

PLANNING COMMITTEE – 16 NOVEMBER 2021

Reference Number: 20/00853/FL

Application expiry: 19.11.2021

Application Type: Full

Proposal Description: Demolition of existing redundant building(s) known as Ellen House and construction of new affordable housing development (19no. units) plus associated car parking and landscaping (Major Development) (Amended Plans/Amended Title)

At: Ellen House, Heath Road, Holmewood

For: EMH Group

Third Party Reps: 13 resident's comments

Parish: Heath & Holmewood

Ward: Holmewood & Heath

Report Author: Graeme Cooper

Date of Report: 3 November 2021

MAIN RECOMMENDATION: Grant permission, subject to conditions

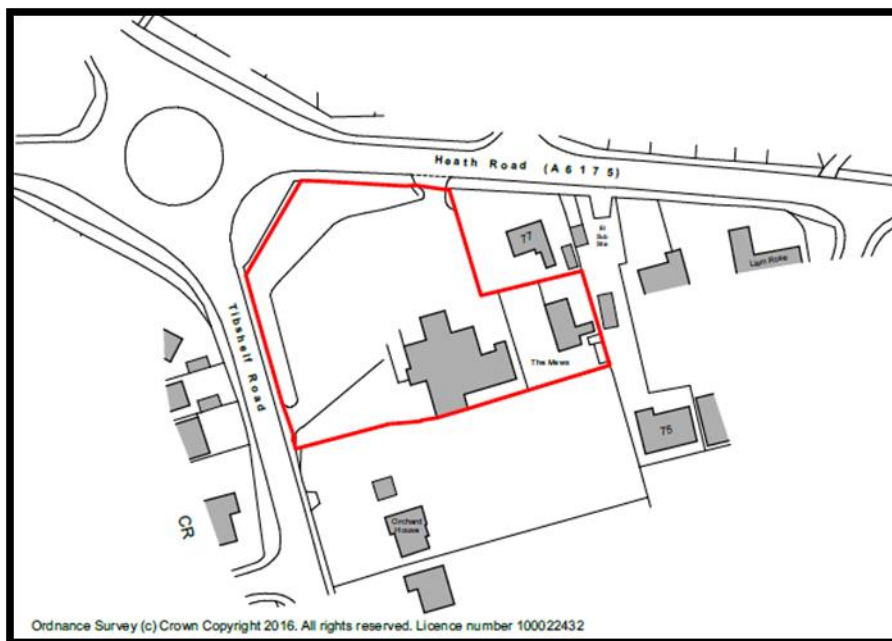


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 The application seeks consent for a 100% affordable housing scheme with no financial contributions towards education, health and play space, as such officers in agreement with the Planning Manager consider that this should be determined by members of planning committee in line with the Council's constitution.

2.0 Proposal and Background

Site Description

- 2.1 The site is situated within the Settlement Development Limit for Holmewood at a roundabout junction of the A6175 (Heath Road) and B6039 (Tibshelf Road).
- 2.2 Heath Road sits to the north of the application site and Tibshelf Road to the south west.
- 2.3 The site itself includes the main building which sits to the southern boundary and a smaller building in the south east corner, named The Mews. The main building has been formerly a dwelling, public house and, most recently, offices. The Mews was a stable building but has been adapted to a residential use. The existing buildings on site can be seen below.



Figure 2: Ellen House and The Mews

- 2.4 The site includes a large area of car park hard standing forward of the main building and a number of protected trees (TPO 63 Group A1, T1, T2 and T3).
- 2.5 The site is level in character framed with roads to the north and west, with residential properties to the east and south.

Proposal

- 2.6 Originally the proposal sought consent to demolish the existing redundant building on the site and the construct 20 new affordable houses.
- 2.7 The proposal would have included a mix of the following social, affordable or intermediate rental properties:
- 11 x 1 bedroom apartments
 - 1 x 2 bedroom apartments
 - 4 x 2 bedroom houses (all semi-detached)
 - 4 x 3 bedroom houses (2 semi-detached and 2 detached)
- 2.8 Two access points are proposed into the site, one from Heath Road serving 16 properties and the other from Tibshelf Road serving 4 properties.
- 2.9 The application is accompanied by a Design and Access Statement, Topographical Survey, Ground Investigation Report, Ecological Appraisal, Arboricultural Assessment, Flood Risk Assessment and Drainage Strategy, Transport Statement and Viability Appraisal.

Amendments

- 2.10 Following concerns raised by Officers and the Council appointment arborist an amended scheme was submitted reducing the number of units down to 19 allowing the apartment building to be stepped away from protected trees adjacent to the site boundary. The amended layout is illustrated below.

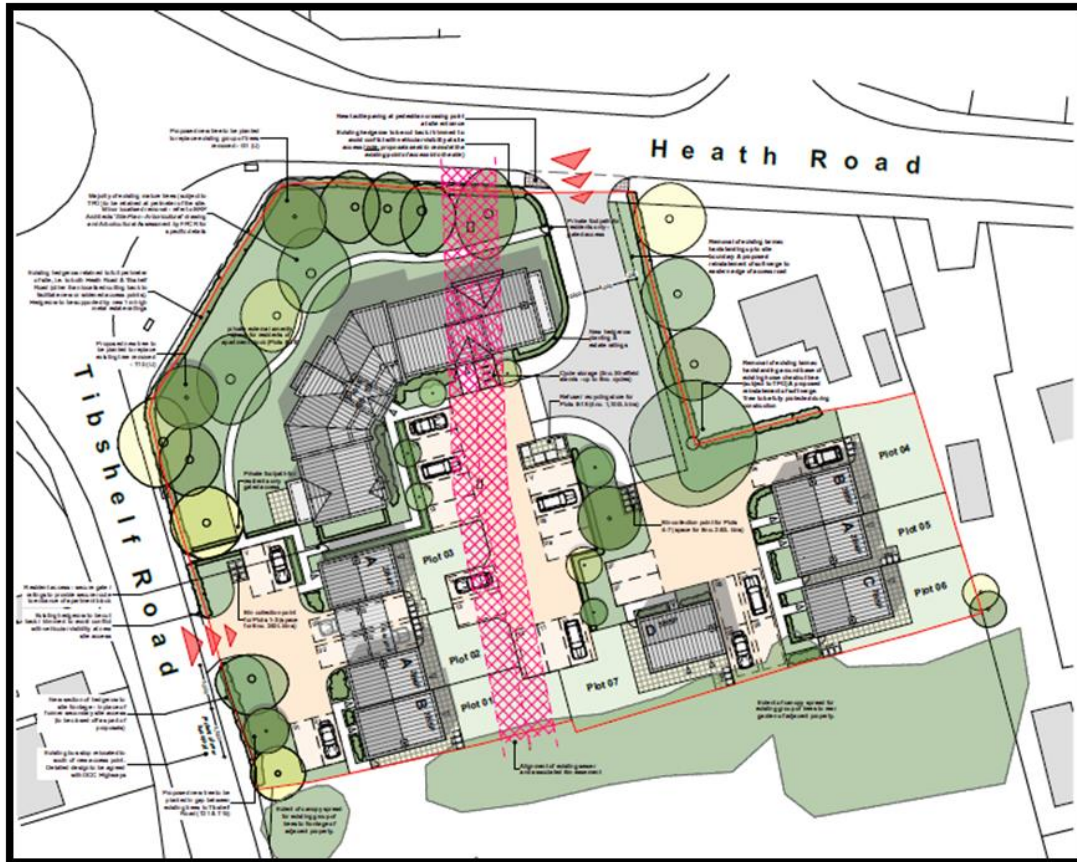


Figure 3: Amended layout plan

3.0 Relevant Planning History

- 3.1 18/00770/FL - Retention of CCTV column (Conditionally Approved)
- 3.2 10/00206/FL - Change of use from residential to office use (Conditionally Approved)
- 3.3 09/00567/FL - Siting of portacabin as office accommodation (Conditionally Approved)
- 3.4 08/01151/FL - Application for change of use of Public House to office accommodation (Conditionally Approved)
- 3.5 07/00172/FL - Single storey extension to rear to form new accessible toilet and a new awning/ pergola to side for external drinkers/diners- Revised scheme of NED/06/01336/FL (removing the raised decking to front) (Conditionally Approved)
- 3.6 06/01336/FL - Construction of a single-storey rear extension / raised decking to front and a covered area to side (Refused)

3.7 02/00518/TPO - Proposed felling of a silver birch tree and sycamore tree covered by TPO 63 (Conditionally Approved)

3.8 85/00598/OL - Residential development (outline) (Conditionally Approved)

4.0 Consultation Responses

4.1 **Parish Council** raised no comments.

4.2 **Ward Member** objected to this planning application for the following reasons:

This is not because it's due to help a specific group of people with Supported Housing, but just on the principle that Holmewood has received beyond its fair amount of developments over the last few years. The population of the village over the next 2 years will be almost doubled due to 3 increasingly large developments that planning have allowed. Putting increasing strain on our roads and other services; schools, doctors, etc.

We have written to planning to request that no more developments take place so unfortunately despite the good intentions of this planning application we have to object.

We are also quite amazed that within the supported housing element of this development there will be traditional housing. We just see this as an opportunity for yet another developer to move into Holmewood and take the opportunity of the fact we have no local plan and planning officers not being able to stop it. If the owners of Ellen House's intention is to help support a specific group, why are not all the properties being made available to them?

I have previously had a conversation with you about it being a Historic Building. This has been rebuffed however, it is an historic building to people in Holmewood and so I object on grounds that you are removing a piece of our history in order to allow unscrupulous developers make money.

4.3 **County Councillor** Woolley requested that officers keep him up to date with the progress on this development. No further comments have been received.

4.4 **Highways** note that the amended scheme largely addresses original highway comments. The principle of development remains acceptable in highway safety terms.

- 4.5 Some clarity was requested on the swept path of a refuse vehicle approaching from the east and existing to the west. Highways note that the applicant may wish to keep the internal road private and the access could take the form of a dropped kerbed arrangement maintaining pedestrian priority along the site frontage.
- 4.6 Should the Authority be minded to support the application in its current form it is unlikely the Highway Authority would be in a position to demonstrate the proposals would result in a highway safety issue or severe harm to the highway network, to justify refusing the application on sound highway safety grounds. In light of this no objection is raised subject to conditions covering site accommodation and wheel washing, modifications to the access onto Heath Road, closure of the old access onto Tibshelf Road, creation of access onto Tibshelf Road, relocation of the bus stop on Tibshelf Road, a bin collection strategy, adequate road surfacing, the first 5m being of a solid bound material, gradient of the road, parking provision within the site, there being no gates within 5m of the highway and provision of surface water disposal.
- 4.7 **Environmental Health (EHO)** raised no objection subject to conditions relating to land contamination.
- 4.8 **Health and Safety Executive (HSE): The Explosives Inspectorate** - having considered carefully the type and location of the proposed development, has no objection to it proceeding.
- 4.9 **Council's Refuse Team** raised specific comments relating to bin collection matters. No objection was raised subject to a satisfactory refuse collection strategy being agreed and an indemnity agreement being in place to allow refuse vehicles onto any private roads.
- 4.10 **Derbyshire Wildlife Trust (DWT)** considered their Biodiversity datasets (Biodiversity Alert Map updated May 2021) and reviewed the Ecological Appraisal prepared by FPCR in December 2020. DWT consider that the ecological appraisal is generally acceptable and that the conclusions reached with regard to potential impacts is reasonable. DWT agree with the findings of the report in relation to there being no statutory or non-statutory sites of nature conservation interest present. In addition, impacts on protected species appear to be unlikely subject to the inclusion of conditions.
- 4.11 DWT note that there is a little uncertainty about the impact on hedgerows, but based on the proposed plans it looks like there will be a small loss of hedgerow associated with the new/improved access to the site. The

landscaping plan should include planting of new hedgerow/s to address any loss.

- 4.12 Loss of trees should be addressed within a sympathetic landscaping plan for the site and trees to be retained should be protected during construction with appropriate root protection zones in line with recommendations in the arboriculture report.
- 4.13 The bat method statement presented in the ecological appraisal should be secured via a condition.
- 4.14 DWT recommend as a further biodiversity enhancement the inclusion of 10 integrated swift bricks into the new dwellings. Swift bricks can be used by a range of bird species including swifts, sparrows and starlings. DWT raise no objection subject to conditions covering bats, protection of nesting birds, CEMP, LBEMP and a scheme of lighting.
- 4.15 No further comments have been received from DWT in response to the amended scheme.
- 4.16 **Yorkshire Water Authority (YWA)** raised no objections to both original and amended schemes subject to conditions.
- 4.17 **Council's Drainage Engineer** raised no comments.
- 4.18 **Lead Local Flood Authority (LLFA)** initially raised a holding objection until further details were submitted. After the submission of further details the LLFA raise no objection subject to conditions and notes being included on any decision.
- 4.19 **Environment Agency** raised no comments.
- 4.20 **Council's Housing Officer** commented that the Strategic Housing Market Assessment OAN Update 2017 estimates that 236 additional units of affordable housing are required each year over the next five years to fully meet affordable housing need in the district. The proposal of 19 units of affordable homes on this site will help to meet this need. There is a demand for 1, 2 and 3 bedroom properties in this area and therefore the Council supports the mix of housing on this site. The demolition of the existing building will benefit this area and prevent any further problems that are associated with long term empty buildings. The properties should be managed by a housing association or registered provider who have existing stock in the area and they should be allocated through the Council's Choice Move register.

- 4.21 **Council's Parks Team** requested £7,457.33 of s106 monies towards existing off site play provision at either Searston Avenue Play Area or Old Colliery Lane Multi User Games Area and a 10 year maintenance fee of £2357.59. It was also requested clarity on how any on site open space would be managed.
- 4.22 With regards to the trees on site, the submitted tree survey notes the protected trees on site and proposes a level of work. The Tree Retention Plan shows that the applicant is proposing to build dwellings within the root protection areas (RPA) of trees T6, T7 and T18, with further works in relation to access roads, parking and pathways within the RPA of these and other trees. The existing building/demolition area also falls within the RPA for T18. It is unclear as to what consideration has been given in relation to the impact of the proposed dwellings being within the RPAs, and what the applicant may be proposing to do should they encounter roots if working with the RPA. It is unclear as to whether the applicant has given consideration to root protection, the development's impact on the roots of the tree, and the impacts of future root growth on the dwelling. Whilst noting the Tree Protection Measures and the RPAs included within the Tree Survey submitted with the application, the document did not include a plan for the positioning of root protection barriers/fencing. Additional information was requested in relation to establishing a plan for root protection fencing, along with how the developer intends to work in the RPA's. It is also suggested that consideration be given to the use of a root barrier system given the proximity of trees. Careful consideration should also be given to the storage of materials/equipment etc on site and parking of vehicles so they do not negatively impact the protected trees.
- 4.23 The **Coal Authority** (CA) noted that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. The CA refer to standing advice.
- 4.24 **Cadent Gas** noted the presence of operational gas apparatus within the application site boundary and request an informative note be included in any positive decision issued.
- 4.25 **Designing Out Crime Officer (DOCO)** raised no objections in principle, but recommends revisions. The revisions centre mostly around pedestrian access through and around the site combined with the allocation of open and parking space. There is a narrow footpath link running between plot 4 and the apartment block presumably designed to provide pedestrian access onto Tibshelf Road for residents of the site. This runs out of sight pinched between the two blocks and emerges into the apartment's

communal parking area, the extension of which is at the back of plots 1-4, and out of a clear view of some apartments. This is potential generator of crime and apprehension for those affected. This link also leads to the garden access for plot 4 which is out of view. To compound the matter there is an access path crossing the link which runs around the front of the apartment block and into the semi-private space in front of plots 3 and 4. This path also leads to and crosses through an external seating area which is directly in front of what seems to be the private garden space for a ground floor apartment. Consequently, the paths in their current form are seen as problematic and failing to achieve the aim set out in the supporting design and access statement of defining areas of defensible space and clearly identifying ownership and zones of responsibility. Given the minimal advantage the central link provides for plots 5-8 and alternatives available, this is considered detrimental to overall amenity.

4.26 Specifically, the DOCO wishes to see:

- The link absorbed into the curtilage of plot 4 and removed.
- A better relationship between the apartment block and open space to the front. At present only one ground floor apartment has a direct relationship with the frontage.
- The remainder just overlook it so active ownership is minimised, and there is a likelihood that the front of block footpath becomes a shortcut between Tibshelf Road and Heath Road, which will further weaken territoriality and active ownership of his area.
- If a communal seating area to the open space is seen as needed (in the light of a better relationship between ground floor apartments and the space being developed) then it should be placed further away from privately owned curtilage.
- The link from the apartment frontage footpath into the shared space of plots 3-4 should be removed.
- Additional to the points concerning foot access and the treatment of private space.
- The pedal cycle store indicated should be subject to clarification over specification of structure, and how individual users will secure their cycles.
- There is no provision for mail delivery at the apartments. This needs to be fleshed out.
- There is no provision for public lighting within the development, which will include areas of unlit shared parking court. The applicants are advised to consider allocating a landlord supply for the shared apartment parking.

4.27 **DCC Infrastructure/Policy Team** noted that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- £85,362.45 towards the provision of 5 Primary places at Heath Primary School + additional education facilities
 - £102,900.16 towards the provision of 4 secondary places at Tibshelf Community School + additional education facilities.
- 4.28 It is requested that the LPA should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.
- 4.29 Following an independent financial viability report being prepared for the LPA the DCC Policy team were re-consulted. The County Council recognises the results of the viability report and that education contributions will not be able to be provided to mitigate the impact of the development.
- 4.30 **NHS** requested that s106 monies be considered as part of the development, however no formal request for financial mitigation was made.
- 4.31 **Derby and Derbyshire Community Health (CCG Hardwick)** raised no request for financial contributions linked to this development.
- 4.32 **Council's Economic Development Unit** requested an employment and skills condition be included in any decision.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice adjacent to the site. The site noticed expired on 24 August.
- 5.2 13 local residents have made objections/comments in relation to this proposal, which can be summarised as follows.

General Development of Site

- Office should be converted instead [*Officer note: the LPA can only consider applications before them on their planning merits.*]
- Already plenty of houses being built and approved in Holmewood

Character of Site and Area

- Three storey building will look out of character with the surrounding area which is mainly single storey bungalows

- Development is too dense and out of keeping with locality
- Ellen House is of outstanding architectural and historical significance
- Ellen House one of finest properties in Holmewood [Officer note: the property is not listed, nor a non-designated local heritage asset or protected in any other way.]
- Development will have negative environmental effect on area which is already being redeveloped with high volume of building
- Density out of keeping with area
- Ellen House is over 100 years old and historically important to the villages of Holmewood and North Wingfield, along with coal mining history

Highways matters

- Entrance to site is from a busy road close to the roundabout which is a possible accident black spot
- Add to already over congested Heath Road
- Access road is too narrow
- Difficult to cross Tibshelf Road and Heath Road at busier times
- Not enough parking spaces
- Increase volume of traffic onto road network
- Additional traffic movements will have detrimental impact on health and well-being of residents
- Tracking drawings are inaccurate
- No green waste provision for apartment block residents

Impact on Trees/Ecology

- Trees on site may be negatively impacted by the proposed development
- Tree identified for removal does not need to be removed
- Root Protection Areas identified in the Arborist report are incorrect
- Trees (T1 – T12) too close to apartment building
- T18 has a large root area
- Development could lead to deterioration of protected trees on site
- Development would lead to loss of mature trees and hedgerows which are haven for wildlife and absorb pollutants
- Negative impact on bat habitat from additional noise and light
- Trees and hedgerows on site important habitat for wildlife, including birds, bats and squirrels. This is considered to be a leafy corner of Holmewood
- Access in close proximity to trees G5 and T18 is not a sensible option

Infrastructure

- Limited school places
- Local infrastructure, schools, doctors and public transport will struggle to accommodate development

- Lack of facilities in the locality – facilities should be put in place before permission is granted
- Local doctors and dentists cannot cope with demand

Impact on Neighbours Privacy and Amenity

- Significant overlooking towards neighbouring bungalows
- Plot 18 will have two windows overlooking neighbouring property which is an invasion of privacy
- Apartment building will overlook neighbouring and opposite bungalows
- Eastern elevation of block of flats will overlook neighbouring property
- Damaging to neighbouring residents human rights, under Human Rights Act, particularly Protocol 1, Article 1 and 8. Proposed development would breach these rights
- Plot 14 has side facing windows which would overlook house and garden of plot 4
- Noise, dust etc from lorries impacting local residents
- Amended plans move the apartment block closer to neighbouring property

Drainage

- Issues with mains sewers [*Officer comment: no objection from Yorkshire Water*]
- Water supply to neighbouring sites may be impacted
- Drainage of neighbouring properties may be impacted
- Proximity to Meadow View housing estate
- Surface water will overwhelm sewer system
- Flooding issues in the locality
- Drop in water pressure [*officer note: this is not a material planning consideration*]
- Loss in property value [*officer note: this is not a material planning consideration*]

- 5.3 A number of residents are concerned that they have not been notified of the planning application. However, the application was advertised in the local press (Derbyshire Times) and a site notice placed adjacent to the site on Heath Road and immediate neighbouring residents notified by post. This process is fully in line with the Council's planning application advert and neighbour notification process and compliant with national regulations.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

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

- GS1 Sustainable Development
- GS5 Settlement Development Limit
- GS9 Planning Obligations
- GS10 Crime Prevention
- H2 Housing Development on other sides within the Settlement Development Limits
- H6 Affordable Housing Provision in the Main Settlements
- H12 Design and Layout of New Housing
- 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
- T9 Parking Provision
- CSU4 Surface and Foul Water Drainage
- CSU6 Contamination Land

North East Derbyshire Local Plan 2014-2034 (Publication Draft) (PDLP)

- 6.2 The 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 18th February and 21st March, 2019. Consultation on Main Modifications was undertaken in 2020 ending on 31st January 2021. All comments/representations received were forwarded to the Inspector for consideration. The Inspectors final report on the Plan was received on 19 July and it is expected that the Plan will be adopted in autumn 2021.
- 6.3 The PDLP is therefore at an advanced stage and should be attributed appropriate 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
 - SS7 Development on unallocated land within the Settlements with Defined Settlement Limits
 - LC2 Affordable Housing
 - LC4 Type and Mix of Housing
 - SDC2 Trees, Woodland and Hedgerows

SDC4 Biodiversity and Geodiversity
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place making
SDC14 Land Potentially affected by Contamination or Instability
ID1 Infrastructure Delivery and Developer Contributions
ID3 Sustainable Travel
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.

Other Material Planning Considerations

- 6.6 Successful Places Interim Planning Guidance, adopted December 2013
- 6.7 The following adopted **Supplementary Planning Documents** are relevant to this application:

Sustainable Buildings, Developer Contributions, Recreation and Open Space and Affordable Housing.

7.0 Planning Issues

Principle of Development

- 7.1 Policies GS1, GS5 and H2 of the Development Plan seek to deliver housing primarily within the Settlement Development Limits (SDLS) established in the plan. Whilst the Local Plan was adopted in 2005, as these policies are generally considered consistent with the National Planning Policy Framework (NPPF) they are considered to carry full weight in this case.
- 7.2 Policies SS1, SS2 and SS7 of the PDLP likewise seek to promote development within SDLs and, in the case of policy SS7, specifically on unallocated sites within those areas subject to them being appropriate in scale, design and location to the character and function of the settlement, not resulting in the loss of a valued facility or service unless it can be demonstrated it is no longer viable, and is compatible with, and does not prejudice any intended use of adjacent sites and land uses and accords with other policies in the PDLP.
- 7.3 The NPPF defines Previously Developed Land (PDL) as *“land which is or was occupied by a permanent structure, including the curtilage of the*

developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”

- 7.4 Para 119 of the NPPF states that decisions of LPA's should “*promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land*”.
- 7.5 The building on site is a former public house, which was converted to offices. The building is not a valued facility identified in the Local Plan and should be considered PDL. This adds weight to the proposal's acceptability.
- 7.6 As such the principle of the site's redevelopment for housing is acceptable.

Affordable Housing

- 7.7 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 area is in excess of 0.1ha, but as the proposal is seeking consent for 100% affordable housing the application is considered to comply with this policy.
- 7.8 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 great weight on it in this case.
- 7.9 The Council's Housing Enabling Officer (HEO) notes that the Strategic Housing Market Assessment OAN Update 2017 estimates that 236 additional units of affordable housing are required each year over the next five years to fully meet affordable housing need in the district and that the proposal will help to meet this need. The HEO notes that there is a demand for 1, 2 and 3 bedroom properties in this area and therefore supports the mix of housing on this site. The HEO also supports the demolition of the existing building as it would benefit the area and prevent any further problems that are associated with long term empty buildings. He concludes by stating that the properties should be managed by a housing association or registered provider who have existing stock in the area and they should be allocated through the Council's Choice Move register.

- 7.10 The proposal will include 100% affordable housing provision, the precise mix being social, affordable and/or intermediate rental properties.
- 7.11 Officers consider that the provision of 100% on site affordable housing is compatible with Development Plan policy and it is a significant benefit of the scheme which weighs in its favour and the exact mix of housing can be controlled by way of condition.

Infrastructure/Viability Considerations

- 7.12 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 as necessary.
- 7.13 The County Council's Infrastructure team made comments about the proposals impact on demand for school places. They initially requested £85,362.45 towards the provision of 5 Primary places at Heath Primary School + additional education facilities and £102,900.16 towards the provision of 4 secondary places at Tibshelf Community School + additional education facilities.
- 7.14 CCG Hardwick and Derbyshire Community Health Services NHS Trust made no requests for financial contributions towards healthcare contributions.
- 7.15 The Council's Parks Team requested £7,457.33 towards existing off site provision at either Searston Avenue Play Area or Old Colliery Lane Multi User Games Area and a 10 year maintenance fee of £2357.59.
- 7.16 The developer has confirmed that the scheme is unviable as a result of the scheme providing 100% affordable housing. A viability appraisal was submitted in support of it, prepared by Atlas Development Solutions dated 23 June 2021. It illustrates that the scheme is unviable and unable to provide any financial contributions.
- 7.17 An independent assessment undertaken on behalf of the Council concludes that the scheme is shown to be unviable even before any s106 contributions are factored in. The report agrees with the applicant's own report and conclusions.
- 7.18 In light of the above reports a re-consultation process was undertaken with the bodies/organisations affected. Only DCC Infrastructure Team responded and noted the results of the viability report and that education contributions will not be able to be provided to mitigate the impact of the development.

- 7.19 The Planning Practice Guidance states that “*Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity.*” The guidance goes on to state that “*Funding is reduced however to take account of developer contributions, to avoid double funding of new school places. Government funding and delivery programmes do not replace the requirement for developer contributions in principle.*”
- 7.20 Residents have raised concern at the lack of local infrastructure/capacity issues especially in local schools, doctors and public transport.
- 7.21 Officers are of the opinion that the lack of financial contributions towards education and play space to mitigate the effects of development weigh against the proposal development. However, the overall conclusions and comments are noted.

Impact on Protected Trees

- 7.22 The site includes a number of trees which are covered by a Tree Preservation Order. The trees are covered by TPO 63 (T1, T2, T3 and A1) which was made in 1988. A plan taken from the Council’s mapping system can be seen below (Figure 4) and illustrates the approx. position of the protected trees. The trees are identified as follows within the TPO:

T1 – Lombardy Poplar (adj to northern boundary with Heath Road)

T2 – Lime (adjacent to western boundary with Tibshelf Road)

T3 - Horse Chestnut (adjacent to eastern boundary)

A1 (area hatched) – Several Lime, Lombardy Poplar, Cherry, Norway Maple, Birch, Ash, Sycamore, Horse Chestnut and Scots Pine.



Figure 4: Plan illustrating protected trees

7.23 Concerns were raised by officers regarding the scale of development and the impact on the protected trees within the site. As a result of these concerns an independent Arboricultural assessment was undertaken on behalf of the Council by Weddle Landscape Design. This report has helped formulate an amended scheme.

7.24 Local residents have also raised concerns at the impact of development on trees within and adjacent to the site and consider that some trees do not need to be removed and some information provided is incorrect. They state that trees on site are a haven for wildlife. In view of these and officer concerns updated details were requested from the applicant and the Council sought advice from an independent arborist.

7.25 An updated Arboricultural Assessment, method statement and arboricultural site plan (see Figure 5 below), prepared by FPCR Architects has been submitted. The scheme identifies the protected trees within and around the edge of the site, the impact of development on them, new tree and hedgerow planting and tree protection measures.



Figure 5: Arboricultural Site Plan

7.26 Weddle Landscape Design (WDL) have reviewed the submitted details and welcome the amended scheme positioning the apartment building away from the trees to the north. WDL consider that this has adequately reduced the impact of the proposals on the protected trees. Replacement

tree planting can be secured by a standard landscaping condition. However, WDL also noted that there were still some inaccuracies and a lack of detailed information to give the LPA full confidence that the impact on the retained T18 and T21 trees can be mitigated. As such, further information has been requested from the applicant in relation to the position of existing trees, revisions to the documentation and additional site specific detail. Details to be addressed include matters relating to the tree survey, errors in the arboricultural assessment, clarity on site levels to limit the impact on protected trees and update to the arboricultural method statement to provide accurate information. WDL are of the opinion that the impact on the protected trees should be able to be mitigated however this must be demonstrated to the LPA before determination of the application.

- 7.27 At the time of writing, the applicant was still working with their appointed arboriculturist in consultation with WDL to address the points of concern above. The result of these discussions and the impact on the proposed development will be reported to Members as appropriate. However, Officers are satisfied that, in consultation with WDL, that the points raised can be overcome and do not preclude the redevelopment of the site.
- 7.28 Local Plan policy NE7 and emerging PDLP SDC2 state that planning permission will not be granted for development that would have a direct or indirect detrimental impact on protected trees that make a significant contribution to the character and amenity of the area.
- 7.29 Whilst some trees will be lost as a result of the proposed development, these trees, in Officers opinion, do not make a significant contribution to the character of the area. Furthermore mitigating native tree and hedgerow planting can be controlled by way of condition.

Street Scene/Design Considerations

- 7.30 Local Plan policies and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development. Specifically, Local Plan policy BE1 seeks to ensure new development respects the character and appearance of the surrounding area whilst policy SDC12 of the PDLP seeks to ensure new development meets the highest standards of urban and architectural design, positively contributing to the quality of the local environment.
- 7.31 Local Plan Policy GS5 states that development will be permitted provided it would not be detrimental to the character and appearance of the site and

the surrounding environment and it would not have a detrimental effect on the amenities of neighbouring residents and users.

- 7.32 PDLP policy LC4 considers that development should be of an appropriate mix of dwelling types and developments in excess of 10 of more dwellings should provide 20% (4 units) accessible and adaptable dwellings. The applicant has confirmed that 5 units (Plots 2, 3, 5, 8 and 12) will comply with this standard. However it is noted that House Type A will need some very minor changes to be able to demonstrate full compliance. A condition could be included in any decision to ensure full compliance with this policy requirement.
- 7.33 The proposed development includes the removal of all structures from the site, none of which are listed or non-designated heritage assets or assets of community value. However residents and the local ward member have noted their unique historic quality.
- 7.34 The proposal comprises an apartment block, semi-detached and detached properties. 19 units are proposed, being split into 11x1 bed apartments, 1x2 bed apartments, 3x2 bed semi-detached properties, 2x3 bed semi-detached properties and 2x3 bed detached properties. Examples of the elevational treatments of the apartments and dwellings can be seen below (Figures 6-9).



Front Elevation
Figure 6: House type A & B



Front Elevation 2
Figure 7: Apartment front elevation



Rear Elevation Front Elevation
Figure 8: House type C



Front Elevation Rear Elevation
Figure 9: House type D

- 7.35 The proposal includes the use of a mixed palette of materials for external walls, including facing brick, render feature brickwork and window and door detailing. Given the mixed street scene in this location Officers consider that the principle of the materials palette is acceptable subject to a condition requiring the submission and agreement of the final finished walling and roofing materials to be used.
- 7.36 The scale and density of the scheme has been raised as a concern by local residents, however the site sits in a prominent position at a busy roundabout surrounded by a mix of properties and house types. The site is also framed by mature tree planting which would help mitigate the scale of any development. The main part of the apartment building is three storeys in scale, with two double storey wings. Officers consider that the position and scale of the apartment building will have a positive contribution to the surrounding street scene in framing the roundabout and in conjunction with the two storey dwellings would respect and have a positive impact on the character of the site and the surrounding street scene, adding to the diverse mix of house types in the vicinity of the site, contributing to local distinctiveness.
- 7.37 A boundary treatments plan (drawing E78-BRP-00-ZZ-DR-A-0117-P01) has been submitted for consideration. Estate style railings are proposed around the perimeter of the site and on the entrance/parking areas. Feature walls are proposed to the rear of plots 1-3 and 7 where they back onto a parking court. 1.8m timber fencing is proposed between private gardens. The south and east boundaries of the site will be unaffected by the proposed development. Officers consider that the scheme of boundary treatments is acceptable and would complement the site and the surrounding street scene.
- 7.38 The amended site plan drawing illustrates some proposed hedgerow/shrub/tree planting and states that a detailed design/planting scheme will be provided. Officers consider that subject to a condition covering the provision of new native planting the scheme has an opportunity to provide a scheme of landscaping that would complement the site and the surrounding street scene. Furthermore important trees on site would be protected from development.
- 7.39 An existing topographical survey of the site confirms that the site is relatively flat in character, however no proposed finished levels have been provided and as such a levels condition is considered necessary on any decision issued by the LPA.
- 7.40 The DOCO raised some specific comments in relation to the design of the scheme and crime prevention. The amended scheme seeks to address

some of these points, however some matters are not achievable. Therefore, subject to conditions being included relating to site lighting, cycle storage and the inclusion of additional windows in plot 3 and/or the apartment building to the north Officers consider that the scheme would include crime prevention measures that would accord with Local Plan policy GS10.

- 7.41 In line with Local Plan policy B5 a condition should be included requiring the development to provide a scheme of public art. In addition a condition requiring the submission of a scheme of mitigating climate change is proposed in line with the Council's Sustainable Buildings SPD.
- 7.42 Concerns have also been raised by residents at the loss of Ellen House itself and residents would prefer to see it converted into accommodation. Officers note that the property is not protected in any way and the application has to be considered on its own merit based on the information submitted and available. As such, Officers place very little weight on the loss of Ellen House itself.
- 7.43 Overall, Officers consider that the proposed development would be a positive reuse of a Brownfield site which would respect the character of the site and the surrounding street scene, contributing to local distinctiveness.

Residential and Neighbouring Land Uses Impact

- 7.44 The properties most likely to be affected by the proposed development would be those immediately adjacent to the site, 75 and 77 Heath Road and Chaperal and Orchard House to the south. Properties opposite on Glebe Close, Churchland Avenue, Pewit Close and Meadow View would also be affected by the proposal although less directly. The proposal is also likely to have an impact on other properties resulting from the comings and goings of traffic into the site.
- 7.45 The existing development on site forms Ellen House and The Mews. Ellen House is located to the south of the site and abuts the southern boundary. The Mews sits in the south east corner of the site (see Figure 10 below).



Figure 10: The Mews

- 7.46 Local Plan policies state that development should not have a detrimental effect on the amenities of neighbouring occupiers and ensure adequate standards of privacy and outlook. The Council's Successful Places Planning Guidance provides guidance on separation distances, garden sizes and the general layout of development seeking to avoid any unacceptable loss/lack of privacy/amenity for existing and future residents.
- 7.47 The proposal is a mix of apartments and dwellings served by two points of access, one from Heath Road and the other Tibshelf Road. The current access onto Tibshelf Road is closed but when reopened would serve 3 dwellings.
- 7.48 The apartment building includes accommodation of two and three storeys. The three storey element is central on the building with the wings of the building being two storey. Windows are included in the front and rear elevations of the building, with two first floor living room windows included in the eastern elevation. Concern has been raised by the residents of number 77 Heath Road, however, these windows are approx. 12m from the boundary to the east and a number of trees form the eastern boundary of the site which will, in Officers opinion, prevent any harmful overlooking. Concern has also been raised by neighbouring residents opposite the site at the potential for overlooking, however any overlooking towards these properties on the opposite side of Heath Road and Tibshelf Road would be severely restricted by mature tree planting and by the separation distance between these properties and across a main road. Overall, Officers consider that the apartment buildings relationship with neighbouring dwellings is acceptable.
- 7.49 Plots 1 to 3 are located in the south west corner of the site and face onto Tibshelf Road. The immediate outlook is over a parking area with properties to the west some distance away. To the rear of these plots the outlook is essentially across gardens and a car park courtyard. The

distance between plots 1 to 3 and plot 7 is approx. 23m which is considered an acceptable separation distance.

- 7.50 Plot 7 sits close to the southern boundary of the site in a similar position to Ellen House. The southern boundary is made up of dense mature tree planting outside the applicant's control, furthermore the rear elevation of plot 7 includes a bathroom and bedroom. Any views from these openings would be severely restricted by tree planting along this boundary and be limited to, at best, views over the far extent of the garden at Orchard House. Officers do not consider this relationship to be harmful.
- 7.51 Plots 4 to 6 sit in the south east corner of the site and would replace The Mews, a large building previously used for accommodation, is situated close to the eastern boundary of the site. The proposed dwellings would be set back no closer than 9m from the eastern boundary of the site. All three plots include upper floor rear facing habitable rooms which would overlook the frontage of number 75 and towards Chaperal. Officers consider that given the existing situation on site and the potential for overlooking from The Mews, it is not considered that this proposed relationship would be any more harmful than that which already exists. Windows to the front of these properties would overlook the general parking and maneuvering area. Plot 4 and 6 include ground floor side facing windows which would not impact upon neighbouring privacy. In addition Plot 4 is separated from number 77 Heath Road to the north by approx. 13.5m. The guidance contained in Successful Places states that a minimum of 12m from side wall to rear wall is normally required. In this instance the proposed layout meets the guidance.
- 7.52 Successful Places requires 1 or 2 bed properties to have a minimum 50sqm of private outdoor amenity space. 3 bed properties should have 70sqm and apartments 20sqm per resident. Space forward of the apartment building would provide residents with an area of outdoor amenity, albeit one with limited privacy due to it backing on to the highway but behind a mature hedge. This area would be available for residents only with a gated access. The other properties are provided with between 60 and 100sqm of private outdoor amenity space which is broadly in line with the Council's guidance, and which generally Officers consider to be acceptable.
- 7.53 Neighbouring residents have also raised concern that the proposal will be damaging to residents Human Rights. Officers note that the European Court has on several occasions noted that planning determinations involve the exercise of discretionary judgement in the implementation of policies adopted in the interests of the community. In determining this application Officers have carefully considered the planning application on its merits within the background of existing planning policies, balanced these

against the Applicant's rights and the interests of the community in reaching a conclusion. The Planning Committee are required to do the same and in doing so take into account the issue of Human Rights.

- 7.54 Officers accept that the comings and goings associated with the proposed development will have an impact on residents, however it is considered that the proposed development in comparison to the existing use of the site would not be damaging to neighbouring residents amenity. The impact of problems arising from construction, e.g. from noise, dust, construction vehicles, hours of working, etc. are covered by Environmental Health legislation and can also be controlled as necessary and where appropriate by planning conditions. Furthermore the Council's EHO raised no objections to the proposed development subject to a condition limiting the hours of deliveries and site construction works.
- 7.55 In view of the above, Officers consider that the proposed development would not give rise to any unacceptable loss of privacy and amenity on existing and future neighbouring residents.

Highway Safety Considerations

- 7.56 The site is currently occupied by a vacant office building and large residential dwelling. The site is provided with 53 parking spaces. Access into the site is only currently available from Heath Road. The other access onto Tibshelf Road is closed with temporary fencing.
- 7.57 The proposal includes two points of access, one onto Heath Road and the other onto Tibshelf Road. The northern access would be the main point of access serving 16 units and provided with a turning head. The other access on Tibshelf Road would serve 3 properties.
- 7.58 19 dwellings are proposed, with 30 car park spaces provided. Each dwelling will be provided with 2 parking spaces and the apartments 1 each other than the 2 bedded unit which would have 2 spaces. 3 visitor spaces are also illustrated across the scheme. A centralised refuse collection area is provided for the apartments within the site and for plots 1-3 served from Tibshelf Road. Bin storage is provided for each dwelling away from public viewpoints. Cycle storage is provided for the apartment building.
- 7.59 A Transport Statement prepared by Tetra Tech dated July 2021 has been submitted. The conclusion of the report was that there was no highways or transportation reasons why the scheme could not be supported.
- 7.60 The Highways Authority (HA) was consulted on the proposed development and whilst clarity was sought on refuse vehicle swept path

details, no objection was raised to the proposed development subject to a number of conditions.

- 7.61 A number of objections have been raised regarding highway safety including concerns about the access, road safety in proximity of the site, not enough parking spaces being provided on site, increased volumes of traffic using the site and general congestion.
- 7.62 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. Whilst Officers appreciate the comments made, there appears to be no sound reason based on evidence to resist the application on any highway related grounds.

Drainage Considerations

- 7.63 The site falls in a Flood Zone 1 with a low probability of flooding. Mapping illustrates that the site is susceptible to low, medium and high risk surface flooding from its northern access to the southern boundary of the site.
- 7.64 The application is accompanied by a Flood Risk Assessment and Drainage Strategy prepared by Tetra Tech dated July 2021. The report considers flood sources, the probability of flooding, surface water and foul water drainage.
- 7.65 The Lead Local Flood Authority (LLFA) initially requested further details from the applicant's engineers. Following the submission of this additional information the LLFA raised no objection subject to conditions.
- 7.66 Yorkshire Water Authority raised no objection to the proposed development subject to conditions and a number of informative notes.
- 7.67 The Council's Drainage Engineer raised no comments to either original or amended proposals.
- 7.68 Neighbouring residents have raised concerns with the existing sewer infrastructure in the vicinity of the site, existing water supply/drainage being negatively impacted, flooding concerns and drop in water pressure. There has been no objection by any statutory consultee and no evidence has been put forward to suggest that the proposed development would result in harm to the drainage network or flooding.
- 7.69 In view of the above, Officers consider that the proposed development can be adequately drained and will not adversely affect the local environment, amenity or public health.

Land Contamination/Land Stability/Health & Safety Considerations

- 7.70 A Preliminary Investigation Report (Desk Study and Site Reconnaissance) prepared by Soiltechnics has been submitted to support the proposed development.
- 7.71 The Council's Environmental Health Officer (EHO) raised no objection subject to conditions relating to land contamination.
- 7.72 The Environment Agency (EA) raised no comments.
- 7.73 The Coal Authority (CA) was consulted on the submitted details and noted that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. The CA refer to standing advice.
- 7.74 The Health and Safety Executive considered carefully the type and location of the proposed development and raised no objection to it proceeding.

Ecological Considerations

- 7.75 The application is accompanied by an Ecological Appraisal, prepared by FPCR dated December 2020. The report considers ecological features on site and the potential presence of protected species. It concludes that no further assessment or mitigation is required in respect of the proposal.
- 7.76 DWT consider that the ecological appraisal is generally acceptable and that the conclusions reached with regard to potential impacts is reasonable. DWT agree with the findings of the report in relation to there being no statutory or non-statutory sites of nature conservation interest present. In addition, impacts on protected species appear to be unlikely subject to the inclusion of conditions. Any proposed landscaping should include new native hedgerow planting to address any loss.
- 7.77 DWT note that the loss of trees should be addressed within a sympathetic landscaping plan for the site and trees to be retained should be protected during the construction phase of development with appropriate root protection zones in line with recommendations in the arboriculture report.
- 7.78 The bat method statement presented in the ecological appraisal should be secured via a condition.

- 7.79 DWT recommend as a further biodiversity enhancement the inclusion of 10 integrated swift bricks into the new dwellings. Swift bricks can be used by a range of bird species including swifts, sparrows and starlings. DWT raise no objection subject to conditions covering bats, protection of nesting birds, CEMP, LBEMP and a scheme of lighting.
- 7.80 Concern is raised by local residents that the proposed development would have a negative impact on the natural and bat habitats on site, particularly from noise and light pollution.
- 7.81 As a result of the conclusions of the submitted report and comments of DWT, Officers conclude that, subject to conditions, the proposed development would minimise the impact on and have an opportunity to provide a net gain for biodiversity. Furthermore development would not have an adverse impact on protected species.

Other Considerations

- 7.82 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 The site comprises previously developed land containing two buildings, one a large office building (Ellen House) and the other residential (The Mews). Both are no longer in use and the site is falling into disrepair. Neither building on site has any form of protection. Development Plan policies along with those of the PDLP and the NPPF support the redevelopment of the site for residential purposes and so, in principle, the proposal is acceptable according with the Development Plan.
- 8.2 The proposal is for 19 dwellings, all affordable units. The Council has a short fall in its affordable housing provision and the provision of this level of affordable housing weighs strongly in favour of the development.
- 8.3 Financial contributions were requested in relation to education (£188,265.61) and play space enhancements, including 10 year maintenance contribution (£9,814.92). However it was concluded that the scheme was unviable, as such no financial contribution are sought in relation to the proposed development. This weighs against the proposal.
- 8.4 Overall it is considered that the proposed development will not have a direct or indirect detrimental impact on the protected trees that make a

significant contribution to the character and amenity of the area. Any tree loss can be mitigated in the proposed development. This is therefore considered neutral in the planning balance.

- 8.5 In design terms the proposed development will include 20% accessible and adaptable dwellings. Officers consider that the scheme will provide a good mix of house types and would respect the character of the site and the surrounding street scene, contributing to local distinctiveness. The loss of Ellen House and The Mews is noted but as neither is afforded any formal recognition their loss is considered to carry very limited weight.
- 8.6 Furthermore, in Officers opinion the scheme would not give rise to any unacceptable loss of privacy and amenity on existing and future neighbouring residents.
- 8.7 The development is considered to provide a safe access to the public highway, ecological, drainage, land stability and land contamination issues can all be addressed through appropriate conditions on any permission granted.
- 8.8 In conclusion, the proposal is generally in conformity with Development Plan. The lack of any social mitigation is regretted, but the provision of significant numbers of affordable housing units is considered to outweigh that issue in this case. As there are not considered any other overriding or technical issues to outweigh that conclusion, the application is recommended for approval subject to conditions.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED** in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager (development Management):-

Conditions

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

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

- 2) The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non

Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:

- E78 0113-P05 Proposed Site Plan
- E78 0114-P03 Site Plan – Arboricultural
- E78 0115-P03 Site Plan - Visibility Splays
- E78 0116-P01 Demolition Plan
- E78 0117-P01 Boundary Treatment Plan
- E78 0200-P05 Apartment Block Plans
- E78 0201-P03 Apartment Elevations – sheet 1
- E78 0202-P03 Apartment Elevations – sheet 2
- E78 0204-P05 House type A-A-B
- E78 0205-P04 House Type B-A
- E78 0206-P04 House Type C
- E78 0207-P04 House Type D
- E78 7000-P01 Materials Legend
- E78 0111-P01 Location Plan

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

Construction/Design Details

- 3) 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 street scene.]

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

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

- 5) Notwithstanding the submitted details, before above ground work commences on the apartment building and/or plot 3 a revised elevation drawing shall be submitted to and approved by the LPA illustrating side facing windows overlooking the connecting footpath through the site. The approved elevations shall then be implemented in full and retained as such in perpetuity.

[Reason: In the interest of increasing natural surveillance all in accordance with policy GS10 of the North East Derbyshire Local Plan, policy SDC12 of the emerging Local Plan and the Councils Successful Places Interim Planning Guidance.]

Affordable Housing/Accessibility

- 6) 100% of the housing units hereby approved shall be affordable dwellings. Notwithstanding the submitted details, before development starts a scheme for the provision of the affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in full in accordance with the approved scheme and shall meet the definition of affordable housing in the Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. Detailed breakdown of the tenure of all the units (by plot number);
 - ii. The arrangements for managing the affordable housing units by the RSL;
 - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

[Reason: To comply with policy H6 of the North East Derbyshire Local Plan, LC2 of the emerging Local Plan and guidance contained in the National Planning Policy Framework.]

- 7) Before development commences, a scheme of 20% accessible and adaptable dwelling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, and not be limited to, details of which plots will be compliant, detailed floor plans, how each plot meets the requirements of M4(2) of the Building Regulations 2015 or any subsequent government standard. The approved scheme shall be implemented in full in accordance with the approved details and retained for the lifetime of the dwelling.

[Reason: In order to ensure that 20% of all dwellings on site are accessible and adaptable dwellings as to meet the requirements of M4(2) of the Building Regulations, all in accordance with policy LC4 of the Emerging Local Plan.]

Landscaping and Public Open Space

8) Before development commences, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) A scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site;
- b) The details of any trees and hedgerows to be retained, together with measures for their protection during development;
- c) A schedule of proposed native plant species, size and density and planting locations and
- d) An implementation programme.

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

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

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

Employment

10) 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.]

Public Art

11) Before the development hereby approved starts, a scheme for the provision of public art on the site including a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter

be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter.

[Reason: In the interests of providing public art and in accordance with Policy BE5 of the North East Derbyshire Local Plan.]

Climate Change

- 12) 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

- 13) Construction works and deliveries to the site shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 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.]

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

The site investigation strategy as identified in the Desk Study report Ref STS5056M-DS01 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.

15) No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by Condition 14 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref STS5056M-DS01 submitted with the application and through the process described in Condition 14 above and,

c) Upon completion of the remediation works required by Condition 14 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 c14 & 15: 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

16) The development shall be carried out in strict accordance with the Bat Method Statement (Building B1A) as set out in section 5 of the Ecological Appraisal prepared by FPCR, December 2020.

[Reason: In the interest of protecting and mitigating for nationally rare species, all in accordance with policies NE6 of the North East Derbyshire Local Plan and policy SDC4 of the Publication Draft Local Plan.]

17) 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.]

18) A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to maximise the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following:

- a) Details of the location of features to be retained, created, enhanced and managed including replacement hedgerow and trees.
- b) Details of the location of 10 integrated swift bricks
- c) Aims and objectives of management.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a five year work plan capable of being rolled forward in perpetuity).
- 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 plan are not being met.
- i) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP 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.]

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

[Reason: In the interest of protecting wildlife and protecting residents using the site. All in the interests of policies GS10, NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2 and SDC4 of the Publication Draft Local Plan.]

Drainage

- 20) 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.]

21) 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. Ian Hilton. 21.07.2021. Ellen House, Heath Road, Chesterfield Flood Risk Assessment and Drainage Strategy. RT 30689_001 July 2021. including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.

b. Ian Hilton. FW: 21.07.2021. 21/00853/FL - Ellen House, Holmewood – Email Received on 02/11/2021.

c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

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

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

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

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

I. into the ground (infiltration);

II. to a surface water body;

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

IV. to a combined sewer.

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

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

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

24) Prior to the installation of a surface water drainage system, a reasonable assessment should be undertaken of the existing culvert, identified to be the point of surface water discharge.

[Reason: To ensure the proposed surface water runoff can be appropriately discharged from the site.]

25) 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.]

26) There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak

discharge rate during a 1 in 1 year storm event, to allow for climate change.

[Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.]

Highway Safety

- 27) No development, including preparatory works, shall commence until space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, wheel washing facilities and parking and manoeuvring of employees and visitors vehicles, with this space laid out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Once implemented, the approved facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 28) Prior to the first occupation of any dwelling hereby permitted, the existing access to Heath Road shall be modified in accordance with the approved plans and provided with visibility sightlines of 43m in both directions, measured to a point 1m in from the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.
- 29) Prior to the first occupation of any dwelling hereby permitted, the existing vehicular access to Tibshelf Road shall be permanently closed off and the existing vehicular crossing reinstated as footway in accordance with the County Council's latest standard for works in the public highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the measures to close off the access shall be retained as approved throughout the lifetime of the development.
- 30) Prior to the first occupation of any dwelling hereby permitted, the new vehicular access to Tibshelf Road shall be constructed. The access shall be provided with a minimum width of 4.8m and laid out in accordance with the approved plans and provided visibility sightlines of 43m in both directions, measured to the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of

any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

- 31) Prior to the first occupation of any dwelling hereby permitted the fronting bus stop to Tibshelf Road shall be relocated in accordance with details first submitted to and approved in writing by the Local Planning Authority.
- 32) Prior to the first occupation of each dwelling hereby permitted, a bin collection/store point shall be provided as per the application drawings, adjacent to and clear of the public highway, being located clear of accesses, parking and turning provision and retained thereafter free from impediment to designated use, so bins can be stored clear of the public highway on collection day.
- 33) The premises, the subject of the application, shall not be occupied until the proposed new estate street between each respective plot and existing public highway have been laid out in accordance with the approved application drawings, or subsequent revisions agreed with the Local Planning Authority in writing, to conform to the County Council's residential design guide, constructed to binder course level, drained and lit in accordance with the County Council's specification for new housing development roads. The estate streets being fully completed with the final surface courses applied to carriageways and footways in a timescale to be agreed with the Local Planning Authority prior to the occupation of any dwelling, or other such timescale as may be agreed in writing by the Local Planning Authority.
- 34) The first 5m of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).
- 35) The proposed driveway gradients shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
- 36) The dwellings the subject of the application, shall not be occupied until space has been provided within the site curtilage for parking (including cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
- 37) Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

38) There shall be no gates or other barriers located across the entire frontage of the site.

[Reasons: 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.]

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) Yorkshire Water Authority notes, as per comments uploaded 21st October 2021.
- g) Highways Informative notes, as per comments uploaded 22 October 2021.
- h) Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

- i) LLFA Advisory/Informative Notes. As per letter dated 2 November 2021.