

## PLANNING COMMITTEE – 14 December 2021

**REFERENCE NUMBER:** 21 / 00976/FL    Application Expiry Date: 18.11.2021  
**Application Type:** Full Planning Permission

**Proposal Description:** Proposed development of 50 dwellings associated roads, sewers, gardens, parking and garages (Major Development) (Departure from the Development Plan) (Amended Plans)

**At:** Land Between Old Canal And North Side Of Primrose Lane, Killamarsh

**For:** W Redmile & Sons Ltd

**Third Party Reps:** 29

**Parish:** Killamarsh

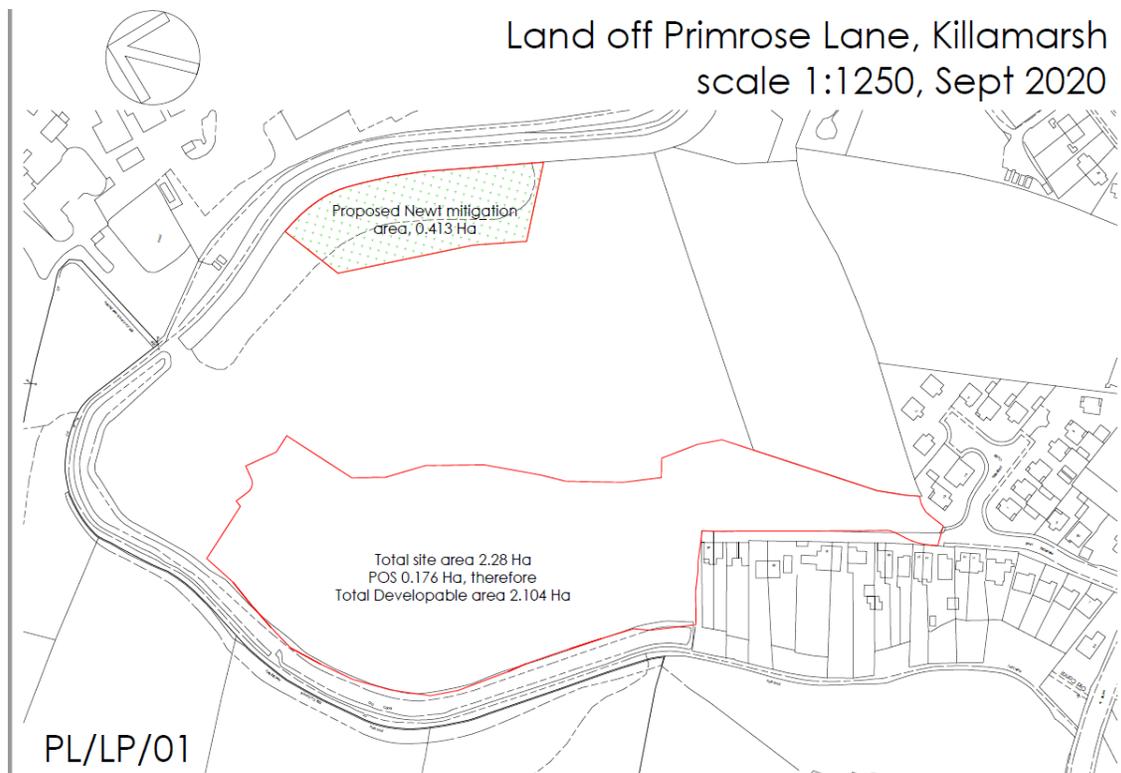
**Ward Name:** Killamarsh East Ward

**Author of Report:** Phil Slater

**Date of Report:** November 2021

**MAIN RECOMMENDATION: GRANT (subject to S106 agreement)**

Location Plan



## 1.0 Reason for Report

- 1.1 Councillor Clough has requested that the application be determined at Planning Committee, due to it constituting development that is not suitable and would adversely affect the character of the area. Concerns are also raised that the transport capacity assessment has not been carried out at an appropriate time during the pandemic period.
- 1.2 The Planning Committee is required to determine the application.

## 2.0 Proposal and Background

- 2.1 The application site is located north of Primrose Lane on the northern edge of Killamarsh and is approximately 2.28 ha in size. The site is currently grassland with vegetation to the northern and western perimeter along the line of the disused Chesterfield Canal. The site gently slopes towards the western and northern boundaries with the disused canal forming a sunken channel along the site boundary.



Figure 1: aerial photo of site

- 2.2 The existing properties along Primrose Lane are mixed in character with detached and semi-detached properties, bungalows with dormer windows

and a row of terrace houses. The properties to the west of Primrose Lane are set within long narrow plots which extend up to and include the line of the disused canal. Approximately 100 metres west of the site beyond a private road are wetlands associated with Rother Valley Country Park.

- 2.3 The site lies within the defined settlement development limits as set out in the adopted Local Plan and is allocated for residential development of approximately 30 dwellings. A portion of the northern part of the site is located within a Hazardous Installations Zone as indicated on the local plan policies map extract below.
- 2.4 The original route of the Chesterfield Canal as identified on the Local Plan Policies Map is to be safeguarded from development likely to prejudice its future restoration and its existing function of providing a quality green space and leisure route.

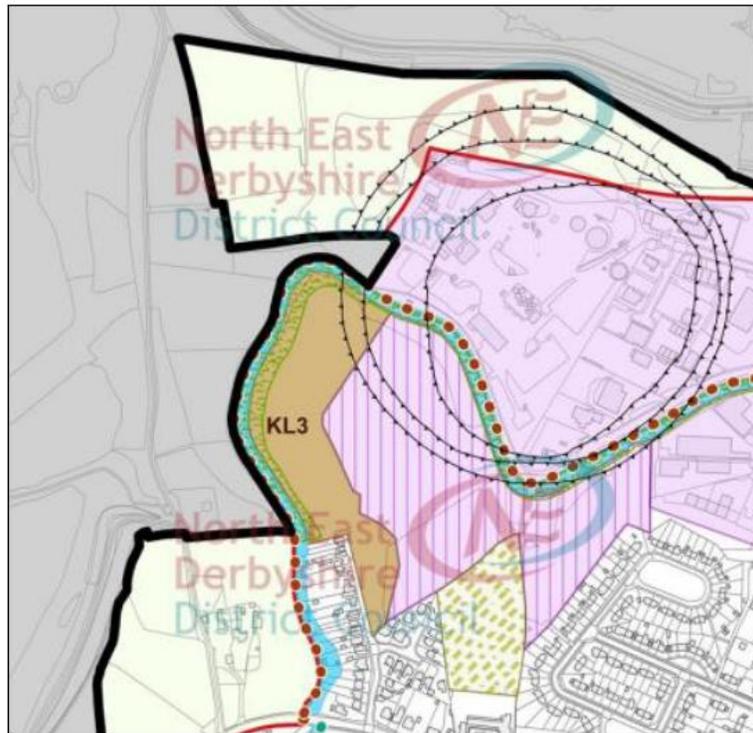


Figure 2: LP extract

## Proposals

- 2.5 This application is a re-submission following an earlier application that was refused under reference NED/20/00919/FL for the proposed development of 50 dwellings, associated roads, sewers, gardens, parking and garages.
- 2.6 This is a full application for the erection of 50 dwellings, access, landscaping and ancillary works and is of the same character and description as the development to which the earlier application was made.

The differences in this submission are to address the reasons for refusal. This includes an offer of a financial contribution to meet NHS requirements from the development and includes additional submissions to assess the impact of the development on junction capacity at Sheffield Road / Primrose Lane.

- 2.7 The application site is 2.28 ha in size, and it is proposed that the development will comprise of a mix of 2, 3, 4, and 5 bedroom bungalows and houses of varying styles. Properties will be orientated to provide views and surveillance over the Chesterfield Canal, and surrounding areas of open space. A plan showing the proposed layout is set out below.



Figure 3: Site Layout Plan

- 2.8 A total of 158 car parking spaces will be provided as part of the scheme. 43 of these parking spaces will be provided via integral or detached garages. Garages will also provide space for cycle storage.
- 2.9 The 7 bungalows are proposed as affordable units and the 20% affordable housing contribution would be made up by a commuted sum for off-site affordable housing for 3 units.
- 2.10 A canal turning point (winding hole) will be located to the north of the development site once the canal restoration works have taken place.
- 2.11 A newt mitigation area will also be located to the north of the development site. That will cover approximately 0.41ha and comprise of piles of clean rubble covered with soil and areas of long tufted grass created between. On completion of the mitigation, the fencing will be removed to make it

available to amphibians and the project will not require any monitoring to be undertaken.

2.12 . Some visual representations are also shown for information.



Figure 4: Visual from the site entrance on Primrose Lane



Figure 5: Visual of view from the canal route.

### 3.0 Relevant Planning History

- 3.1 NED/14/00090/FL - Proposed construction of 30 detached houses with associated car parking, garages, gardens and roads and sewers. Application refused.
- 3.2 NED/16/00216/FL - Revised scheme of 14/00090/FL for development of 30 dwellings (Major Development). Conditionally approved subject to S106. This application is now time expired.
- 3.3 NED/20/00919/FL - Proposed development of 50 dwellings associated roads, sewers, gardens, parking and garages (Major Development)

(Departure from the Development Plan) (Amended Plans). Application refused in May 2021.

*The application is considered unacceptable as it represents the development of a greenfield site and the proposals for a development of 50 dwellings would exceed the 30 dwellings set out in the North East Derbyshire Local Plan 2014-2034 (Publication Draft) (PDLP) housing allocation. It would therefore constitute development that is not sustainable and which would adversely affect the character of the area and so to grant permission would be contrary to policy GS1 of the Adopted North East Derbyshire Local Plan and policies SS1 and LC1 (as amended by Main Modifications) of the North East Derbyshire Local Plan 2014-2034 (Publication Draft).*

*The application is not accompanied by a capacity assessment of the existing junction of Primrose Lane and Sheffield Road and there is insufficient information submitted to allow a proper assessment of the issue of highway safety. Notwithstanding that, the development of the site for 50 dwellings would introduce additional vehicles movements that would be severely harmful to and impact on highway safety. To grant permission would, therefore, be contrary to policy T2 of the Adopted North East Derbyshire Local Plan and ID3 (as amended by Main Modifications) of the North East Derbyshire Local Plan 2014-2034 (Publication Draft) (PDLP).*

## **4.0 Consultation Responses**

- 4.1 The **Parish Council** have objected as the application fails to deliver on a number of aspects including 3 overarching objectives of the NPPF (July 2021)
- Achieving sustainable development - green field site that this is not the right type of development on a quiet cul-de-sac and would impact greatly on both the open space aspect of the site and the lack on infrastructure to absorb an extra 150 plus vehicles.
  - The road network does not have the capacity to cope with an increase in properties and as the cul-de-sac exits on to a busy main thoroughfare (Sheffield Road), which at specific times is very difficult to negotiate as traffic needs to turn right, at the brow of a hill, when entering and exiting.
  - The cul-de-sac is very close to a busy Junior and Infants School, where a number of traffic accidents have occurred in the past. The impact of adding a further 50 homes in this location, would be far too significant for the area to cope with and would increase an already dangerous situation and would potentially put both current residents and the school children at greater risk.
  - the impact of housing of this size has the potential to over burden the surgery even further, leaving residents at even greater risk. This

application is for higher occupancy properties, so 50 houses has the potential to add a further 200 plus patients to a surgery unable to cope now.

- Social objective - This site does not provide for the right type of housing in Killamarsh by only providing for 7 two beds and just 3 three beds. There has been no acknowledgement of Social, Affordable or Intermediate Rent, Affordable Home Ownership, Starter Homes Self-build or Custom Build. This application looks to build homes that will not help the future generations of Killamarsh.
- Environmental objective – There will be a major impact on the environment of Killamarsh as this would not be an effective use of an important greenfield site and would in fact only add to the waste and pollution of Killamarsh.
- Public transport in Killamarsh, as well as many villages is very poor, there is currently limited access to jobs locally, so the only way people will be able to access work is by commuting using their vehicles, thus adding to the pollution, with no signs shown that this is truly mitigated.

4.2 The **County Highway Authority** (HA) have not raised an objection and initially commented that, as the current submission does not appear to differ in highway terms, previous highway comments remain the same. It has been noted that the latest Transport Statement includes a capacity assessment of the junction of Primrose Lane with Sheffield Road, demonstrating a considerable level of reserve capacity.

4.3 A revised Transport Statement (TS) has been submitted which seeks to address the Local Planning Authority's highway reason for refusal associated with planning application NED/20/00919/FUL. This latest TS includes a capacity assessment of the junction of Primrose Lane with Sheffield Road (B6058)) from baseline traffic flows at the existing junction and trip rates derived from the TRICs database for the development. The Highway Authority has undertaken its own independent video survey of the junction to ensure the veracity of the submitted data, due to it being taken at a time of disruption due to the Covid-19 pandemic and baseline flows submitted are accurate, with the results being comparable with those found within the submitted TS. Following this it is considered that the capacity assessment demonstrates a considerable level of reserve capacity, given the relatively modest quantum of development under consideration.

Accordingly, subject to conditions being appended to any consent, there are no highway objections to the above proposal.

4.4 The **Derbyshire County Council Flood Team** (LLFA) commented that it has reviewed the information submitted and has no objections subject to conditions.

- 4.5 **NEDDC Engineers** have raised no comments.
- 4.6 The **Derbyshire Wildlife Trust (DWT)** have been consulted and have not provided comments. With regards to the previous application DWT raised no objections and suggested a number of conditions in relation to ecology and biodiversity.
- 4.7 The Council's **Environmental Health Officer (EHO)** has raised no objection and commented that previous comments still apply. Conditions are recommended in respect of noise and ground conditions.
- 4.8 The **Health and Safety Executive (HSE)** have commented The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.
- 4.9 The **Council's Employment and Skills Officer** has requested a condition to enhance and maximise employment and training opportunities.
- 4.10 The **NHS (Chesterfield Royal Hospital)** have commented that the Section 106 impact on health be considered. Officers requested further details of the specific s106 requests. No further comments have been received.
- 4.11 The **NHS Derby and Derbyshire Clinical Commissioning Group** have requested £24,000 to be invested in enhancing capacity/infrastructure with existing local practices. The closest practice to this development is Killamarsh Medical Practice. Also within the vicinity of the development are: The Valleys Medical Partnership, Emmett Carr Surgery and Barlborough Medical Practice (Renishaw Site)
- 4.12 The **Council's Housing Officer** has commented that their previous comments apply which were that North East Derbyshire's Publication Draft Local Plan Policy L2 requires that at least 20% affordable housing is provided on sites of 10 or more dwellings. The proposal in this application is to provide 7 x 2 bedroom bungalows as affordable housing. This equates to 14% provision on a site of 50 units, so it is below that required in planning policy.

The agent has subsequently offered to pay a commuted sum for offsite affordable housing to provide a total of 20% affordable housing contribution. The housing officer has responded that whilst they would prefer to have affordable housing on site, there do not appear to be any other property types on the plan that would be suitable for affordable

housing. As such in this case the housing officer recommends accepting a commuted sum in lieu of the 3 units not provided on site.

The commuted sum contribution per unit would be £64,905.75 (market value minus 55%). The sum for 3 units would therefore be £194,717.25

- 4.13 The **Coal Authority** has commented that the submission is supported by a letter that provides additional commentary on the recorded mine entry located on site.

In this letter it is indicated that the shaft will require treating and capping. A cross section is provided of a calculated no build zone for the mine entry and the letter confirms that the plots proposed are positioned outside of this radius. A 1:500 plan is given showing the extent of the shaft cap necessary and a no build zone which indicates that Plots 4 and 5 fall outside of this area.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with adopted policy:

The Phase 1 & Phase 2 Geotechnical and Geo-Environmental Site Investigation Report, dated 31 July 2020, conclude that shallow coal mine workings will need to be stabilised beneath the site, as well as the mine entry treated.

Overall, the Coal Authority raise no objection subject to conditions relating to further intrusive site investigations.

- 4.14 The **Police Force Designing Out Crime Officer** has commented that the recommendations are the same as for the previous application.

- 4.15 The **Derbyshire County Council Archaeologist** has commented that their previous comments apply which are that the site has no known heritage sensitivity beyond the course of the Chesterfield Canal (Derbyshire HER MDR6152). The applicant has submitted a heritage assessment which sets out the significance of this asset within the site. It is noted that the canal itself is not impacted and that there is a stand-off between the canal and red-line boundary that would allow access should a restoration project take place. There are no objections to the scheme as proposed.

- 4.16 **Derbyshire County Council Infrastructure** have commented that no additional capacity at the primary or secondary school level is required to cater for this development. £3520 is requested to mitigate the impact of the development on the nearby libraries. It is stated that 3 more dwellings than

those proposed are required for suitable affordable housing accommodation and a monitoring fee will be requested.

- 4.17 **Yorkshire Water** have raised no objections subject to a condition requiring the development being carried out in accordance with the submitted drawings.
- 4.18 **NEDDC Parks Officers** have commented that the development comprises of 7 two bed dwellings, 3 three bed dwellings, 16 four bed dwellings and 24 five bed dwellings. This could attract £48,626.24 of section 106 monies towards existing offsite provision with a 10 year maintenance fee in addition. It is recommended that any s106 monies be allocated for play areas within the vicinity of the site, rather than being allocated to a specific play area.
- 4.19 **NEDDC Streetscene** have not commented however they previously raised no objections and commented that access is required for refuse collection vehicles which will not cross un-adopted roads unless an alternative solution is proposed by the developers.
- 4.20 The **Chesterfield Canal Trust** has not objected to the application. It has commented that the reasons for refusal did not address the trusts argument in favour of a contribution towards restoration of the canal and have no further comments to make.
- 4.21 **Natural England** has no comments to make.

## **5.0 Representations**

- 5.1 One **Ward Member (Cllr Clough)** has called in the application to planning committee due to it constituting development that is not suitable and would adversely affect the character of the area. Concerns are also raised that the capacity assessment has not been carried out at an appropriate time during the pandemic period.
- 5.2 **28 objections** have been received which can be summarized as follows:-

### Infrastructure

- Killamarsh infrastructure and services are stretched, and adding more houses will only exacerbate the issue
- The schools are at their capacity, and the number of patients registered to the GP practice is already so high that the waiting period for an appointment is an uncomfortable length of time
- this development would certainly not be sustainable and would adversely affect the character of the area and would certainly not play a

- positive role in adapting to and mitigating the effect of climate change

### Highway issues

- 50 dwellings of this size will generate 150 additional cars (doubling the existing footprint and not taking into account the two daily school runs) all exiting from the one T junction (Primrose Lane/Sheffield Road).
- A comparable estate very close by (situated off Sherwood Road/Rotherham Road A618- to the east of Primrose Lane) has a similar amount of houses (mainly 3 bed dwellings) and only one exit off the estate to a Main road. At some point there must have been a road safety issue regarding the amount of vehicles exiting this junction to warrant a mini roundabout as it was originally a T junction.
- Junction should be changed to a mini roundabout.
- The proposed entrance runs almost parallel to the unadopted part of the road so in theory any vehicle leaving this part of the road would need to look 180 degrees behind them to ensure it is safe to continue (the hedge may not always be there and viewing is blocked). In addition drivers will need to drive over the proposed new public pathway, which is dangerous.
- Local government regulations state there should be a satisfactory access to the new site and it needs to be safe access. The plans submitted do not fulfil this criteria.
- Object to this application due to the vast increase of traffic, not just on Sheffield Road, but throughout the village and especially Rotherham Road. Traffic on Rotherham Road and through the village on the B6058 has increased rapidly over the last year or two.
- The figures obtained from the turning count don't give a true representation of the actual amount of traffic using Primrose Lane and Sheffield Road as they have picked a quiet day and haven't taken the following factors into the consideration: i) Due to the COVID pandemic many people are still working from home, as many businesses are still closed or are encouraging as many of their staff as possible to continue to work from home. Prior to the school holidays many children were not at school due to having to self isolate, so the amount of school traffic on the roads would have been significantly lower; iii) An afternoon timeslot wasn't included and most certainly needs to be added to the turning point count to accommodate the school pick up time (14:30 – (15:30) iv) amount of traffic varies from day to day
- Developers are planning of using part of the unadopted road outside number 19 and 21, to gain the full width of the road into the development with footpaths on both sides of the road.
- The unadopted road belongs to the residents outside each of the properties that run alongside that stretch of the road, and that its their responsibility for the upkeep. If this is the case how can the developers use part of this road without getting permission from the appropriate residents, which we know has certainly not happened, surely, the

developers can't just make claim to it without full consultation with the appropriate residents.

- Standard footpaths are going to be installed on both sides of the road, this will have a detrimental effect to the current residents. How do the current residents of the unadopted part of the road gain access to their properties?
- According to Section 34(1) of the Road Traffic Act 1988 (RTA 1988) it states that anyone driving a mechanically propelled vehicle, for example a motor car, on a road that is a footpath, bridleway or restricted byway is guilty of an offence unless it can be shown that there is a private right in place for people to use the accessway to gain vehicular access to their property.
- Some residents will be unable to park outside their homes. Where do these residents park their vehicles?
- What happens when we have a bad winter with heavy snow? In the past when we've had a heavy snowfall it's been near possible to gain access to Primrose Lane
- Concern over construction workers vehicles.
- What happens if the current application is approved and long term they come back and submit a further application to develop the rest of the land to the East of the site? (*officer note: not a material planning consideration as any future application will be assessed at the time*)
- Refuse collection vehicle has to reverse back out of Primrose lane due to vehicles parked on the kerbside.
- Parents use the whole length of the lane for parking with some vehicles blocking residents drives
- Cars having used the parking bays on Lock Hill turning on Primrose Lane just to turn around and go backdown the hill.
- Cars unable to enter Primrose Lane due to exiting cars blocking the narrow road, resulting in tailbacks East and West on Sheffield Road until somebody gives way.
- On the main road, cars parked up to the school thereby narrowing Sheffield Road.
- With larger vehicles especially HGVs, traffic has to stop one way which creates event grater tail backs
- History of incidents and accidents close to the junction with details provided.
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- Residents have done a traffic count on a Wednesday and Friday during the school pick up (14:30 -16:00), as this time was conveniently missed of the developers manual traffic turning count that they carried out on 30 June 2021.
- The unadopted part of Primrose lane is narrow and clearly not wide enough for vehicles to turn around. Drivers have to reverse off of the unadopted road if they drive down the unadopted road.

- The current proposals would mean having to reverse over a newly proposed pathway going across the unadopted road whilst also ensuring that 3 directions of traffic are clear before continuing with their manoeuvre. I object on the basis that it does not leave residents/visitors to the unadopted part of Primrose Lane with a satisfactory or safe access.
- Speed of vehicles in this location has increased considerably
- Footpaths blocked by parked cars making it difficult for wheelchairs

#### Other

- Should not be disturbing contaminated land will flood the hospitals with patients it has been contaminated for years since tar distillers and burying Norwood colliery waste
- If the density of 50 properties on 2.804 hectares was unacceptable in 2014, how is it possible for 50 dwellings on 2.28 hectares (approximately 80% of the 2014 application) to be acceptable now? Based on this and the other reasons why the number of dwellings was reduced to 30 then this application should also be refused based on the same grounds. Apart from the number of houses the only different between the two proposed developments is a change to how the developers would gain access to the site. (this is addressed in the assessment)
- Development is totally unacceptable as it would exceed the 30 dwellings set out in the North East Derbyshire Local Plan 2014/2034 (Publication Draft) (PDLP) housing allocation.
- Why are Redmile's focusing on the larger 4-5 bedroomed properties and not affordable/starter properties (2-3 bedroomed) which would help first time buyers etc.
- Veolia remains concerned about potential land use conflicts associated with a new housing development in close proximity to a large, operational Hazardous waste recycling facility on an established industrial estate. We request that the Local Planning Authority carefully consider them before reaching a decision.
- There is a proposed wildflower meadow in the area of land adjacent to the section of the disused canal where there is still Japanese Knotweed present and extending its spread. Do the developers or NEDCC propose dealing with this invasive species or will they allow it to infest the wildflower meadow? Who will monitor the treatment and disposal of the contaminated land?
- Concerns regarding mine shafts and tunnels from underground workings
- Effect on wildlife

## **6.0 Relevant Policy and Strategic Context**

- 6.1 The Development Plan comprises the **North East Derbyshire Local Plan (2014-2034) (LP)**. Other relevant policy documents include the Successful Places Interim Design Guide.
- 6.2 The LP identifies Killamarsh as a Level 1 Town within the settlement hierarchy which are considered to be the most sustainable locations for new development in terms of the range of services and facilities they provide.
- 6.3 The application site is identified in the LP as a proposed housing allocation (ref KL3) and is expected to deliver approximately 30 dwellings.
- 6.4 The following policies are relevant to this application:
- SS1 – Sustainable Development
  - SS2 – Spatial Strategy and Distribution of Development
  - LC1 – Housing Allocations
  - LC2 – Affordable Housing
  - LC4 – Type and Mix of Housing
  - SDC11 – Flood Risk and Drainage
  - SDC12 – High Quality Design and Place-Making
  - SDC15 – Development near Hazardous Uses
  - ID1 – Infrastructure Delivery and Developer Contributions
  - ID2 – Provision and Safeguarding of Transport Infrastructure
  - ID3 – Sustainable Travel
  - ID8 – Chesterfield Canal
- National Planning Policy Framework
- 6.5 The National Planning Policy Framework is relevant in the determination of the application. The NPPF states that decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date granting permission; unless the application of policies in the framework provides a clear reason for refusing the development or any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

## **7.0 Planning Issues**

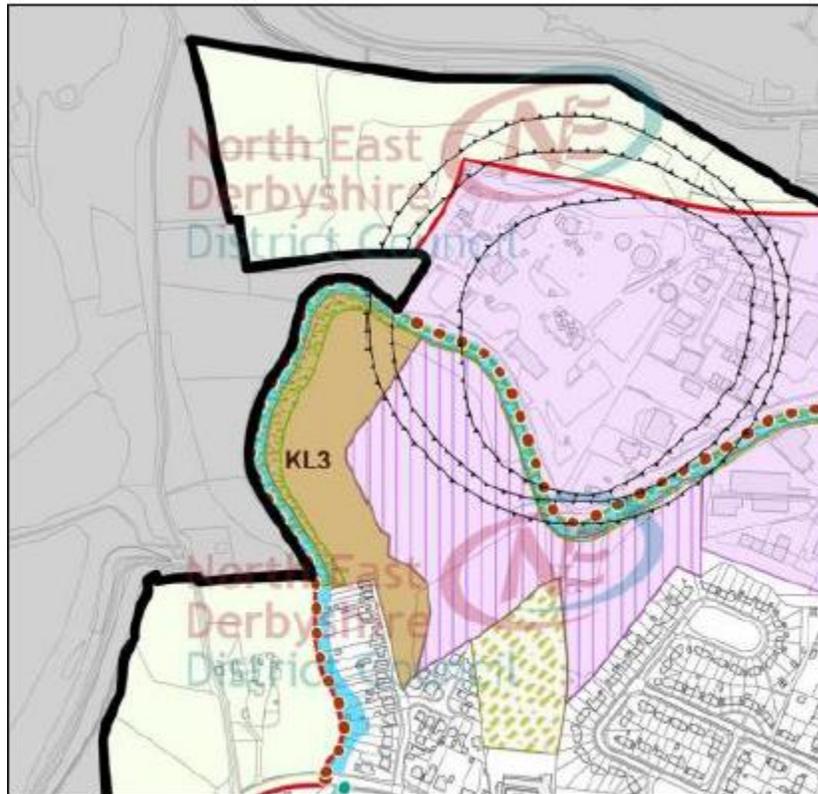
- 7.1 This is a full application for the construction of 50 no. dwellings with associated access works, car parking and landscaping on land off Primrose Lane, Killamarsh.

### **Principle of Development**

- 7.2 The application site is a green field site located within the defined settlement development limits for Killamarsh and is approximately 2.28 hectares in size. The site is currently grassland with vegetation to the northern and western perimeter along the line of the disused Chesterfield Canal
- 7.3 The application site has an expired consent for the erection of 30 dwellings, granted under application reference 16/00216/FL on the 31st January 2017.



- 7.4 The LP identifies the application site as a specific housing allocation which is expected to deliver 30 dwellings within the first 10 years after adoption of the local plan as set out below.



- 7.5 As such, the principle of developing the site for housing has been established by the Local plan as a sustainable location for housing development.

### **Addressing the reasons for Refusal**

- 7.6 Members will recall that the previous application was refused on two grounds:-

1) *The application is considered unacceptable as it represents the development of a greenfield site and the proposals for a development of 50 dwellings would exceed the 30 dwellings set out in the North East Derbyshire Local Plan 2014-2034 (Publication Draft) (PDLP) housing allocation. It would therefore constitute development that is not sustainable and which would adversely affect the character of the area and so to grant permission would be contrary to policy GS1 of the Adopted North East Derbyshire Local Plan and policies SS1 and LC1 (as amended by Main Modifications) of the North East Derbyshire Local Plan 2014-2034 (Publication Draft).*

2) *The application is not accompanied by a capacity assessment of the existing junction of Primrose Lane and Sheffield Road and there is*

*insufficient information submitted to allow a proper assessment of the issue of highway safety. Notwithstanding that, the development of the site for 50 dwellings would introduce additional vehicles movements that would be severely harmful to and impact on highway safety. To grant permission would, therefore, be contrary to policy T2 of the Adopted North East Derbyshire Local Plan and ID3 (as amended by Main Modifications) of the North East Derbyshire Local Plan 2014-2034 (Publication Draft) (PDLP).*

- 7.7 The agent has submitted an updated Planning Statement and commented in respect of the first reason that this is a fundamental misunderstanding of the policy in the (formally) emerging plan. Policy LC1 as set out in the Proposed Modifications version of the Plan considers an approximate yield from the site to be 30 dwellings. It does not set a limit on the capacity of the site. The density of the scheme as proposed is circa 22dph, which is below 30 dwellings to the hectare which might otherwise be considered a lower density proposal. This proposal will make more efficient use of land. The lower yield is a historic factor associated with Health and Safety Executive advice which has been revised and reviewed and no longer constraints the development of the site in the way it previously did.

The site has a long-standing allocation for development for housing on it and cannot be considered unsustainable. To do so would be to consider the allocations of the existing and emerging Local Plan unsound which is illogical in the context of how one has been adopted and how far the new Plan has progressed. In summary, the Planning Statement sets out that the development proposals simply would not constitute development that is not sustainable, and it would be appropriate to the character of the area.

- 7.8 The second reason for refusal relates to the lack of a junction capacity assessment. The agent has commented that no such information was prepared or requested by the Highways Authority, the Local Planning Authority or any other party until Planning Committee considered the application. Indeed, the Highways Authority had no objection to the development proposals.

In accordance with both National and Local policy and guidance, capacity assessments are typically undertaken whereby the development vehicle trips exceed 30 two-way trips during any given peak period, or there is a pre-existing capacity concern (i.e., congestion / queuing). Neither of these triggers have been identified within this Transport Statement for the Sheffield Road / Primrose Lane junction, and hence no capacity assessment is deemed to be required. Nevertheless, in order to address the concern identified, a PICADY 9 junction capacity model was created. As set out in the Transport Statement accompanying the application the assessment confirms, that the existing junction would have ample spare capacity within it once the proposed development is fully built-out, and therefore no further assessment should be undertaken.

This confirms that the proposal would not have a severe impact, and therefore be in accordance with Paragraph 111 of the National Planning Policy Framework. There would be no harmful impact on highway safety and the development is not contrary to Policy T2 of the adopted Local Plan or Policy ID3 of the emerging Local Plan.

### **Chesterfield Canal**

- 7.9 As accepted in the previous approval on site the restoration of the canal would be financially prohibitive to the Applicant, however, space has been allocated within the development for a future winding hole should restoration take place.
- 7.10 The Chesterfield Canal Trust has not raised an objection to the proposals and has commented that as the Council did not require a s106 contribution towards the canal in 2016 they do not request a contribution from this application. On the earlier application the trust commented that it should be noted that the restoration of what will become a side-arm to the main line of the restored canal remains an aspiration for the trust. It should also be noted that construction access will be required, probably via Primrose Lane, when restoration takes place.
- 7.11 The canal trust has previously commented that the scheme is well designed to take advantage of any future views over the canal and to present an attractive frontage to the canal.
- 7.12 The proposed winding hole is outside the redline boundary, the vendor for the proposed development site owns the adjoining land and is prepared to gift the land for this feature to the Canal Trust.
- 7.13 Local plan policy ID8 relates to the Chesterfield Canal and requires that the route be safeguarded from development likely to prejudice its future restoration and its existing function providing a quality green space and leisure route. The development proposals are considered by officers not to prejudice this future restoration and the area of land required for the winding hole can be included in the s106 agreement along with the provision of access through the site for the restoration.

### **Infrastructure and affordable housing**

- 7.14 The application proposes 7 x 2 bedroom bungalows as affordable housing. This equates to 14% provision on a site of 50 units, so it is below that required in planning policy (20%).
- 7.15 The agent has subsequently offered to pay a commuted sum for off site affordable housing to provide a total of 20% affordable housing

- contribution. The housing officer has commented that whilst they would prefer to have affordable housing on site, there do not appear to be any other property types on the plan that would be suitable for affordable housing. As such a commuted sum would be accepted in lieu of the 3 units not provided on site as an acceptable way forward. The commuted sum contribution per unit would be £64,905.75 (market value minus 55%). The sum for 3 units would therefore be £194,717.25 to be included in the s106 agreement.
- 7.16 Officer consider, in line with the Housing officer's comments that the proposed affordable housing provision is acceptable.
- 7.17 Derbyshire County Council have confirmed that the relevant normal area primary and secondary schools would have sufficient capacity within the next 5 years to accommodate the additional pupils arising from this development and therefore no education S106 contribution would be required. DCC have requested s106 contributions of £3520 respect of library stock.
- 7.18 NEDDC Parks officers have requested £48,626.24 of section 106 monies towards existing offsite open play provision within the vicinity of the site with a 10 year maintenance fee of £15,372.89.
- 7.19 The NHS Chesterfield Royal Hospital have commented that Section 106 impact on health should be considered. Officers requested further details of the s106 requests. No further comments have been received.
- 7.20 The NHS Derby and Derbyshire Clinical Commissioning Group have requested £24,000 to be invested in enhancing capacity/infrastructure with existing local practices. The closest practice to this development is Killamarsh Medical Practice with other practices nearby.
- 7.21 On this issue, officers have gone back to the NHS Chesterfield Royal Hospital and requested further details in respect of their S106 request. Without this additional information officers consider that this specific request does not meet the relevant tests and so should not be required.
- 7.22 With regards to the £24,000 towards Killamarsh Medical Practice the agent has confirmed their agreement to this request.

### **Highways**

- 7.23 The application proposes a single point of access to the main highway network via Primrose Lane and concerns have been raised by residents regarding the existing lane being congested particularly around school drop off and pick up times. Concerns have also been raised regarding the numbers of units being increased to 50 dwellings.

7.24 The application is accompanied by a Transport Assessment which includes a capacity assessment of the Primrose Lane/Sheffield Road junction. The site would be served via an extension of the Primrose Lane cul-de-sac. The carriageway would extend to the north at a width of 5.5 metres with a 2 metres wide footway bound at both edges. There would be a dropped kerb access provided to continue to facilitate access to the 12 existing residential dwellings along the private drive to the northwest. A refuse collection vehicle could suitably enter the site, manoeuvre within the layout and exit in forward gear.





- 7.25 The Highway Authority have not raised an objection and initially commented that, as the current submission does not appear to differ in highway terms, previous highway comments remain the same. It has been noted that the latest Transport Statement includes a capacity assessment of the junction of Primrose Lane with Sheffield Road, demonstrating a considerable level of reserve capacity.
- 7.26 The revised Transport Statement (TS) seeks to address the Local Planning Authority's highway reason for refusal associated with planning application 20/00919/FUL. The latest TS includes a capacity assessment of the junction of Primrose Lane with Sheffield Road (B6058) from baseline traffic flows at the existing junction and trip rates derived from the TRICS database for the development. The Highway Authority has undertaken its own independent video survey of the junction to ensure the veracity of the submitted data, due to it being taken at a time of disruption due to the Covid-19 pandemic and baseline flows submitted are accurate, with the results being comparable with those found within the submitted TS. Following this it is considered that the capacity assessment demonstrates a considerable level of reserve capacity, given the relatively modest quantum of development under consideration.

- 7.27 Accordingly, subject to the conditions being appended to any consent, it is concluded by Officers that there are no sustainable highway objections to the above proposal and it has been shown through the submission of evidence that the previous reason for refusal has been addressed.
- 7.28 Concern has been raised by local residents regarding the highway implications of the development. 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.
- 7.29 Officers, based on the advice of the HA, do not consider that the 50 additional dwellings would result in demonstrable harm to highway safety. Officers consider that the highway issues can be satisfactorily addressed by appropriate conditions and have no reason to conclude that the transport impacts of this development would be severe.
- 7.30 Therefore, in considering all the issues pertaining to Highway Safety the comments of the HA are clear in stating that the scheme is acceptable from a highway safety point of view and Officers concur with that assessment.

### **Proximity to a Hazardous Installation**

- 7.31 Concerns have been raised with regards to the appropriateness of locating a housing development close to an industrial site. The Health and Safety Executive (HSE) have been consulted and have commented that the application site does not currently lie within the consultation distance of a major hazardous site therefore at present HSE does not need to be consulted on any developments on this site.
- 7.32 The site was previously entirely located within the Middle Consultation Zone for the Veolia Environmental Services, Norwood Industrial Estate, Killamarsh. However, that is no longer the case.

### **Design and Layout**

- 7.33 The application site is a site located within the defined Settlement Development Limits as per the Local Plan and a specified housing allocation which is identified with a capacity for 30 dwellings. The development proposal will be constructed to a density of 21.93 dwellings per hectare which is below the expected minimum of 30 dwellings per hectare as set out in the allocation.
- 7.34 However, if the site was to only deliver 30 dwellings in line with the expectations of its allocation this would result in a density of 13.1 dwelling per hectare.



- 7.35 The proposed layout proposes a mix of 2, 3, 4 and 5 bed units with on plot parking. Garages would provide space for cycle storage. Properties will be orientated to provide views and surveillance over Chesterfield Canal, and surrounding areas of open space. Two and a half storey dual aspect units are proposed at key points along the street elevation with the canal.
- 7.36 The development is outward facing towards the canal and the northern edge of the development and a mix of off street car parking is proposed so that it does not dominate the streetscene. On the eastern edge the rear gardens of plots back onto what is currently an open field; and to soften the appearance of the boundary fencing a new hedgerow is proposed along this boundary.
- 7.37 Officers consider that the layout demonstrates generally good design principles and proposes an outward facing development towards the route of the canal and is considered to be generally in accordance with the design guidance set out in Successful Places. The garden sizes meet the Council's design guidance except plot 29 which is a dual aspect unit and contributes to the wider street scene and the overall design of this part of the site such that this reduced garden size is offset by these other benefits.

### **Impact on Neighbours**

- 7.38 The properties most likely to be affected by the development would be No's.11 to 45 Primrose Lane which lie on the west side of the unadopted section of Primrose Lane and No. 15 Primrose Close adjacent to the new junction that would be formed by the development.
- 7.39 The existing row of terraced houses would retain their existing access road, with the new road into the site formed beyond this and bungalows

sited on the opposite side of the road from these houses. The separation distance between is 25m which exceeds the requirements of Successful Places.



- 7.40 The property adjacent to the site entrance would not be directly overlooked, although it is acknowledged that there will be some increased noise and disturbance from the comings and goings from the development site.
- 7.41. The area of open space lies adjacent to No. 45 Primrose Lane, however it is not considered that this would cause a significant increase in noise or disturbance and was set aside for POS in the earlier approved development.
- 7.42 Overall, Officers consider that the development would not have an overriding and harmful impact on near residential neighbours.

#### **Archaeology, ground stability and drainage**

- 7.43 The Water Authority, and the DCC Lead Flood Authority (LLFA) have not raised objections to the proposals subject to conditions relating to the design and management of the surface water drainage for the site. Officers consider that subject to conditions the development would be appropriately drained and the scheme is acceptable from drainage and flood risk perspectives.
- 7.44 The Coal Authority have commented that the application is accompanied by a Phase 1 and Phase 2 Site Investigation Report which confirms that intrusive site investigations have been carried out on site to locate the

mine entry and have established that shallow coal mine workings are present beneath the site. The agent has further indicated that the shaft will require treating and capping; and confirms that the plots proposed are positioned outside of this radius. The agent has provided a 1:500 plan showing the extent of the shaft cap necessary and a no build zone which indicates that Plots 4 and 5 fall outside of this area. The Coal Authority has recommended that the Local Planning Authority impose a planning condition requiring site investigation works to be carried out prior to commencement of development.

- 7.45 With regards to land contamination no objections have been raised by Environmental Health Officers, subject to conditions. EHO have also commented that the proposed development is within close proximity to an industrial estate which could result in significant noise impacts upon amenity. There is also potential for the construction activities to impact upon the amenity of existing sensitive receptors. No objections are raised, however, subject to conditions relating to construction working and also a scheme of sound insulation to the new dwellings.
- 7.46 The DCC Archaeologist has commented that the site has no known heritage sensitivity beyond the course of the Chesterfield Canal. The applicant has submitted a heritage assessment which sets out the significance of this asset within the site. It is noted that the canal itself is not impacted by the development and that there is a stand-off between the canal and red-line boundary that would allow access should a restoration project take place. There are no objections to the scheme as proposed.
- 7.47 In summary, Officers consider that in view of the above, subject to conditions the development would be acceptable from drainage, environmental health and ground stability perspectives.

### **Impact on Ecology**

- 7.48 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.
- 7.49 Derbyshire Wildlife Trust (DWT) have previously commented that the submitted Ecological Impact Assessment is sufficient to address potential risks and impacts to habitats and species at the proposed site. DWT consider that the survey work and proposed mitigation for protected species including great crested newt, reptiles, bats and birds is acceptable and that if the application is approved suitable conditions could be

attached to ensure these issues are addressed in line with legislation and guidance.

- 7.50 The application is accompanied by a Biodiversity Metric Calculation to ensure that there is no net loss of biodiversity as a result of the development.



- 7.51 In summary, the proposals seek to mitigate its impact on biodiversity and provide the provisions of additional biodiversity off setting as required. Officers note the comments of the DWT and in particular that they do not raise an objection to the proposals. Officers are of the view that subject to conditions this would ensure that the development would not have a detrimental impact on ecological interests.

## 8.0 Summary and Conclusion

- 8.1 The site is an allocated site for housing within the adopted Local Plan, and has previously benefited from permission for 30 residential units. It lies within the defined settlement development limits for Killamarsh and is considered a sustainable location for additional housing.

- 8.2 The proposed development is considered on the whole to offer a good design that would be in keeping with the character and appearance of the surrounding area. Furthermore the proposal would not result in a detrimental impact upon the privacy or amenity of neighbouring residents. There are no technical issues weighing against the scheme and it would not have a detrimental impact on highway safety.
- 8.3 The agent has submitted additional information and an updated Transport Assessment including capacity assessment of the junction to address the previous reasons for refusal.
- 8.4 Accordingly, it is recommended that, subject to completion of the necessary s106 agreement and conditions, that permission should be granted.

## **9.0 Recommendation**

- 9.1 **GRANT** Full Planning Permission subject to the following conditions and section 106 agreement with the final wording and content of the conditions delegated to the Planning Manager (Development Management)

### **Section 106 Heads of Terms**

Affordable Housing (7 bungalows) plus Affordable Housing commuted sum - £194,717.25

£48,626.24 of section 106 monies towards existing offsite play provision with a 10 year maintenance fee of £15,372.89.

£24,000 towards NHS to be invested in enhancing capacity/infrastructure with existing local practices.

£3520 towards DCC Library stock

Provision of land for the canal winding hole and access through the site for the future restoration of the canal.

### **Conditions.**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
  
Reason: Required to be imposed pursuant to Section 91 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 plans:-

PI/LP/01 Location Plan 1:1250 September 2020  
Site Layout – PLK/SL/01 REV C

*Ecological Impact Assessment received 22 March 2021*  
*Killamarsh Biodiversity Metric 2.0 Calculation received 22 March 2021*  
Biodiversity Plan Revision D February 2020  
Images of Proposed Estate Railings  
Proposed Eastern Boundary Treatment Plan  
PLK/SL/01 REV A Sketch Layout  
SD/DFSBT/02 1200mm Timber fence with 400mm trellis  
SDSFDB/01 Double Boarded Fence  
SD/PPW/02 1800mm pier and panel solid wall  
SDDFSB/01 1200mm high timber fence

1079-22 REV A Access Plan  
Comparison Road and Boundary Levels Drawing  
Ditch Sections

1123-1 Rev C Engineering Layout  
1123-13-1 Rev C External Works  
1123-13-2 Rev C External Works  
1123-13-3 Rev C External Works  
Land Survey Plan  
1123-2-1 Rev C Longitudinal Sections  
1123-2-2 Rev C Longitudinal Sections  
1123-2-3 Rev C Longitudinal Sections  
1123-2-4 Rev B Road 1/ Ditch Sections  
Manhole Schedule  
PL/LP/02 Location Plan

AL/2BB-01 ALNWICK BUNGALOW PLAN  
AL/2BB-02 ALNWICK BUNGALOW 3 BLOCK PLAN  
PL/AL-01 ALNWICK BUNGALOW PLAN  
4B-D/BI-02 Birchover Ground Floor Plan  
4B-D/BI-03 Birchover First Floor Plan  
4B-D/BI-04 Birchover Elevations  
BR-01 BRAMSALL FLOOR PLANS  
BR-02 BRAMSALL ELEVATIONS PLOT 23  
BR-02 BRAMSALL GROUND FLOOR PLAN  
BR-03 BRAMSALL FIRST FLOOR PLAN  
BR-04 BRAMSALL 2ND FLOOR PLAN  
BR-05 BRAMSALL ELEVATION PLAN  
CR-01 CROMFORD FLOOR PLAN  
CR-01 CROMFORD PLAN  
CR-02 CROMFORD HOUSE PLAN  
DA-01 DAGDALE FLOOR PLANS

DA-02 DAGDALE ELEVATIONS  
DA-02 DAGDALE GROUND FLOOR PLAN  
DD-03 DAGDALE FIRST FLOOR PLAN  
DD-04 DAGDALE 2ND FLOOR PLAN  
DD-05 DAGDALE ELEVATION PLAN  
DO-01 DOVERIDGE PLAN  
DO-02 DOVERIDGE GROUND FLOOR PLAN  
DO-04 DOVERIDGE ELEVATION PLAN  
DO-04 DOVERIDGE ELEVATION

PL/ED-02 Edensor Elevations  
PL/ED-01 Edensor Ground Floor Plans  
58-D/ED-03 Edensor Ground Floor Plan  
58-D/ED-04 Edensor Elevations  
58-D/ED-11 Edensor Ground Floor Plan bi-fold doors  
58-D/ED-12 Edensor Elevations bi-fold doors

FG01 DOUBLE GARAGE PLAN  
SG01 SALES GARAGE PLAN PLOT 43  
FG01 SINGLE GARAGE PLAN  
HA-01 HARDWICK FLOOR PLANS  
HA-02 HARDWICK ELEVATIONS  
HA-02 HARDWICK GROUND FLOOR PLAN  
HA-03 HARDWICK FIRST FLOOR PLAN  
HA-04 HARDWICK ELEVATION PLAN  
MO-01 MONSAL PLAN  
MO-02 MONSAL GROUND FLOOR  
MO-03 MONSAL FIRST FLOOR PLAN  
MO-04 MONSAL ELEVATION PLAN  
TI-01 TISSINGTON PLAN  
TS-02 TISSINGTON ELEVATION PLAN  
TS-03 TISSINGTON GROUND FLOOR PLAN  
TS-04 TISSINGTON FIRST FLOOR PLAN  
TS-20 TISSINGTON BIFOLD DOORS  
TS-21 TISSINGTON BIFOLD  
WE-01 WESSINGTON FLOOR

WE-02 WESSINGTON ELEVATION PLAN  
WE-02 WESSINGTON GROUND FLOOR PLAN  
WE-03 WESSINGTON FIRST FLOOR PLAN  
WS-05 WESSINGTON ELEVATION PLAN

DESIGN & ACCESS STATEMENT  
ECOLOGICAL IMPACT ASSESSMENT  
FLOOD RISK ASSESSMENT  
HERITAGE STATEMENT  
PLANNING STATEMENT

## TRANSPORT STATEMENT

### **Employment and Training**

3. 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.

### **On-site Public Spaces**

4. Prior to the first occupation of any dwelling a scheme for the delivery and future maintenance of all on site public open space, and a timetable for implementation relative to the completion of dwellings hereby approved. Thereafter any approved scheme of 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 the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

### **Sustainable Design, Character and Appearance**

5. Before any above ground works commence, 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 land
  - b) The details of any trees and hedgerows to be retained together with measures for their protection during development,
  - c) A schedule of proposed plant species, size and density and planting locations and
  - d) An implementation programme

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

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 buildings or the completion of the development, whichever is the sooner. Any plants or trees which within a period of 5 years from the completion of 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.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

7. The boundary treatments shall be implemented in accordance with Site Layout – PLK/SL/01 REV C. Prior to first occupation a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

8. Notwithstanding the submitted details, before development starts, other than preparatory works, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, 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 and the levels shall be retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

9. Before any above ground works commence a scheme for mitigating climate change through sustainable design and construction of the dwellings shall be submitted to and approved in writing by the LPA. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

Reason: In the interests of creating sustainable development in accordance with policy GS1 of the North East Derbyshire Local Plan.

10. Before any above ground works commence, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be submitted to and approved in writing by the Local Planning Authority . The development shall then be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

### **Highways**

11. Prior to any works exceeding demolition / site clearance, space shall be provided within the site curtilage for the storage of plant and materials/ site

accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

12. Prior to any operations commencing on the site a Construction Traffic Management Plan and Access Route for the routing of HGVs to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented as approved and make provision for: -
  1. Monitoring of the approved arrangements during the life of the site.
  2. Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements and to ensure no other local roads are used by construction traffic.
  3. Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority.
  4. Wheel cleaning facilities and their use/retention.
13. Before any other operations are commenced the extension of Primrose Lane into the new development and junction with the existing private street serving house numbers 19 to 45, shall be created in accordance with the application drawing PLK/SL/01 Rev C, laid out and constructed and maintained in perpetuity free from any impediment to its designated use.
14. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
15. The estate streets shall be provided with 25m forward visibility sightlines around the inside of bends as per the revised application drawings, or other such dimension as may be agreed in writing with the Local Planning Authority; the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third party land.
16. Prior to any works exceeding demolition and site clearance construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The applicant is advised to attain construction approval from the Highway Authority prior to submitting any information to support this condition.
17. The carriageways of the proposed estate roads shall be constructed in

accordance with condition 16 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. 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.

18. The gradient of the new estate street access shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter, unless otherwise agreed in writing with the Local Planning Authority
19. Prior to occupation of any dwelling its vehicular access shall be formed to the new estate street in accordance with the revised application drawings, the access being provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the accesses, for a distance of 25m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
20. The domestic accesses shall not be taken into use until 2m x 2m x 45° pedestrian inter-visibility splays have been provided on both sides of the access at the rear edge of the footway, the splays thereafter kept clear of any object greater than 0.6m in height above the adjacent footway level.
21. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.
22. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking of residents and visitors vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use..

Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 the garage accommodation/ parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

23. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
24. Bin collection points shall be provided within private land at the entrance to shared private accesses and/or courtyards, sufficient to accommodate two bins per dwelling served, in accordance with the approved application drawings. The bin collection points shall be provided prior to the first occupation of a dwelling to which they serve and shall be retained thereafter free from any impediment to their designated use as such.
25. The gradient of the new private driveways shall not exceed 1:12 for the first 5m from the nearside proposed new estate streets. Where sloping towards the proposed new estate streets, measures shall be installed at the interface between each private driveway and the proposed new estate streets to prevent the flow of surface water onto the highway.
26. The first 5m of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).
27. No gates, including any part of their opening arc, shall be permitted to open outwards over the adjoining footway areas / highway. Any gates shall be set-back into the site an appropriate distance or shall open inwards only.
28. Prior to the first occupation of any dwelling details of the proposed arrangements for future management and maintenance of the streets proposed to be adopted by the Local Highway Authority within the

development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980, if appropriate.

### **Ecology**

29. No removal of hedgerows, trees, shrubs or brambles 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.

Reason: Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

30. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements including reptiles, non-native invasive species).
  - 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.

31. No development shall take place (including demolition, ground works, vegetation clearance) until a great crested newt mitigation plan has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full in accordance with the approved timetable.

32. 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 LBEMP should combine both the ecology and landscape disciplines and include the following:-
- a) Description and location of features to be created, planted, enhanced and managed including at least 0.4 ha of species rich grassland, scrub mosaic habitats and native species rich hedgerows
  - b) Creation of amenity grassland using a 'flowering lawn' mix
  - c) Details of 4 bat boxes, 6 general bird boxes, 15 integrated swift bricks, hedgehog access gaps and habitat piles (include specifications/installation guidance/numbers)
  - d) Aims and objectives of management
  - e) Appropriate management methods and practices to achieve aims and objectives.
  - f) Prescriptions for management actions.
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
  - h) Details of the body or organization responsible for implementation of the plan.
  - i) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.
- 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.
33. A wildlife friendly lighting scheme (for external lighting) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The approved scheme shall be implemented in full prior to the completion of the development.

#### **Drainage**

34. 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. The drawing R.A.B. Engineering Design Ltd. (21/07/2020). Primrose Lane, Killamarsh Engineering Layout. 1123-1 Revision B., including any subsequent amendments or updates to that document as approved by the Flood Risk Management Team,
  - b. Bland, R. (2021) Email to Jo Crawshaw-Moore (Derbyshire County Council), 22 March,
  - 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.

35. 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

36. 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.

37. The development shall be carried out in accordance with the details shown on the submitted plan, drawing no. 1123-1 (revision B) dated 21/07/2020 prepared by RAB Engineering Design Ltd.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy CSU4 of the North East Derbyshire Local Plan.

### **Ground Conditions**

38. Before the commencement of the development hereby approved:  
A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

The contaminated land assessment shall include a desk-study with details of the history of the site use including:

- the likely presence of potentially hazardous materials and substances,
- their likely nature, extent and scale,

- whether or not they originated from the site,
- a conceptual model of pollutant-receptor linkages,
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

39. Before the commencement of the development hereby approved:  
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.

40. No [dwellings/buildings] hereby approved shall be occupied until:

The approved remediation works required by 39 above have been carried out in full in compliance with the approved methodology and best practice.

If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, 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 above.

Upon completion of the remediation works required by 39 and 40a 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.

41. No development shall commence until;
- a) any further intrusive site investigations necessary have been carried out on site to define the risks posed to the development by past coal mining activity, and;
  - b) the remediation works and any 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 remedial works shall be carried out in accordance with authoritative UK guidance.

42. Prior to the occupation 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 the completion of the remedial works and any mitigation necessary to address the risks posed by past coal mining activity.

Reason: To protect the environment and address any coal mining legacy issues and in accordance with Policy CSU6 of the North East Derbyshire Local Plan.

### **Amenity**

43. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30am 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 undertaken on Sundays or public holidays.

Reason: To protect the amenity of nearby property occupiers and users in accordance with policy H12 of the North East Derbyshire Local Plan

44. Before the commencement of construction works including any demolition in

connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction periods shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.

Reason: To protect the amenity of nearby property occupiers and users in accordance with policy H12 of the North East Derbyshire Local Plan

45. Prior to the first occupation of the [dwelling(s)] hereby approved a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per night (2300 hrs – 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

46. Reason In the interests of the amenity of the future residents, and in accordance with H12 of the North East Derbyshire Local Plan.

### **New hedgerow**

47. Prior to the commencement of the development hereby approved full details of proposals for the landscape boundary treatment of the eastern boundary outside of the residential curtilage of Plots 28, 30 - 45 (indicated in plan reference PLK/SL/01 rev A) shall have been submitted to and approved in writing by the Local Planning Authority. Such approved details shall then be implemented and be in place prior to occupation of any of Plots 28, 30 – 45.

Reason: to provide landscaping appropriate to the setting, particularly where

the development is on the fringe of employment development at Norwood Industrial Extension (allocated under Policy E3) and deliver high quality housing design (in accordance with the Policy H12e) in accordance with the policies of the North East Derbyshire Local Plan 2005.

### Notes

a. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from Mr K Barton in Development Control at County Hall, Matlock (telephone: 01629 538658).

b. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (telephone: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

c. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

d. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Economy, Transport and Environment Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).

e. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the

highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

f. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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

h. The application site is affected by a public Right of Way (Footpath number 83 Killamarsh on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer.

- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
- Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

Phil Slater  
Principal Planning Officer