering the submission of a construction management plan, details of residential estate roads and footways, inclusion of when washing facilities, upgrading of Oaks Farm Lane, formation of a new vehicular access into the site with adequate visibility splays, the first 5m of any road being solid bound in construction, submission of cycle storage within the scheme, submission of estate road/footway construction and the site being provided with adequate swept path provision for refuse and emergency vehicles.

4.7 **Refuse Team** need new swept path drawings with the correct refuse vehicle, won't enter private driveways, turning heads need to be large enough and collection points need providing. No further comments were made in relation to the amended scheme.

- 4.8 **Ramblers Association** note that Calow FP 11 crosses the site and footpath 12 runs along the eastern edge of the site in question. Having examined the drawings and documents relating to the proposal we would offer no objection to the said proposals.

They are encouraged by and welcome the fact that the proposals appear to preserve both the line and nature of Calow footpath 11. We also note that the proposals include provisions for ensuring future residents of the site will have easy access to green spaces and that the same is linked to the existing footpath network. We believe this to be an encouraging and enlightened view. We trust the every effort will be made to ensure both footpaths 11 and 12 are kept free and safe to use during the development of the site.

In light of amended plans, the Ramblers Association note that the route of the public right of way varies from its definitive line. Having considered the proposal we can see no reason why Calow Footpaths 11 and 12 should be adversely affected by the proposed development. As a consequence, providing both the line and character of Calow Footpaths 11 and 12 are maintained, we have no formal objection to make. We would request that every effort is made to maintain the aforementioned footpaths in a safe and usable state during the period of construction. We would further request that any damage to the surface or adjacent boundaries of the footpaths is made good at the earliest opportunity.

No further comments from the **Ramblers Association** were received.

- 4.9 The **Peak & Northern Footpaths Society** (PNFP) made the following comments:

There is doubt about the exact line of the footpath where it connects with Oaks Farm Lane. The definitive line as shown on the County Council website mapping, is slightly different to that shown on the applicant's paperwork. Only the definitive line is relevant as to any proposed development that may be granted consent at Reserved Matters stage. If there is a divergence between the route actually walked and the legal line of the footpath, only the legal line can be taken into account. If a diversion is required, the applicant must take this into account at a later detailed stage.

- 4.10 **Environment Agency (EA)** raised no objection to the proposed development but made comments relating to land contamination and historic land fill being within 250m of the site. The EA advise that the LPA consult with the Environmental Health Department.

No comments were raised to the amended scheme.

- 4.11 **Lead Local Flood Authority (LLFA)** raised no objection to the proposal subject to conditions.

The LLFA also raised no objections subject to conditions based on the amended scheme.

- 4.12 **Councils Drainage Engineer** raised no comments to either the original or amended schemes.

- 4.13 **Yorkshire Water (YW)** raised no objection to the proposed waste and surface water details, subject to conditions.

YW were consulted on amended plans and again raised no objection subject to conditions.

- 4.14 **Environmental Health** considered the submitted reports relating to land contamination and air quality. An updated dust mitigation scheme is requested and a number of conditions.

An updated Air Quality Assessment has been submitted (ref: B10601/1.0) which is considered acceptable to the Councils EHO.

No further comments were received from the Councils EHO in relation to amended plans.

- 4.15 The **Coal Authority** objected to the proposal as the submitted Phase 1 report does not consider or address the potential risks posed by past coal mining activity. It is requested that a Coal Mining Risk Assessment, or equivalent report, is submitted to support this planning application.

A Coal Mining Risk Assessment (CMRA) has been submitted and the Coal Authority (CA) re-consulted. As a result of the CMRA, the CA withdraws its objection subject to conditions.

The **Coal Authority** raised no additional comments to the amended scheme.

- 4.16 **Derbyshire Wildlife Trust (DWT)** considered the original and amended plans and reviewed the Ecological Appraisal (FPCR, September 2020) and the new Illustrative Masterplan. No additional survey work is required however DWT encourage the use of a metric (e.g. DERA 2.0) to determine biodiversity net gain. Currently net gain is described in qualitative terms only. Areas of habitats to be lost should be provided, along with anticipated habitat creation.

Whilst the report assesses that there is unlikely to be a significant impact to farmland birds, proposals will result in the loss of arable land. Records

of bird species within 2 km of the site include a range of farmland bird species, including those on the Red List of Birds of Conservation Concern. We advise that as part of habitat creation proposals, measures are included to benefit these species. These should include hedgerow retention and native hedgerow planting to achieve no net loss, buffering of hedgerows by the retention and creation of hedgerow margins and 'living bird tables', creation of wildlife-friendly SuDS features with marginal wetland habitats/reedbeds that are fenced off to prevent access to dogs. These elements can be secured during the detailed design but should be considered at an early stage.

We are pleased to see that the 'important' hedgerows are retained in their entirety and buffered with open space. This should be maintained in any future layout changes. We also note that the majority of hedgerows are to be retained. All hedgerow loss should be compensated for by new native planting to achieve no net loss and ideally a net gain in hedgerow on site.

DWT conclude that if the LPA are minded to approve the scheme conditions relating to the approved layout, construction environmental management planning (CEMP) and Landscape and ecological management planning (LEMP) are included in any decision.

- 4.17 The **Councils Economic Development Unit (EDU)** requested a condition covering employment and training relating to the proposed development.
- 4.18 **National Grid** raised no comments to any submitted scheme.
- 4.19 **Cadent Gas** raised no objection to the amended plans, but pointed to advice in their correspondence letter which should be included as an informative note.
- 4.20 The **Councils Parks Officers** considered the amended scheme and note that the proposal is for around 80 dwellings. The Parks Officer considers that this could attract an estimated £57,441.12 of s106 monies towards existing offsite provision with a 10 year maintenance fee of approximately £17,646.95, or an estimated £74,665.44 of section 106 monies towards new off-site provision with a 10 year maintenance fee of approximately £22,938.57. These estimates are based on the last available update (April 2020) to Appendix 2 of the council's Supplementary Planning Document, and uses an average given the unknown size of the dwellings and is calculated based the number of dwellings being 80.

The nearest existing facilities to the proposed development is at Eastwood Park, Top Road, Calow, which is owned by Calow Parish Council and maintained by North East Derbyshire District Council, and whilst being a relatively recently installed play area may benefit from additional/replacement equipment to increase the play value to local

residents. However, considering the size of this development, we might seek provision of on-site facilities in the form of Local Area for Play (LAP), Locally Equipped Area for Play (LEAP), along with contribution to a Multi-Use Games Area (MUGA).

Referring to the Illustrative Masterplans submitted in February 2021, the applicant is proposed provision of an “equipped area of play” towards the south-east of the site boundary. This area is indicated to be bordered on two sides proposed pathways and on the third side by new structural planting. Ideally any play area would be separated by fencing, with a minimum two entrances, not in the direct vicinity of any pond, and not in a position overhung or overshadowed by trees. If trees are to be planted to the north and west sides of the play area, as indicated on the plans, I would suggest these are positioned so and of a species such they do not overshadow or overhang the play area over time. We would seek to be further consulted with regards the proposed provision and layout for the play area, particularly if the play area is proposed to be adopted by the District Council.

With regards any open spaces, the following comments are made:

Referring to Illustrative Masterplan, there are proposed public open space areas to the south and west boundaries, with further public open space at the entrance to the site from Oaks Farm Lane end, and a central green corridor. There are also additional strips of land which may or may not be public open space (it is unclear whether these may be open plan garden areas, or proposed open space) particularly around where there are shown to be parking areas. The application/plans indicate some of the existing landscaping assets would be retained. It is unclear as to how these areas would be managed/maintained and whether there is any public open space proposed to be passed to the District Council. If there are any open space(s) to be adopted by NEDDC then this would be subject to the appropriate maintenance fee contained within Table 1 of Appendix 2 of the council's Supplementary Planning Document.

If the public open space(s) is to be adopted by NEDDC, then the relevant Officer states:

- We would seek to be consulted regarding the landscaping and planting schemes.
- We would seek further information with regards condition of any existing trees to be retained.
- We would ask for details with regards the depths and gradients of the attenuation ponds, to assess the suitability/accessibility for maintenance.

- We would seek assurance that the access would be appropriate and of suitable standard for the necessary maintenance equipment/vehicles.
- We would request clarification as to the ownership of any boundary hedgerows or fencing between the open space(s) and neighbouring property/private land.

4.21 **DCC Archaeologist** comments are as follows:

The applicants have commissioned an archaeological desk-based assessment in support of this application. Unfortunately insufficient information has been provided to enable us to provide informed advice on this extensive development proposal. Specifically there is no evidence that a field visit has been made to the site, as the report contains no photographs or detailed description of the land in question. This is a normal requirement of any archaeological DBA and in line with Chartered Institute for Archaeologists standards and guidance for such reports.

Other supporting reports include photographs of the site which show mature hedgerows. The impact of the proposals on these historic landscape features should be considered in the archaeological DBA in relation to the relevant hedgerow regulations. Also, whilst early mapping is referenced in the report (section 3), relevant map extracts are not reproduced in the document.

4.22 The **DCC Archaeologist** considered amended details noting that the Heritage Impact Assessment which has recently been submitted, in relation to the potential for below ground archaeology on the site, suggest that this will be low, and is most likely to relate to small scale historical quarrying. There is reference to the potential for the survival of Romano-British remains in this location however, section 2.1.6 stating:

‘Roman activity is extensively documented across Derbyshire. Following the Roman conquest of the region in the 1st century AD, forts were established at Little Chester by Derby (ca. 35km south of the Site) and Chesterfield (ca. 3km west of the Site). A Romano-British settlement was also established at Bolsover, ca. 6km east of the Site. Roads were constructed to connect these, and other, centres across the Roman provinces’. There is also the suggestion that the existing route which links Chesterfield to Bolsover may have Roman origins (2.1.9).

Sites from this period occur extensively on the Coal Measures geology and cannot be entirely discounted from the proposed development area in the absence of field investigation. Taking this in to account the DCC Archeologist recommends that the site be archaeologically evaluated by means of geophysical survey and, if necessary, trial trenching in advance of development. Therefore subject to conditions no objection is raised.

- 4.23 **DCC Infrastructure** initially requested education mitigation contributions of £1,112,921.70 towards education provision at Hasland Hall Community School and £146,132.34 towards Special Educational Needs and Disability (SEND) provision in the locality. A contribution towards demand for library services of £5,160 (full 76 dwellings) and £10,140 (outline 144 dwellings) is requested. A monitoring fee (£70 per trigger to be monitored) is also requested. Finally an advisory note be included relating to super-fast broadband.
- 4.24 In light of the amended scheme for a reduced number of properties **DCC Infrastructure** confirmed that no financial contributions would be required towards primary and secondary education due to there being sufficient capacity available. A “stock only” contribution towards Chesterfield Library of £5,620 (£70.25/dwelling) is requested. A monitoring fee of £70/trigger is requested. A note is requested on any permission relating to broadband provision.
- 4.25 **CCG Hardwick** raised no comments.
- 4.26 **NHS** requested to comment on infrastructure contributions towards healthcare however no formal comments were ever received.
- 4.27 **Housing Enabling Officer** provided comments on the latest amended scheme:

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.

Calow is a popular village with an affordable housing need. The proposal of a 20% affordable housing provision (10% affordable rent and 10% affordable home ownership) helps to meet this need. There is evidence that there is a higher demand for 3 bed houses than 2 bed. Therefore we would propose that of the affordable rented properties, 65% are 3 bed houses and 35% are 2 bed houses In line with the National Planning Policy Framework, 10% of the housing provision should be offered as affordable home ownership. For these properties we would propose that 80% are 3 bed houses and 20% are 2 bed houses. For both tenures the 3 bedroom properties should have capacity for 5 people and the 2 bedroom properties should have capacity for 4 people, to increase stability of tenure.

The units would ideally be owned and managed by a Housing Association which has stock in the district or in that of a neighbouring Local Authority, for ease of management. The rented properties should be advertised

through the Council's choice based lettings system with nominations taken from the Council/Rykneld Homes.

- 4.28 The **Designing out Crime Officer (DCO)** was consulted on both the original and amended scheme. The original comments were taken into account by the applicant in designing the indicative layout.

The DCO sees no reason why he would object to the residential development as amended. Whilst it's understood that the layout now submitted is for illustrative purposes only, I'd draw attention to the far north western corner of this plan, close to the allotment garden boundary, where parking provision for 3 plots is sited to the rear in a small court tight up to the site boundary. This has the potential to be under supervised and accessible from outside of the site dependent upon peripheral boundary treatment, consequently a generator of apprehension, crime and/or misuse. The facility doesn't accord with aims set out within the planning statement addendum for parking security provision. Consequently the DCO recommends that this small portion of the site is amended when further detail is drawn up at the reserved matters stage.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a three site notices (one on Top Road, one of Dark Lane and another on Oaks Farm Lane). A number of material objections have been received from 89 local residents and other members of the public from outside this authority to both the original and amended scheme and can be summarised as follows:

Highway Safety

- Increase in traffic movements resulting from proposed development, resulting in congestion on Top Road
- A632 cannot cope with additional traffic movements
- Difficult to cross Top Road during rush hours
- No direct cycle access to the proposal site
- Top Road not suitable for cyclists
- Top Road already very busy
- Noise impact from additional traffic movements
- Dark Lane is a single track road frequently used by walkers, cyclists and horse riders and is increasingly used as a rat run – development will increase risk for these users
- No pavement on Dark Lane and there are 2 blind bends
- Dark Lane is narrow and hard in the most part for vehicles to pass each other
- Traversgate development of 31 dwellings is difficult to exit, so what is 217 dwelling going to be like?

- New residents would be reliant on motor vehicle
- Traffic survey details submitted with application inadequate due to pandemic
- Dark Lane at point of proposed junction will be 3.7m not 5.5m (page 42 of transport assessment)
- Parked cars on Dark Lane make it difficult to navigate
- Roads around Calow not fit for purpose
- Top Road congested and blocked by parked vehicles which is a hazard to emergency vehicles
- Position of access on Dark Lane in an inappropriate location and unsafe
- Witnessed head on collisions on Dark Lane due to its rural nature
- Oaks Farm Lane is unmade road
- Visibility from Oaks Farm Lane inadequate
- Rural lanes not suitable for additional traffic
- Rural lane should not be upgraded as they would be out of keeping with character of the area
- Dark Lane has limited footpaths and is hazardous to users
- No off street parking for residents on Dark Lane, so road is essentially single track not suitable to serve a large residential development
- Dark Lane is used as a “rat run”
- Main route towards M1 and Markham Vale
- Risk of emergency vehicles becoming stuck on Top Road if more houses are built
- Limited street lighting on Dark Lane
- Local roads used to park cars of staff and visitors to the hospital
- Church uses park on roads in locality
- Dark Lane regularly used by agricultural vehicles
- Dark lane cannot cope with 60% of traffic from this development as it is a weight limited 60mph road
- 4 fold increase in traffic would lead to congestion and increased queuing
- Dark Lane not designed for HGV vehicles and unsuitable for construction traffic
- Residents Travel Plan (TP) submitted has relied on poor evidence undertaken during pandemic which is unrepresentative of reality
- Assumptions in TP considers new residents will work from home, this is not the case in lockdown 2 in November
- Residents on Top Road struggle to exit their driveways in peak times due to current traffic levels, proposal will make this worse
- Hexa Consulting report is misleading in that there have been more than 3 accidents on Top Road

- The access to and from the proposed new development is not of an adequate standard for the anticipated traffic flow- in excess of 434 cars
- Top Road main feeder route to the Royal Hospital which cannot cope with additional traffic
- Additional traffic from 20 dwellings approved off Top Road (18/00777/OL) is yet to be built – proposal before LPA would exacerbate the problem
- Road not suitable (Dark Lane & Top Road) for HGV traffic
- People using hospital park on local roads causing increased parking issues
- Top Road main route for ambulances
- Top Road and Dark Lane junction is hazardous for users
- Traffic problems and congestion will outweigh any benefits of scheme
- Well used bridleway that exists onto Dark Lane close to the junction with Top Road – increase in vehicular movements would be harmful to users
- Dark Lane currently closed (1/12/2020) causing disruption to road network, this would be exacerbated by an additional 140+ homes.

Infrastructure

- Difficult to get appointment at local doctors
- No provision of additional facilities
- Limited existing facilities in the village
- Limited employment in village
- Increased loading on local facilities from cumulative developments in Chesterfield
- Infrastructure around Calow not fit for purpose including Insufficient shops, school, transport
- Pressure on local schools
- Limited local facilities (inc 1 primary school, 2 convenience stores, 2 sandwich shops, pharmacy, community centre and doctors)
- Calow can't cope with additional population growth (approx. 25% from 2011 census)
- Have the local CCG been consulted? [*Officer note: The local CCG have been consulted and have not commented on the proposal.*]

Landscape

- Loss of Green Belt land [*Officer note: the site is designated as open countryside, not Green Belt*]
- Loss of agricultural land which has been used for hundreds of years for food production
- Loss of trees and established hedgerows
- Loss of open green space

- Urbanising effect on edge of Calow
- Loss of greenfield land over brownfield sites
- Loss of local settlement gap [*Officer note: the site is not allocated as a settlement gap in the PDLF*]
- Outside SDL for Calow
- Detract from character of countryside
- Rural character of area lost to development
- Proposal would destroy green infrastructure
- Proposal outside SDL and contrary to Local Plan policy H3
- unwarranted intrusion of urban spread beyond the well-defined edge of the Calow
- Loss of green space is not outweighed by benefits of the scheme
- Natural open space valued by local residents
- The proposal reduces a settlement gap [*Officer note: this is not a defined settlement gap*]
- Development would erode separation between settlement and countryside
- Retained hedgerows are likely to die as a result of proposed development

Amenity

- Proposal will be detrimental to air quality in this location, especially during peak periods
- Increased noise and light pollution from development
- Increased noise and pollution from additional traffic movements
- Dust pollution
- Light pollution on Dark Lane and in general
- Loss of privacy from development overlooking our garden
- Loss of rural walking routes
- Increased stress and pressures on mental health resulting from proposed development
- Unspoilt landscape of great importance to residents
- Current background noise levels are 27db at night and 90db in the daytime of Dark Lane – proposal will increase noise disturbance on residents (increasing noise to approx. 40db. [*Officer note: these are unverified noise readings.*])
- Proposal will cause sleep disturbance and health anxiety – contrary to the NPPF
- Minimal green space is included within the scheme
- Development would be harmful to the wellbeing of local residents
- Air quality in area already poor, this development will exacerbate this problem
- Welfare and well-being of residents impacted by proposed development

Ecological/Environmental

- Loss of green space and habitats resulting from proposed development
- Loss of open space will have negative impact on existing residents in Calow
- Site used by birds and other wildlife including badgers and hedgehogs
- No proposals included to make scheme wildlife friendly
- Harm to already endangered hedgehogs, shrews, pheasants, grouse, bats, hares, foxes, buzzards, little owls and tawny owls
- Loss of native hedgerows and habitats
- Loss of important flora and fauna
- Proposal would be environmentally harmful to village
- Proposal in direct conflict with NEDDC climate emergency
- Proposal does not use less environmentally damaging and more environmentally responsible materials and utilise renewable energy sources and innovative design e.g. passive solar design, landscaping, waste-management, flood control strategies
- Very little new planting proposed to compensate for size of development
- Development could be harmful to local buzzard population

Flood Risk/Drainage

- Brook bordering site would become overwhelmed from development due to increased run off
- Flooding concerns for residents who back onto development and those down stream
- Proposed development will include vast areas of hardstanding increasing surface water drainage from the site
- Foul sewerage system unable to cope [*Officer note: capacity issues relating to foul drainage are a matter for YW or relevant authority*]
- Increased pressures on waste services
- Flash flooding concerns – inadequate culvert system on and around site

Design

- Proposed contemporary housing out of keeping with traditional properties in the locality
- Development would not be carbon neutral and proposal lacks any detail of how this might be achieved
- Limited open space proposed as part of scheme
- Development would use vast amounts of concrete
- 3 storey dwellings would be out of character for the area
- Service road should be constructed to serve existing properties on Top Road

Other Matters

- Increased risk to equestrian and livestock from development encroaching into countryside
- No immediate local employment opportunities
- Not notified of development [*Officer note: 3 site notices have been placed on site 1 on Dark Lane, 1 on Top Road and another on Oaks Farm Lane. All residents who border the site were notified in writing. The Council do not notify land owners of adjoining sites. All consultation is undertaken in accordance with Councils Statement of Community Involvement*]
- Plenty of other Brownfield sites available
- Mental health of existing residents at risk as a result of proposal
- Pylons close to development – risk to future residents health
- Lack of housing need in the area
- Mining risk (movement and gas risk) on and around the site
- Cumulative impact of numerous residential developments in and around the area are harmful
- Risk to livestock and horses from fireworks launched from proposed development
- The submitted plans illustrate the public right of way being diverted from its defined route (PRoW 11)
- Proposals block right of access into neighbouring field [*Officer note: Private rights of access are not material to the determination of this application.*]

5.2 2 supporting comment was provided:

- Proposed development has opportunity to ease on street parking issues on Top Road by providing off street parking to the rear of existing properties [*Officer note: no additional parking for residents on Top Road is provided in the proposal.*]
- Improvements to Dark Lane welcomed
- Sensible extension to Calow
- Objectors do not own the view of countryside
- Development will create jobs in these difficult times

5.3 **Campaign for the Protection of Rural England (CPRE)** objected for the following reasons:

1. The site is not included either in the saved Local Plan (2005) or in the Emerging Local Plan (ELP) as suitable for development.
2. The development of the site would represent an encroachment onto open countryside beyond the Calow settlement area.

3. The proposed development would have an adverse impact on the character of the landscape and local environment, which would not be outweighed by any significant benefits.

To expand on these three points:

The ELP policy SS9 identifies the site outside the SDL of Calow in open countryside. ELP is close to adoption (early 2021) and para 48 of NPPF states that greater weight should be given to these emerging policies. Significant weight should be given to the ELP. Development would be contrary to current local plan policy GS6. It would be a clear encroachment into open countryside beyond the agreed and traditional settlement pattern of Calow. The applicant's Planning Statement describes the site as being 'to the edge' of the defined settlement - in fact, it is substantially outside it, and not 'to the edge' at all. The Statement also characterises Phase 1 of the proposed development as 'infill'. This is absolutely not the case. The southern boundary of the proposed Phase 1, and half of its western boundary, encroach into open countryside and are bounded by agricultural land, so cannot be described as 'infill' in any meaningful sense.

Adverse impact on landscape, CPRE have carefully read the applicant's Landscape Assessment submission made for this application. In our view, the assessment underplays the impact of the proposed development on the landscape character of the area. It seems to focus entirely on 'visual effects', i.e. whether or not the development could be seen from various viewpoints and from various angles. We would point out that landscape character is a much broader concept encompassing views, tranquillity, openness, and the experience of being in it. On this broader measure, the landscape character of this area would be seriously harmed by the development of this site.

Entering the proposed site on foot, either from Oaks Farm Lane to the east of from Dark Lane to the west, the rural quality of the area, with undulating agricultural land and open fields, stretching to the south towards Hasland and with far-reaching views over to the high ridge at Ashover, is striking. Oaks Farm Lane is actually a farm track, and Dark Lane a country lane, totally unsuitable to accommodating an access road to the site and any additional road traffic.

The area is a pleasant and tranquil contrast from the busy A632 running through Calow and the urban area to the north. This may not be a nationally significant landscape such as is found in, for example, a national park, but it is pleasant, rural, and affords people living in Calow and the surrounding small settlements a valuable restorative resource. Furthermore it is agricultural land, currently in use as such. An encroachment of a housing development of any size into this environment

would, in our view, undermine the rural asset value of the area to the surrounding communities of the district.

- 5.4 A number of comments have been received from third parties which are not material to the determination of this application. These comments include loss of view, littering, anti-social behaviour, private rights of access, construction phase disturbance, developer greed, the Council should redevelop Brownfield sites [*Officer note: the Council are not the developer and can only consider applications put forward on their own merit*], there should be a full public consultation [*Officer note: the LPA has notified all residents who abut the site and placed 3 site notices around the site*], Dark Lane should be given quiet lane status, all residents on Dark Lane were not notified [*Officer note: see previous comment – this was in accordance with Councils neighbour notification procedure contained in the Statement of Community Involvement*] and the decision should be delayed to allow residents more time to consider its details.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

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

- GS1 Sustainable Development
- GS5 Settlement Development Limit
- GS6 Open Countryside
- GS9 Planning Obligations
- GS10 Crime Prevention
- H3 New Housing Outside SDL's
- H7 Affordable Housing Provision in Settlements with Population of 300 or Fewer
- H12 Design and Layout of New Housing
- NE1 Landscape Character
- NE3 Protecting & Managing Features of Importance to Wild Flora & Fauna
- NE6 Development Affecting Nationally Rare Species
- NE7 Protection of Trees and Hedgerows
- NE9 Development and Flood Risk
- BE1 General Design Principles
- BE5 Percent for Art
- R5 Providing for Children's Play Space through New Development
- T2 Highway Access and the Impact of New Development
- T5 Walking and Cycling
- T9 Parking Provision
- CSU4 Surface and Foul Water Drainage
- CSU6 Contamination Land

Emerging North East Derbyshire Local Plan (Under Examination)

- 6.2 The Publication Draft Local Plan (PDLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Consultation on Main Modifications was undertaken in 2020 ending on 31st January 2021. All comments/representations received have now been forwarded to the Inspector and it is expected that the plan will be adopted in early summer 2021.
- 6.3 The PDLP is therefore at an advanced stage and, in accordance with paragraph 48 of the NPPF, should be attributed significant weight in decision making.
- 6.4 The following emerging policies of the PDLP are material to the determination of this application:

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS9	Development in Countryside
LC2	Affordable Housing
LC4	Type and Mix of Housing
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place making
SDC13	Environmental Quality
SDC14	Land Potentially affected by Contamination or Instability
ID1	Infrastructure Delivery and Developer Contributions
ID3	Sustainable Travel
ID6	Green Infrastructure
ID7	Greenways and Public Rights of Way
ID9	Open Space, Sport and Recreation Facilities

National Planning Policy Framework (NPPF)

- 6.5 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

Other Material Planning Considerations

- 6.6 Successful Places Guidance, adopted December 2013.

- 6.7 Sustainable Buildings SPD, adopted November 2011.
- 6.8 Recreation and Open Space SPD, adopted October 2007.
- 6.9 Developer Contributions SPD, adopted October 2007.
- 6.10 Affordable Housing SPD, adopted January 2008.

7.0 Planning Issues

- 7.1 This is an outline application, with all matters reserved other than access, for up to 80 dwellings. Access into the site is to be taken from Oaks Farm Lane to the east.

Principle of Development

- 7.2 The application site is a green field site located outside the settlement development limit for Calow in what is defined as an open countryside location. For clarity, Oaks Farm Lane lies within the settlement boundary of Calow. The development of the site would therefore conflict with the saved North East Derbyshire Local Plan (LP) policies GS1, GS6 and H3 which generally seek to restrict new housing outside the defined settlement development limit. Policies SS1 and SS9 of the PDLP, likewise seek to direct development to defined settlements and restrict development in countryside areas.
- 7.3 Policy NE1 (landscape character) seeks to conserve and/or enhance the varied and distinctive landscape character of the District. The loss of distinctive features that contribute towards and add value to the landscape character of an area will not be permitted. Policy SDC 3 of the PDLP mirrors this policy seeking to restrict development to that which would not cause significant harm to the character of the landscape.
- 7.4 The NPPF confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise although it does not limit new development in countryside areas per se setting out that new development in rural areas must recognise the intrinsic character and beauty of the countryside.
- 7.5 Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In this case, Officers conclude that generally this basket of policies, other than policy H3 which restricts housing development to certain categories, are in accord with the

- development plan and so the “tiled balance” does not apply retaining the predominance of the Development Plan.
- 7.6 The Council’s latest Five Year Housing Land Supply Statement 2020 (amended version 22 May 2020) confirms that the land supply figure stands at 8.3 years. However it should be taken into account that there is no upper limit on the level of housing that may be granted.
- 7.7 During the course of preparing the PDLP the application site was considered as a potential development site as part of the Housing Land Availability Assessment (LAA) in 2017. The site (CAL/2503) (see below), links with another (CAL/2502) and scored ‘Amber’ in that site assessment process. Officers considered that it was not judged to represent a logical extension to the settlement due to a lack of developer interest and questions over the access arrangements into the site, as such the site was not taken forward as a housing allocation in the PDLP. No detailed technical landscape assessment was undertaken for the site through the LAA but it was noted that the DCC document on Areas of Multiple Environmental Sensitivity (AMES) identified the area as having no specific significance. This was based upon the combined indicators used in the study (historic, ecological and visual) which were applied at a broad spatial scale based upon areas of defined landscape units.
- 7.8 Overall, therefore, the policies of the Development Plan seek to restrict new development in countryside areas although the PDLP is less restrictive directing development to defined settlements.



Figure 4: LAA screen capture illustrating part of application site

Affordable Housing

- 7.9 Local Plan Policy H7 considers that the Council will seek to negotiate the provision of affordable housing on sites in excess of 0.1ha in size. The site is in excess of 0.1ha, however it is officer opinion that this policy is out of date and carries little weight in the decision process.
- 7.10 The PDLP is moving close to adoption and includes policy LC2 which requires all new housing proposals of 10 or more dwellings to provide 20% affordable housing in areas which are not identified as “high value areas”. This policy represents the most up to date policy position based on the best evidence and Officers place greater weight on it in this case than that of the Local Plan.
- 7.11 The Council’s Housing Enabling Officer (HEO) stated that there was an estimated need for 236 additional affordable homes each year over the next 5 years. It is noted that Calow is a popular village with an affordable housing need. The HEO considers that the 20% affordable housing proposed (10% affordable rent and 10% affordable ownership) helps meet this demand. There is evidence that there is a higher demand for 3 bed houses than 2 bed. Therefore it is requested that of the affordable rented properties, 65% are 3 bed houses and 35% are 2 bed houses. In line with the NPPF, 10% of the affordable housing provision should be offered for

ownership. For these properties the HEO proposes that 80% are 3 bed houses and 20% are 2 bed houses. For both tenures, the 3 bedroom properties should have capacity for 5 people and the 2 bedroom properties should have capacity for 4 people, to increase stability of tenure. Ideally the affordable units will be owned and managed by a Housing Association. These should be advertised and let in accordance with the Councils affordable housing policy.

- 7.12 The proposal will include 20% affordable housing provision, the precise mix to be agreed at the reserved matters stage.
- 7.13 Officers consider that the provision of 20% on site affordable housing a benefit of the scheme which weighs in the favour of development and can be secured by way of S106 agreement.

Infrastructure Considerations

- 7.14 Local Plan policy R5 and GS9, along with PDLP policy ID1 and ID9 require developments to make financial contributions towards education, play space and health provision.
- 7.15 The County Council's Infrastructure team made comments about the proposals impact on demand for school places. No financial contributions towards primary and secondary education were requested based on the amended scheme as it was considered there was sufficient capacity available. A "stock only" contribution of £5,620 is requested towards Chesterfield Library. The usual monitoring fees were also requested.
- 7.16 CCG Hardwick and Derbyshire Community Health Services NHS Trust made no requests for financial contributions towards healthcare contributions.
- 7.17 The Council's Street Scene Team requested that the development provide financial contributions towards the upgrading of local play facilities in Calow and/or maintenance of any new on site provision. The developer is however providing new on site recreation facilities that will be managed and maintained by a private management company at no cost the Council. As such no s106 contributions are required in this instance however it is considered necessary to require the developer to submit a scheme for the delivery and maintenance of all on site public space as part of any reserved matters application. The scheme of recreation should accord with the provisions contained in policy R5 of the Local Plan and details contained in the Recreation and Open Space SPD. This can be secured by way of condition.
- 7.18 The developer has agreed to make the requested financial contributions towards the local library in Chesterfield and where necessary for

monitoring the Travel Plan along with the provision of bus taster tickets. This can be secured by way of S106 agreement.

Street Scene/Landscape Considerations

- 7.19 The application site (see figure 5 below) forms agricultural fields to the south of Calow village. The site is edged to the north by residential development in the form of terraced properties on Top Road. To the north west corner of the site outline permission has been granted (ref 18/00777/FL) for 20 dwellings, this scheme will abut the application site. Properties on Dark Lane back onto the site in the far north west corner of the site, with allotment gardens also in this location. To the north east is the site of a recently constructed 8 bed care facility and access onto Oaks Farm Lane.

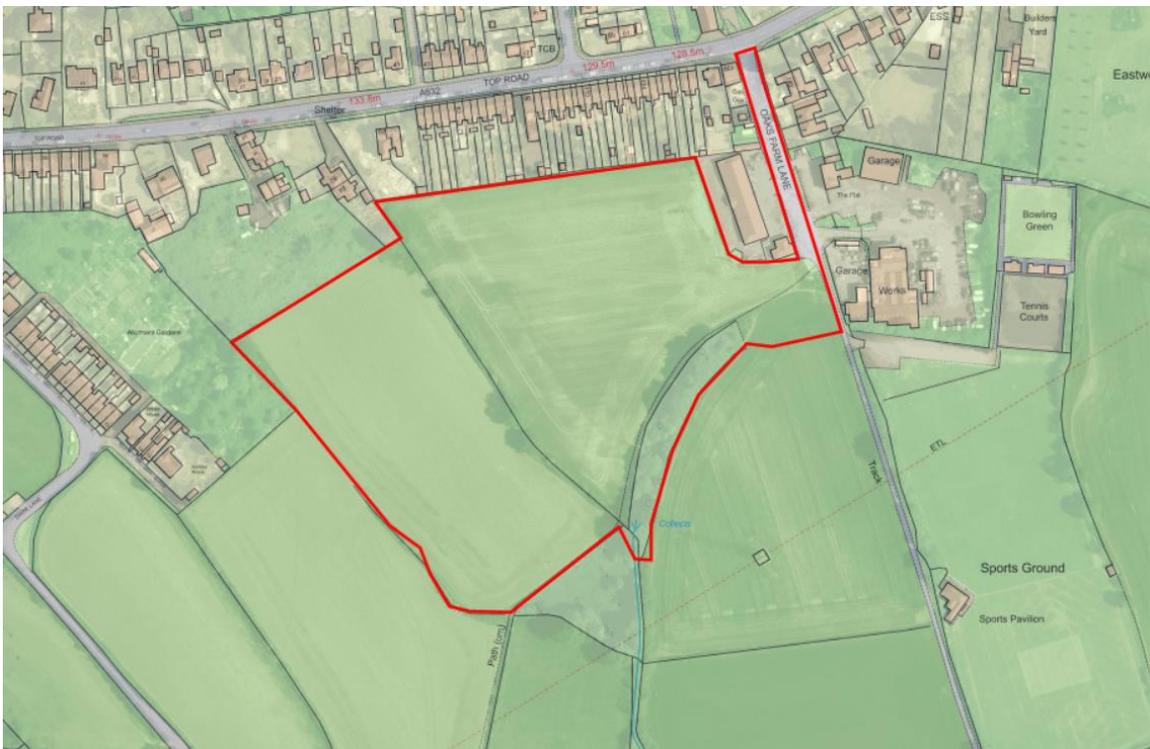


Figure 5: Approx. site layout overlaid on Google maps

- 7.20 Oaks Farm Lane is an unmade road serving a number of properties, care home and business units, along with the sports fields to the east. A public right of way crosses the southern extent of the site. Beyond this footpath is a strong landscape buffer formed of scrub and trees. This follows a stream which crosses the site. Land to the south west and west is rolling open agricultural land which extends up to the boundary of Dark Lane.
- 7.21 The original scheme included a much larger development area which extended from Oaks Farm Lane to Dark Lane. After concerns raised by

Officers the scheme has been reduced to the scheme seen below in figure 6.

- 7.22 The amended indicative scheme illustrates a scheme of up to 80 dwellings served by Oaks Farm Lane. A strong landscape buffer would be provided to the south western extent of the site and open space will create a further buffer between any built form and the public footpath to the south.



Figure 6: Latest amended scheme indicative layout

- 7.23 A Landscape and Visual Appraisal (LVA) prepared by FPCR was submitted in October 2020. This report provided a full landscape and visual impact appraisal of the original submission which extended from Dark Lane to Oaks Farm Lane.
- 7.24 The Council engaged a Landscape Expert (LE) to undertake a full assessment of the site and the information submitted with the application.
- 7.25 The LE for the Council notes that the site is not located in any national or local designations and agrees with the assessment of the LVA in that the value of the landscape comprising the site and its local context is considered to be of medium sensitivity.

- 7.26 Furthermore, the LE considered that the wider scheme would have a moderate/major adverse impact on the local landscape character which is more than that identified by the submitted LVA. The LE goes on to consider that the visual effects of the proposal would be medium to high and the effects would be moderate/major adverse similar to that identified in the submitted LVA.
- 7.27 Finally, the LE considered that if only Phase 1 land were developed, and the number of dwellings within it were reduced to allow the layout to be optimised, then the degree of landscape and visual harm would be reduced significantly. In view of this, officers went back to the applicant with these findings and an amended scheme was formulated.
- 7.28 A further Landscape Design Note prepared by FPCR was submitted on 8 February 2021. This statement considered the issues raised by the Council's landscape expert in respect of landscape and design matters. The statement considers that the overall landscape effect would be reduced significantly if only phase 1 was redesigned as a standalone development. The development would not extend south of the line of housing on Dark Lane and the business uses along Oaks Farm Lane and as such is considered to relate better to the rest of Calow village. Furthermore reducing the southern extent of development would avoid connecting Calow and Top Alley.
- 7.29 It goes on to state that the impact on the historic landscape pattern south of the village would be reduced. It also avoids the loss of an historic hedgerow. The impact on the public footpath crossing the site would be reduced and view of the listed church would not be blocked. Overall it is concluded that there is unlikely to be any significant harm to the character of Dark Lane.
- 7.30 The report concludes that if only Phase 1 (the proposal before members) were developed and the number of dwellings reduced to allow the layout to be optimised, then the degree of landscape and visual harm would be reduced significantly. It also considers that the indicative layout shows that an attractive and well-designed development can be delivered. New housing would be observed alongside and within the context of the built up area of Calow and would be located within a green infrastructure of trees, hedgerows and green space that would assimilate built development into the landscape and provide a sensitive and appropriate interface between the built development and the wider countryside.
- 7.31 The LE reviewed this amended indicative layout and updated design note on behalf of the LPA. The LE considers that the amended site area is significantly smaller than the original site, and now covers a slightly larger area of land than the original 'Phase 1' area. The LE's review of the original application found that, if Phase 1 were redesigned as a standalone

development, then the landscape harm would be of a level similar to that identified in the submitted LVA.

- 7.32 He goes on to state that, although the amended site is slightly larger than the Phase 1 area, residential development on this site could be achieved without overall significant harm. He did however recommend a small amendment to the proposal which is seen in the latest amended scheme. The proposed development has been realigned to coincide with the historic field boundary. This offers a more sympathetic response to the site's historic landscape pattern and the localised undulation between Fields 2 and 3 which is seen as part of attractive views towards the church from, especially from Footpath 13.
- 7.33 The amended indicative scheme sees no reduction in numbers but illustrates a solid landscape edge to the scheme. The LE considers that the overall density shown in the indicative scheme is appropriate for this countryside edge location.
- 7.34 In view of the above, Officers conclude that the site is not a "valued landscape" as described in the NPPF and that the proposed amended indicative scheme before members would have an acceptable and limited impact in landscape and visual terms. Furthermore, the scheme has an opportunity to interact with the open countryside in a positive manner which is of a density which is appropriate for this countryside edge resulting in a proposed development that would have an opportunity to conserve the landscape character in this location and would not result in the loss of any distinctive features that contribute towards and add value to the landscape character of this location.

Impact on Heritage Assets

- 7.35 A Heritage Impact Assessment, prepared by Locus Consulting dated February 2020 was submitted with the application. The report correctly considers the heritage significance in the locality of the site, including historic fields boundaries, archeological features (this is considered in more detail below) and nearby listed structures.
- 7.36 The Church of St Peter is identified as the nearest heritage asset to the site which is likely to be impacted by the proposed development. A thorough assessment of the Grade II listed building is included in the assessment.
- 7.37 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Section 16 (paragraphs 184 – 202) relates to Conserving and Enhancing the Historic Environment. The NPPF states that Heritage Assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that

- they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.38 The statutory requirement of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses. The statute is a material consideration of significant weight for determination of proposals.
- 7.39 Local Plan policy BE9 states that development affecting the setting of a listed building will only be permitted if it preserves or enhances that setting and includes where appropriate the retention of trees and other landscape features.
- 7.40 The LE considered the impact on important heritage features. In his comments it is noted that the latest amended indicative scheme has been realigned with historic field boundaries and retains existing landscape features and offers a more sympathetic response to the site's historic landscape pattern and the localised undulation between Fields 2 and 3 which is seen as part of attractive views towards the church from, especially from Footpath 13.
- 7.41 Officers conclude that the proposed development, as amended, would result in a low degree of harm to the Grade II listed church from within its rural setting. There will be no impact on any designated or non-designated heritage assets. Furthermore, Officers consider that the proposed development would lead to a less than substantial harm to the significance of the grade II listed church and historic landscape features in and around the site. Overall officers consider that that the public benefits of the scheme would outweigh any minor harm to the architectural interest and setting of the Grade II listed church of St Peter.

Residential and Neighbouring Land Uses Impact

- 7.42 The properties most likely to be affected by the proposed development would be those to the north on Top Road, those backing onto the site from Dark Lane to the west and those on Oaks Farm Lane to the east.
- 7.43 The application before members is in outline with all matters reserved other than the details relating to the access. An indicative layout has been provided for approx. 80 dwellings.
- 7.44 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.

- 7.45 In view of the above, Officers consider that there is no reason up to 80 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.

Highway Safety Considerations

- 7.46 The amended scheme indicates that a single point of access will be taken from Oaks Farm Lane to the east.
- 7.47 The Highways Authority (HA) considered the submitted transport assessment and provided comments on the traffic impact assessment, highway safety, the proposed access and the site accessibility.
- 7.48 In considering the submitted details, the HA request improvements to the bus stop on Top Road. Parking and the internal road layout details will be considered in more detail at the reserved matters stage. A revised Travel Plan will be required as will S106 contributions towards the provision of bus taster tickets for future residents. Where necessary a sum towards the monitoring of any Travel Plan will also be required and secured by way of S106.
- 7.49 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.50 No highway objection is raised subject to conditions.
- 7.51 The scheme is in outline only with an indicative layout provided. The Councils Refuse Team have no details to comment upon, as such a scheme of refuse collection will be required at the reserved matters stage.
- 7.52 In view of these comments, Officers consider that the proposed development would not lead to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network be severe.

Footpath Considerations

- 7.53 The application site includes a public footpath (FP11) which crosses the site from Oaks Farm Lane to its south west corner. Another footpath extends along Oaks Farm Lane (FP12) to the south. It is likely that the proposed development will impact the route of these footpaths along Oaks Farm Lane and at the entrance to the site.

- 7.54 Local Plan policy T5 seeks to develop and improve routes for walkers, cyclists and horse riders. Designated routes will be protected from development.
- 7.55 The HA note that the proposal might affect public rights of way 11 and 12. 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. Any amendment to the route of these footpaths will require the relevant permissions. A note should be included in any permission issued by the LPA to this effect.
- 7.56 The Ramblers Association examined the submitted details and raised no objection to the proposed development. They request that every effort is made to maintain the aforementioned footpaths in a safe and usable state during the period of construction.
- 7.57 The Peak and Northern Footpaths Society question the route of the footpath on the submitted plans as this varies from that on the submitted indicative layout. They note that a diversion may be required for part of this footpath.
- 7.58 Officers note that the scheme before members is indicative only and the precise design of the scheme would be able to accommodate either the current route or any improvements to the public right of ways crossing the site and on Oaks Farm Lane.

Drainage Considerations

- 7.59 The site falls in a Flood Zone 1 with a low probability of flooding. Mapping illustrates that the site is susceptible to low risk surface flooding on its western half, along the southern boundary and along Oaks Farm Lane.
- 7.60 The application is accompanied by a Flood Risk Assessment and Drainage Strategy prepared by Hexa Consulting dated 14 October 2020. The report considers flood sources, the probability of flooding, surface water and foul water drainage.
- 7.61 The Lead Local Flood Authority (LLFA) considered the submitted amended details and raised no objection to the proposal subject to conditions.
- 7.62 Yorkshire Water Authority raised no objection to the proposed waste and surface water details subject to a number of conditions.
- 7.63 The Councils Drainage Engineer raised no comments to either original or amended proposals.

Land Contamination/Air Quality/Land Stability Considerations

- 7.64 A Phase 1 Geo-Environmental Site Assessment dated July 2020 has been submitted along with a Desk Based Coal Mining Risk Assessment dated November 2020 both prepared by Omnia Environmental Consulting. In addition to this an updated Air Quality Assessment dated November 2020 was also prepared by Omnia Environmental Consulting.
- 7.65 The Council's Environmental Health Officer (EHO) considered the submitted details relating to land contamination and air quality. An updated dust mitigation scheme was requested and submitted by the applicant. The EHO concluded that no objection should be raised subject to conditions.
- 7.66 The Environment Agency (EA) raised no objection to the proposed development but made comments relating to land contamination and historic land fill being within 250m of the site. The EA advise that the LPA consult with the Councils Environmental Health Department. As seen above, no objection was raised by the EHO.
- 7.67 The Coal Authority (CA) was consulted on the submitted details and initially raised a holding objection to the proposal until a Coal Mining Risk Assessment was submitted. Following the submission of this report the CA withdrew their objection, subject to conditions.

Archeological Considerations

- 7.68 An Archeological Desk Based Assessment prepared by Locus Consulting dated September 2020 has been submitted with the application, which considers the archeological impact of the proposed development on the site. The report concludes that there is a low likelihood of the proposed development impacting upon local archeological interest.
- 7.69 DCC Archeologist was consulted on the proposed development and submitted reports. Further information was requested to evidence a field visit to the site.
- 7.70 A Heritage Impact Assessment was submitted prepared by Locus Consulting dated February 2020 which considered below ground archaeology. In response to the submitted reports provided by the applicant the DCC Archeologist recommends that the site be archaeologically evaluated by means of geophysical survey and, if necessary, trial trenching in advance of development. Therefore subject to conditions no objection is raised.

Ecological Considerations

- 7.71 The application is accompanied by an Ecological Appraisal, prepared by FPCR dated September 2020. It concludes that the proposed development is not likely to have an adverse impact on any site afforded a nature conservation designation. In addition there are no habitats present, other than hedgerows which are of principle importance and should be considered a priority for conservation. The site does not appear to support any protected or notable species and significant effects are unlikely. Any trees removed from site should be surveyed to ensure bats are not present and any vegetation removed from site should be outside the bird breeding season.
- 7.72 DWT do not advise any further survey work is required, however they encourage the use of a metric to demonstrate biodiversity net gain. Habitat creation should be secured during the detailed design of the scheme. DWT are pleased to see important hedgerows retained in the scheme and buffered with open space. No objection is raised by DWT subject to the retention of important features, agreement of a Construction Environmental Management Plan (CEMP) and Landscape and Ecological management Plan (LEMP).
- 7.73 The NPPF at para 175 states that when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or as a last resort, compensated for then planning permission should be refused.
- 7.74 In view of the above, officers consider that the proposal seeks to mitigate the impacts on biodiversity and retain important features. Whilst the proposal would result in the development of open fields the illustrative plans indicate significant areas of open space and improved planting. These are matters that would be considered when the landscaping and layout are determined but officers are satisfied that the proposal has the potential to enhance the biodiversity of the site.

Other Considerations

- 7.75 Officers 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.
- 7.76 The Councils Economic Development Unit requested that a condition be included on any approval covering employment and training relating to the proposed development. This is an overarching aim of the Council to enhance training and employment in the District and as such should be included as a condition on any approval.

8.0 Summary and Conclusion

- 8.1 Officers note that the site lies within the countryside as defined by both the LP and PDLP where new housing development is normally strictly controlled. In this respect, with the exception of Policy H3, which is not considered up to date, the proposal would fail to accord with the provisions of the Development Plan.
- 8.2 However, Officers note that the site is located in close proximity to Calow, an otherwise sustainable settlement. The NPPF does not, in itself, preclude development in countryside areas providing the impact on the area is acceptable and no adverse and fundamental impact is identified. In addition, the PDLP is only required to make provision for the requisite number of houses identified as required over a period in North East Derbyshire and it is not a maximum number of houses that may be provided.
- 8.3 Both the submitted information provided by the applicant and the landscape advice of the Council's own appointed advisor identify that in its amended form the scheme would not harm the landscape character of the area. It is not a valued landscape as such in terms of the NPPF definition. In this respect the proposal would accord with the wider aims of the Development Plan and the PDLP.
- 8.4 The NPPF goes on to state that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental.
- 8.5 In the short term there would be economic benefits from the build phase of the development and in the longer term, whilst there would be no direct employment provision on the site, there would be economic benefits to existing services and facilities within Calow. These weigh in favour of the application.
- 8.6 There would be a number of social benefits resulting from the grant of permission in that it allows occupiers of the new properties to support local services. The scheme would also provide 20% affordable housing along with financial contributions towards recreation facilities, the library in Chesterfield and towards highways contributions. These elements also weigh in favour of the scheme although some elements are merely mitigation of the scheme and so the weight in respect of those elements is limited.
- 8.7 With regards to the environmental impacts of the development these require careful consideration. The character of the local landscape and

surrounding area is not considered to be unduly sensitive and the proposal will not result in the loss of any distinctive features which contribute to the local landscape character. Indeed the amended scheme seeks to protect and provide a green buffer away from those important features and would respond to the historic landscape pattern of the agricultural fields. Officers note, therefore, that the indicative layout would have an acceptable impact in landscape and visual terms. The scheme would interact with the open countryside in a positive manner and is of a density which is appropriate for this countryside edge resulting in a proposed development that would have an opportunity to conserve the landscape character in this location and would not result in the loss of any distinctive features that contribute towards and add value to the landscape character of this location. There would be views of the proposed development from Oaks Farm Lane to the east and Dark Lane to the west, along with views from existing footpaths which cross the site. However, Officers conclude that the proposed development would appear as a natural extension to the built form of Calow and so any negative environmental harm carries little weight.

- 8.8 In addition, the PDLP identifies Calow as a Level 2 settlement with good levels of suitability. These settlements provide the locations for housing growth and are important economic, commercial and social locations in the District. This site would be a reasoned extension to it and so this weighs in favour of the scheme.
- 8.9 Officers conclude that the proposed development would lead to a less than substantial harm to the significance of the grade II listed church and historic landscape features in and around the site. It is considered that the public benefits of the scheme in this case would outweigh any minor harm to the architectural interest and setting of the Grade II listed church of St Peter.
- 8.10 The development is considered to provide a safe access to the public highway, ecological, archeological, drainage, ground stability, air quality and contamination issues can all be addressed through appropriate conditions on any permission granted.
- 8.11 Matters relating to the schemes design and impact upon the privacy and amenity of neighbouring residents and land uses should be considered at the reserved matters stage.
- 8.12 When weighing all matters, whilst contrary to the policies of the Development Plan, the encouragement to deliver sustainable development as set out in the PDLP and the NPPF is considered in this instance to outweigh that. The scheme has a limited and localised impact on the area and otherwise creates a logical extension to Calow. It protects the historic character of the area and results in other limited benefits as discussed above.

8.13 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 the **S106 agreement**, in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager (development Management):-

S106 Heads of Terms

Library	£5,620
DCC Travel Plan & Monitoring Inc. bus taster tickets.	£8,995
Affordable Housing	20% on site provision

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:

- 600145-HEX-00-GEN-DR-C-0100 Rev P02 (Oaks Farm Lane, General Arrangement Layout)

- 600145-HEX-00-GEN-DR-C-0111 P03 (Refuse Vehicle Access Tracking)
- 600145-HEX-00-GEN-DR-C-0113 Rev P01 (Visibility Splays)

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

Construction/Design Details

- 4) Before development commences, details of the existing ground levels, proposed finished floor levels of the dwellings 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.]

- 5) The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include an assessment of the reserved matters scheme against the Building for Life 12 criteria. Thereafter the details submitted as part of the assessment shall be implemented in full and retained as such thereafter.

[Reason: In the interest of good design, all in accordance with policy BE1 of the North East Derbyshire Local Plan, policy SDC12 of the Publication Draft Local Plan and the Successful Places Interim Planning Guidance.]

Landscaping and Public Open Space

- 6) 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 countryside, and neighbouring street scene.]

- 7) 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

- 8) 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 GS1 of the North East Derbyshire Local Plan and in the interest of the overarching aims of the Council.]

Climate Change

- 9) 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

- 10) 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 holidays.

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

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

The site investigation strategy as identified in the Desk Study report Ref B10606/1.0 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 CLR 11 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.

12) No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by Condition 11 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) report Ref B10606/1.0 submitted with the application and through the process described in Condition 11 above and,

c) Upon completion of the remediation works required by Condition 11 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 c11 & 12: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. All in accordance with policy CSU6 of the North East Derbyshire Local Plan and emerging Local Plan policy SDC14.]

Ecology

- 13) Any reserved matters application should follow the general parameters of layout, scale and landscaping set out and illustrated in the proposed site layout (Illustrative Masterplan 9597-L-03). In particular, the reserved matters of layout and landscaping shall provide for undeveloped areas of green infrastructure and include wildlife-friendly attenuation basins, native planting and no net loss of hedgerow. Hedgerows shall remain beyond the curtilages of dwellings wherever practicable. The woodland shall also be retained, protected and buffered from development.

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain, along with safeguarding important landscape features. All in the interests of policies NE1, NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2, SDC3 and SDC4 of the Publication Draft Local Plan

- 14) 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” to include on-site hedgerows and woodland.
 - 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 and will include for badger, nesting birds and amphibians).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2 and SDC4 of the Publication Draft Local Plan.]

15) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP shall combine both the ecology and landscape disciplines, and management prescriptions shall be transposed to any separate maintenance contract to be implemented on site during the lifetime of the development. The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management, including retention and creation of hedgerows (no net loss), retention and protection of woodland, measures to benefit farmland bird species such as living bird tables.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
- i) Locations of bat boxes, bird boxes, insect bricks, hedgehog holes and habitat piles (include specifications/installation guidance/numbers).
- j) Specifications for attenuation basins to ensure beneficial habitat creation, including measures to prevent access to dogs.

The LEMP 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 protecting wildlife and providing a net biodiversity gain. All in the interests of policies NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2 and SDC4 of the Publication Draft Local Plan.]

Archeology

- 16) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- No development shall take place other than in accordance with the archaeological Written Scheme of Investigation.

No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

[Reason: in the interest of recording and understanding any significance of heritage assets to be lost, all in accordance with para 199 of the NPPF and policy BE6 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.

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

- 18) No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre lines of

each of the public sewers i.e. protected strip widths of 6 (six) metres per sewer, that cross the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

[Reason: In order to allow sufficient access for maintenance and repair work at all times.]

- 19) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

[Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.]

- 20) 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 and Drainage Strategy ref: 600145 Rev V03 dated 3 March 2021, author Ania Wojnowska and “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.]

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

would lead to increased surface water run-off from the 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) The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

[Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.]

- 23) 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

- 24) Prior to any works exceeding demolition and site clearance, a construction management plan or construction method statement shall be submitted to and 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 the highway (including details of wheel washing facilities on site)
 - Pedestrian and cyclist protection

- Proposed temporary traffic restrictions
- 25) Prior to any works exceeding demolition and site clearance, conduction 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.
 - 26) The proposed site shall not be taken into use until Oaks Farm Lane is upgraded to a 5.5m carriageway width, with a single footway on the northbound side of the carriageway measuring 2m in width and separate footway on the eastern edge of the carriageway of varying widths owing to space available within the redline boundary will be provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
 - 27) No part of the development shall be occupied until a new vehicular access has been formed to the proposed development site in accordance with the application drawing No: 600145-HEX-00-GEN-DR-C-0113/P01, provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centerline of the accesses, for a distance of 47m 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 relative to the adjoining nearside carriageway channel level.
 - 28) 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).
 - 29) There shall be no gates or other barriers within 5m of the nearside highway boundary, and any gates shall open inwards only.
 - 30) 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/plans which need to be agreed as part of a subsequent Reserved Mattes application. 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.
 - 31) The carriageways of the proposed estate roads shall be constructed in accordance with the above condition 25 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.

- 32) 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 application. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicles and fire tender vehicles, 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 to be agreed in writing with the Local Planning Authority in consultation with the County Highways Authority.

[Reasons c24 - 32: In the interest of highway safety, all in accordance with Policies T2 and T9 of the North East Derbyshire Local Plan and policy ID3 of the Publication Draft Local Plan.]

Land Stability

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

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 34) Prior to the occupation of each specific phase of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable

for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

[Reason c33 & 34: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.]

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 is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>.

- g) The applicant is advised to review the consultation comments of Cadent Gas and take into account the informative notes contained in the letter dated 7 April 2021.
- h) The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements; and
There is a combined sewer overflow (CSO) and an outfall to watercourse, under the control of Yorkshire Water, located within the site. Vehicular access, including with large tankers, could be required at any time. The proximity of the existing combined sewer overflow (CSO) and outfall to the site may mean a loss of amenity for future residents / workers. In order to minimise the risk of odour, noise and nuisance, industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing CSO and outfall. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.
- i) The applicant is advised to read the comments of Yorkshire Water prior to the submission of any reserved matters application.
- j) Highways Informative notes, as per comments dated 23 April 2021.
- k) LLFA Informative Notes. As per comments dated 4 May 2021.