

## PLANNING COMMITTEE – 18 October 2022

**REFERENCE NUMBER:** 22/00057/FL      Application Expiry Date: 31 May 2022  
**Application Type:** Full Planning Permission

**Proposal Description:** Demolition of 16 dwellings and erection of 72 new residential dwellings (Major Development) (Amended Plans)  
**At:** Whiteleas Avenue North Wingfield

**For:** Rykneld Homes

**Third Party Reps:** 1      **Parish:** North Wingfield Parish Council  
**Ward Name:** North Wingfield Central Ward

**Author of Report:** Case Officer Phil Slater      **Date of Report:** 03.10.2022

**MAIN RECOMMENDATION:** GRANT (subject to section 106 Agreement)

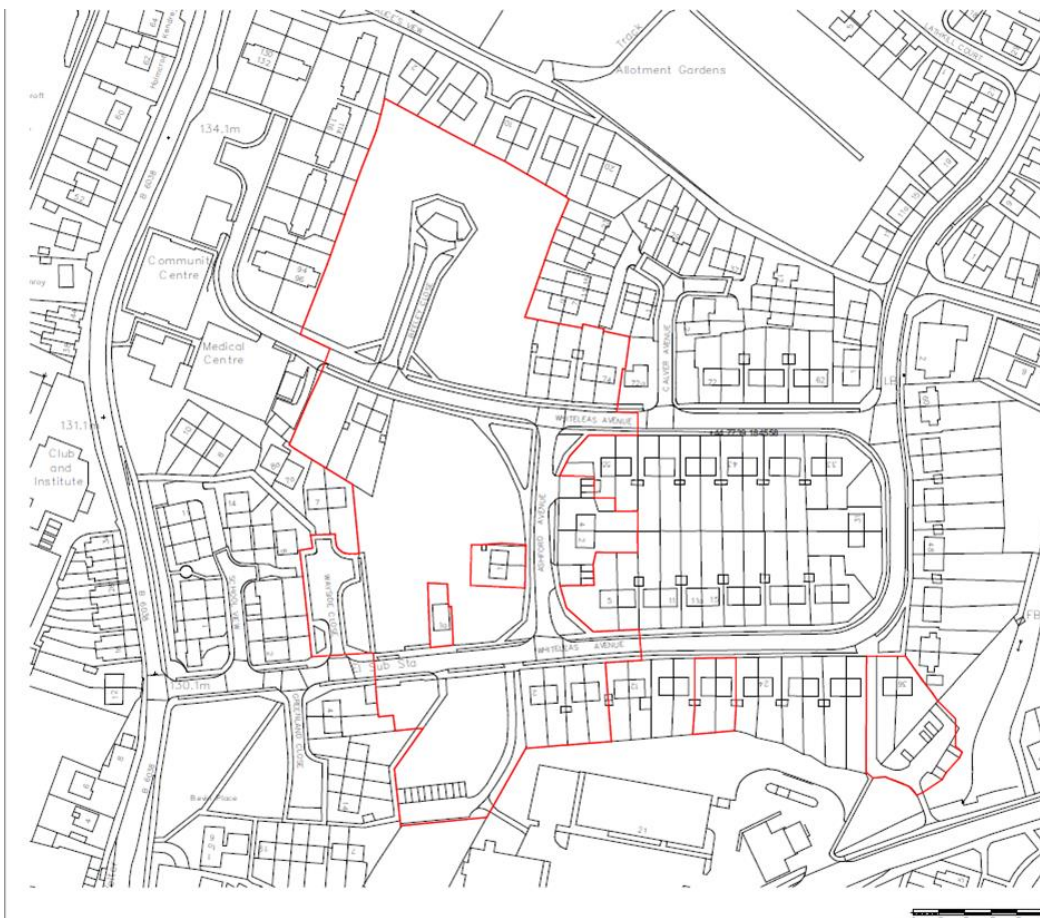


Figure 1; Site location plan

## **1.0 Reason for Report**

- 1.1 The application is a major housing development submitted on behalf of Rykneld Homes and would provide a mix of affordable and open market housing. One objection has been received.

## **2.0 Proposal and Background**

- 2.1 The application site is located within the North Wingfield Settlement Development Limits (SDL).
- 2.2 The proposed development site covers 1.7 hectares and is bounded on all sides by existing housing. The majority of the site has already been cleared.
- 2.3 The existing access into the site is located on Whiteleas Avenue which currently has two main access points. One is located to the north of the site and another to the south. The sites topography has an incline which is at its highest in the north of the site, on Beeley Close.
- 2.4 This application is for the demolition of 16 dwellings and erection of 72 new residential dwellings, including a mix of 27 affordable rent, 10 shared ownership and 35 open market units. The house types are a mix of 21 x 2 bed; 49 x 3 bed and 2 x 4 bed. This includes 8 bungalows.
- 2.5 The proposed mix and tenure is based on the requirements of the registered need in North Wingfield for a mix of affordable, shared ownership and open market dwellings. There is provision for 148 car parking spaces.

### **Amendments**

- 2.6 The layout has been amended slightly to reflect officer comments in respect of separation distances and garden sizes regarding plots 11 and 53; and to incorporate Highway Authority requirements in respect of footpath widths.
- 2.7 A garden sizes drawing and boundary treatment plan have been submitted.
- 2.8 The agent has also clarified that 41 homes have already been demolished as per planning application 18/00861/DEM decision (issued 28/9/2018).
- 2.9 The final 16 homes to be demolished is part of the current application, totalling 57 dwellings, which would result in an overall net gain of 15 homes across the site as per the proposed layout given in Fig 2 below.



Figure 2: Amended Site Plan 004R



Figure 3: example house type

### 3.0 Relevant Planning History

- 3.1 NED/18/00861/DEM - Application for prior notification of demolition of 41 dwellings on Beeley Close, Ashford Avenue, Greenland Close, Wayside Close and Whiteleas Avenue. Approved 28.09.2018

### 4.0 Consultation Responses

- 4.1 **Ward Members** have raised no comments.

- 4.2 **North Wingfield Parish Council** have commented that it is disappointed that there aren't more social houses and there are no green spaces within the scheme.

The Parish Council request that 106 monies are made available to provide leisure facilities elsewhere in the village. Also a better mix between the social housing and private sale would be appreciated.

- 4.3 **Highways Authority (HA)** have confirmed that for the additional dwellings (net gain) a Travel Plan would not be required.

- 4.4 Regarding traffic generation, the comparison has been made against the traffic generation of the demolished 49 units, the traffic for which was already on the network. Therefore, the additional traffic resulting from the further 23 units doesn't appear significant during the peak hours.

- 4.5 As part of the proposals, the existing footpath and Public Right of Way, which extends south from Whiteleas Avenue towards the A6175, would be diverted and improved. The applicant needs to take advice to divert PRow routes at this stage as this may require a diversion order from the DCC PRow section.
- 4.6 The HA requested a road dimensioned plan and swept path assessment in the context of works on Beeley Close to check if the proposed layout carriageway width and turning head provided are in accordance with DCC's current adoptable criteria. The agent has submitted a revised site layout, dimensioned plan and swept paths as requested by the HA.
- 4.7 The HA have confirmed that they have no objections subject to conditions and a requirement that the two bus stops on Whiteleas be relocated as part of the s278 highways agreement with Derbyshire County Council.
- 4.8 The **Environmental Health Officer** have raised no objections subject to conditions relating to hours of work, dust minimisation and land contamination.
- 4.9 **NEDDC Employment And Skills Officer** requests a condition in relation to employment and training.
- 4.10 **NEDDC Housing Officer** has 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.
- 4.11 There is a demand for affordable housing in this area and the proposal of 37 x 2, 3 and 4 bedroom affordable homes will help to meet this demand. There is a very low number of affordable 4 bedroom homes (and an increasing demand) within the District and it is pleasing to see that there is some provision of this type of property on this development. The demolition of 16 dwellings will help to reduce the number of empty properties within the District as they have not been suitable for occupation for some time. It will also help to improve the local area and community.
- 4.12 The affordable dwellings should be managed by Rykneld Homes (or another suitable Registered Provider) and should be allocated through the Council's Choice Based Lettings system.
- 4.13 **Yorkshire Water Services** - No objection subject to conditions
- 4.14 **Lead Local Flood Authority (LLFA)** – The agent has submitted a Flood Risk Assessment and LLFA have commented that with the exception of plots 71 and 72 located adjacent to an existing culvert there are no objections subject to conditions.

- 4.15 In respect of plots 71 and 72 the LLFA have reviewed the additional information submitted by the agent and are not satisfied that it demonstrates that Plots 71 & 72 will not be at risk of future flooding and that the risk of flooding will not increase to existing properties. Therefore, further analysis is needed to quantify the required compensatory storage and that there is no risk to proposed properties and no increased risk to existing properties.
- 4.16 The agent is seeking to address the LLFA comments prior to committee and the final comments of the LLFA will be reported to members at the committee.
- 4.17 **NEDDC Parks Department** - Parks initially requested a contribution based on the twenty-one two bed dwellings, forty-nine three bed dwellings and two four bed dwellings. However as the development provides only a net gain of 15 units a revised s106 sum has been requested.
- 4.18 Parks have confirmed the s106 request as £17,216.25 with a maintenance contribution over 10 years: £6,048.38.
- 4.19 With regards to the layout the Parks team have commented that it is unclear as to whom would be adopting the street trees on Beeley Close. The agent has confirmed that all existing trees are to be removed. With regards to the public open space(s) the agent has confirmed that a full landscaping strategy will be provided at the detailed design stage at which time they will be presented to the Parks Team.
- 4.20 Regarding land ownership, the agent has confirmed everything within the red line is owned by NEDDC, and any areas not within individual plot ownership will be retained within council ownership for future maintenance. The agent has confirmed that this would be dealt with by way of a landscaping condition and the Parks team have agreed with this approach.
- 4.21 **Derbyshire Community Health Services NHS Trust** - Have confirmed that no s106 monies are requested.
- 4.22 **Chesterfield Royal Hospital NHS Foundation Trust** - Have requested £32,719 towards cost pressures at the Royal Hospital based on the net gain of 15 new dwellings.
- 4.23 **Derbyshire Wildlife Trust (DWT)** have reviewed the Ecological Appraisal (Baker Consultants, November 2021). The report recommends further bat assessment for Dwellings 1-5 and 7-8 on the site. No further survey is required of the garages and outbuildings. All bat surveys should be undertaken prior to determination. Any necessary mitigation/licensing will then be recommended by the consultant ecologists.
- 4.24 There is a high likelihood that house sparrows, starlings and swifts could nest in the on-site buildings and therefore seasonal constraints should apply to demolition, unless preceded by a thorough nesting bird check by an

ecologist. Bat and bird roosting/nesting features should be included within new properties.

- 4.25 Two native hedgerows, plus ornamental gardens hedgerows, are proposed for removal. Development should not result in a net loss of native hedgerow and therefore proposals should a) firstly be reviewed to retain the two native hedges where possible and b) where retention is not possible, replace native hedgerow of greater length within proposed landscaping.
- 4.26 The agent has undertaken the bat surveys and submitted a Preliminary Bat Roost Assessment and Further Bat Surveys Report (24.08.2022). The report includes proposed mitigation measure. DWT have been consulted on the report and have confirmed that they have no objections subject to conditions.
- 4.27 **The Coal Authority** have commented 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 Coal Authority's Standing Advice should be included with any approval as an informative note to the applicant in the interests of public health and safety.

- 4.28 **Derbyshire Constabulary** supports the application and raises the following comments:-

There are two small areas to the south of the site where existing public pathways cut across the edge of the red lined site which need some tweaking from a community safety perspective.

1. The area where a public footpath runs from Greenland Close to the Co-Operative store, connecting to an existing rear garden access route for 8-14 Greenland Close, and also the realigned connection to Whiteleas Avenue between plots 55-58 and 59-61.

2. The vicinity of plots 69-72, where the alignment of an existing footpath is proposed to be routed between new plots 70 and 71.

There are a number of signs of nuisance in this area (damaged fencing, graffiti on exposed walls, litter and drink cans), so to run a public route enclosed between and very close to private curtilage would be a mistake in context in my view.

- 4.29 **DCC Infrastructure** - Have provided comments based on the net increase of 15 dwellings. As such the revised education contributions are as follows:

- £72,662.20 for the provision of additional educational facilities for 4 primary places at North Wingfield Primary and Nursery School.
- £112,132.28 for the provision of additional educational facilities for 4 secondary phase (with post 16) places at Tupton Hall School.

## 5.0 Representations

5.1 **1 objection** has been received which has raised the following points (in summary)

- Parking for 14 Greenland Close now going to the side of their house, will there be additional parking made for the current residents on Greenland Close. (Officer note the turning head is proposed to extended and no additional off street parking is proposed on Greenland Close)
- With the parking for No. 14 going to the side of the house this will mean others will no longer be able to park running alongside where the bollards are (we will be losing 4-5 parking spaces) as this will now be the access for the drive way!.
- we were told that the new accommodation would also be bungalows, I'm not happy that this has not been stuck to and now there will be houses overlooking our garden.
- will our fencing to the rear be renewed with it being on a public path. (officer note - This path is retained as existing and proposals do not include new boundary fences to properties outside the application site)

## 6.0 Relevant Policy and Strategic Context

6.1 The North East Derbyshire District Local Plan (2014-2034)

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development

SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits



LC 2 Affordable Housing  
LC4 Type and Mix of Housing

SDC4 Biodiversity and Geodiversity  
SDC11 Flood Risk and Drainage  
SDC12 High Quality Design and Place Making  
SDC13 Environmental Quality  
SDC14 Land potentially affected by Contamination or Instability

ID3 Sustainable Travel

### National Planning Policy Framework

The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application and have been taken into account

### Other

Successful Places: A guide to Sustainable Housing Layout and Design.

## **7.0 Planning Issues**

### Principle of Development

- 7.1 The application site lies within the defined SDL for North Wingfield and proposes the demolition of 16 dwellings and the erection of 72 new residential dwellings.
- 7.2 LP Policy SS7 states that all development proposals on sites within Settlement Development Limits that are not allocated in the Local Plan or in a Neighbourhood Plan, will be permitted, provided that the proposed development: a. Is appropriate in scale, design and location to the character and function of the settlement; b. Does not result in the loss of a valued facility or service unless it can be demonstrated that it is no longer viable, or is not the subject of a Community Right to Bid; c. Is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and d. Accords with other policies of the Plan.
- 7.3 The development is residential development within a residential area and proposes largely the replacement of dwellings granted demolition in 2018, and, as such, is broadly compatible with policy SS7.
- 7.4 LP Policy LC2 (Affordable Housing) states that in the remaining areas of the District all new housing proposals for 10 or more dwellings, or with a site area of 0.5 hectares or more, will be required to provide 20% affordable housing. The proposals would provide a mix of affordable and market housing that exceeds the 20% required by policy.

- 7.5 In view of the above it is considered that the principle of the development is acceptable, subject to various other considerations.

#### Infrastructure and Affordable Housing

- 7.6 The application proposes a mix of 48.6% open market housing with the remainder, 37 units, being affordable units comprising 37.5% at affordable rent and 13.9% at shared ownership. This level of affordable housing exceeds the requirements of the adopted Local Plan, which is set at 20%.
- 7.7 The Council's Housing Officer has commented that the Strategic Housing Market Assessment OAN Update 2017 estimates that 236 additional units of affordable housing are required each year to fully meet affordable housing need in the district.
- 7.8 He also states that there is a demand for affordable housing in this area and the proposal of 37 x 2, 3 and 4 bedroom affordable homes will help to meet this demand and that there is a very low number of affordable 4 bedroom homes (and an increasing demand) within the District and it is pleasing to see that there is some provision of this type of property on this development.
- 7.9 He concludes by saying that the demolition of 16 dwellings will help to reduce the number of empty properties within the District as they have not been suitable for occupation for some time. It will also help to improve the local area and community. The affordable dwellings should be managed by Rykneld Homes (or another suitable Registered Provider) and should be allocated through the Council's Choice Based Lettings system.
- 7.10 Officers consider that in line with the Housing Officer's comments that the proposed affordable housing provision is acceptable and is a factor of significant weight in this case and that it can and should be secured via a S106 agreement. In addition, the mix of units also adds positively to the scheme and accords with the general aspirations of the Development Plan.
- 7.11 The application proposes the re-development of the entire site following the 2018 application for demolition, and proposes a net gain of 15 units. 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 has requested financial contributions of £72,662.20 for the provision of additional educational facilities for 4 primary places at North Wingfield Primary and Nursery School and £112,132.28 for the provision of additional educational facilities for 4 secondary phase (with post 16) places at Tupton Hall School.
- 7.12 The Royal Hospital NHS Foundation Trust have requested £32,719 towards cost pressures at Royal Hospital based on the net gain of 15 new dwellings.

- 7.13 NEDDC Parks have confirmed the s106 request as £17,216.25 with a Maintenance contribution over 10 years: £6,048.38 based on the 15 new units towards existing offsite open play provision within the vicinity of the site.
- 7.14 The agent has confirmed that the applicant will meet all the requested infrastructure requirements of the various consultees. This is considered to mitigate effectively the impact of the additional units.

#### Highways

- 7.15 The application is accompanied by a Transport Statement (January 2022) which has concluded that the site was previously subject to a planning application submitted by Rykneld Homes in 2018 for the demolition of 41 dwellings. This was submitted as part of the applicant's ongoing regeneration of the area and was approved in September 2018. The houses were demolished shortly after. The majority of the surrounding streets including Whiteleas Avenue, Ashford Avenue and Chesterfield Road provide footways on both edges of the carriageway and regular crossings opportunities.
- 7.16 The proposals would retain the existing road layout of Whiteleas Avenue and Ashford Avenue and each dwelling would provide 2 car parking spaces suitable for a mix of 2 and 3 bedroom properties. The Highway Authority confirmed for the additional dwellings (net gain) a Travel Plan would not be required.
- 7.17 Regarding traffic generation, the HA have commented that the comparison has been made with the traffic generation of the demolished 49 units, the traffic for which was already on the network. Therefore, the additional traffic resulting from the 23 units doesn't appear significant during the peak hours.
- 7.18 As part of the proposals, the existing footpath and Public Right of Way, which extends south from Whiteleas Avenue towards the A6175, would be diverted and improved. The applicant needs to take advice to divert PRoW routes at this stage as this may require a diversion order from the DCC PRoW section. Officers consider that this can be addressed by way of an informative on the permission.
- 7.18 The agent has submitted a road dimensioned plan and swept path assessment in the context of works on Beeley Close showing the layout carriageway width and turning head provided which were requested by the Highway Authority.
- 7.19 The HA have confirmed that they have no objections, subject to conditions and have further confirmed that the two bus stops, both on Whiteleas Avenue should be relocated as part of a s278 highways agreement, which will be included as an informative on the decision.

- 7.20 One resident has objected to the loss of on street parking by the extension to the turning head on Greenland Close and creation of 2 off street parking spaces. The HA has not raised an objection on highway safety grounds to the new off street parking and the extension of the turning head would not preclude some continued on street parking. The displacement of some of this parking is not considered to have a demonstrable harm to highway safety.
- 7.21 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.

#### Design and Layout

- 7.22 The application site is located within the defined SDL and is an unallocated site which proposes the redevelopment of previously demolished housing. The proposed layout shows predominately 2 and 3 bedroom houses and includes a number of bungalows with 2 x 4 bed units all with on plot parking.
- 7.23 The layout proposes to re-instate the former building line to provide a fresh frontage along Whiteleas Avenue. In addition, it maintains the original pedestrian routes so to provide better pedestrian routes across the site. The proposed housing is to be contemporary in its appearance but still reflect the existing character of North Wingfield through materiality and colour palette. The proposed frontage along Whiteleas Avenue reflects the semi-detached homes adjacent to the site where it mirrors the general massing with semi-detached and terraced dwellings.



*Figure 4: example streetscene*

- 7.24 The proposed garden sizes are generally in excess of those required by Successful Places and are considered to be acceptable.
- 7.25 The existing highway access is located to the west and east of the site with Whiteleas Avenue acting as the key vehicular route. Access to the adjoining Co-op site is preserved to connect the existing dwellings with the local amenities.( see Fig.5)



Figure 5: connections to amenities

7.25 The existing road of Beeley Close is to be widened to provide full vehicular access along with a new turning head, with private drives connecting to it. A new proposed private drive is to serve 5 new dwellings on the south of the site, along with another on the west of the site which serves no. 6 bungalows connecting to Wayside Close. The existing public right of way will be retained and properties have additional overlooking windows. (see fig.6)

7.26 The existing grass verges located on the corners of Whiteleas Avenue are to be retained to maintain open spaces for pedestrian friendly movement across the proposed development. Trees are to be planted on key corners and along the main highways of the development. A swept path drawn detailing potential access for Refuse Vehicles has been submitted and this demonstrates that it can enter and exit without impacting on the grass verges.



Figure 6: Beeley Close layout



- 7.27 Officers consider that the layout demonstrates generally good design principles and reinstates the existing building lines and it is considered to be generally in accordance with the design guidance set out in Successful Places.

### Effect on Neighbours

- 7.28 The proposed dwellings back onto the rear gardens of existing properties or are adjacent to existing housing. The impact on neighbours is assessed below.
- 7.29 The new housing on Beeley Close is 2 storey semi-detached houses whose rear gardens back onto existing rear gardens (see Fig 7 below). The separation distances are in excess of 21m and so fully comply with Successful Places.



*Figure 7: Beeley Close housing*

7.30 Plots 69 and 70 are located between existing houses in the corner of the site and face onto an existing footpath that leads to Willamthorpe Road and the Coop. (see fig 8 below). No 32 is the most impacted existing property as this has the front elevation of plot 70 facing its side boundary; however plot 69 would generally be screened by an existing conservatory to the rear of number 32 and faces its side elevation (see fig 9).

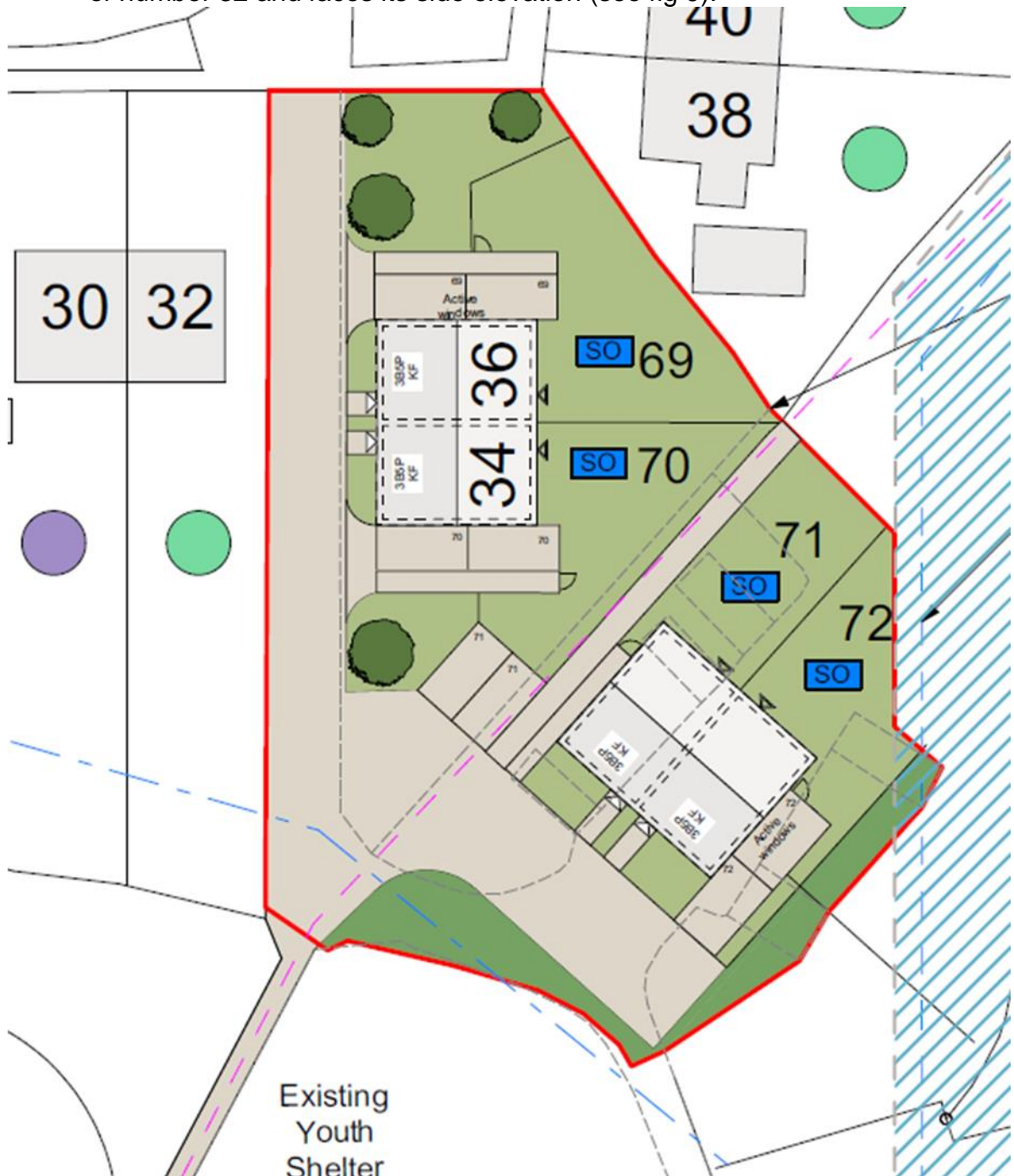
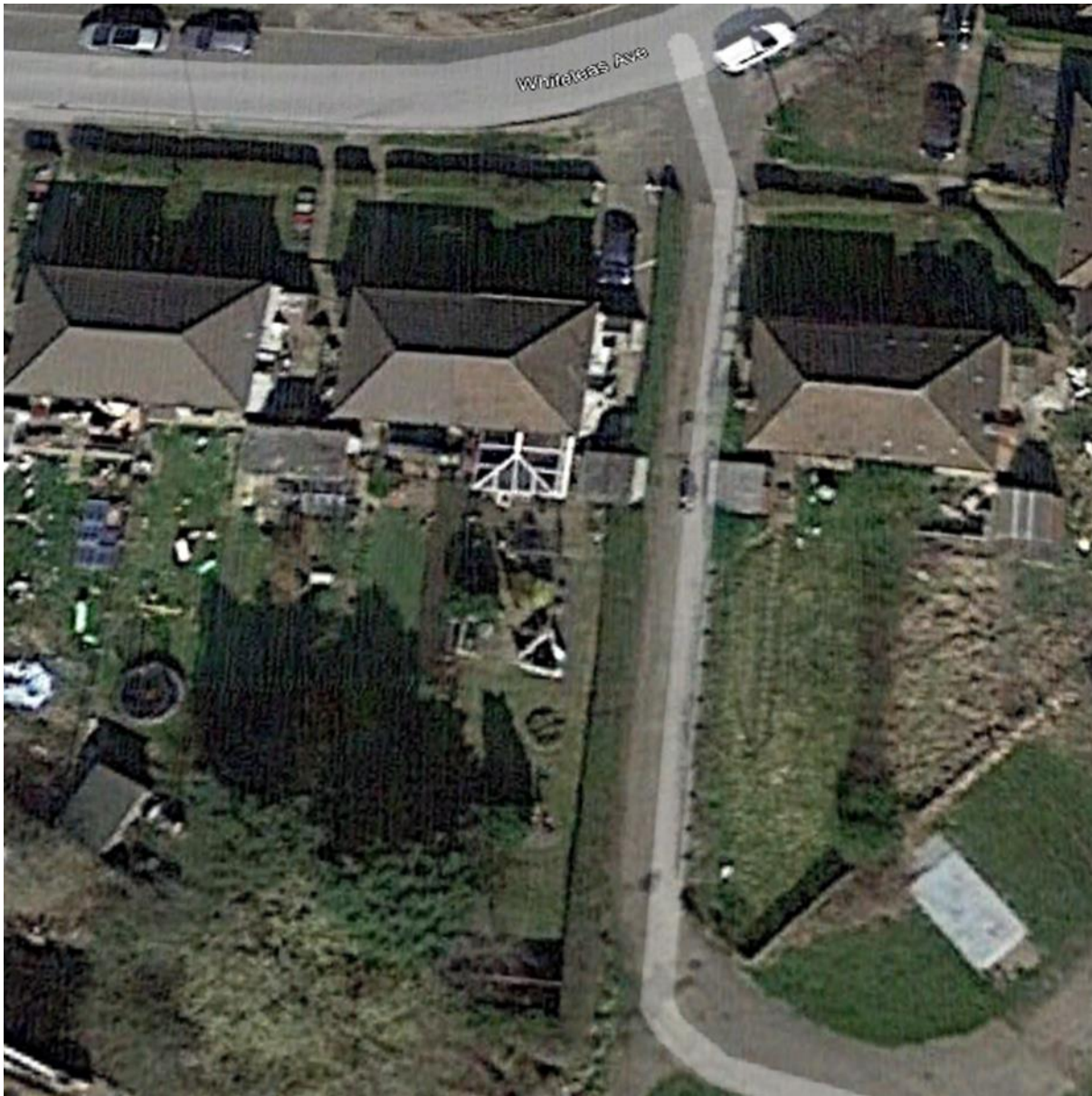


Figure 8: plots 69 to 72.



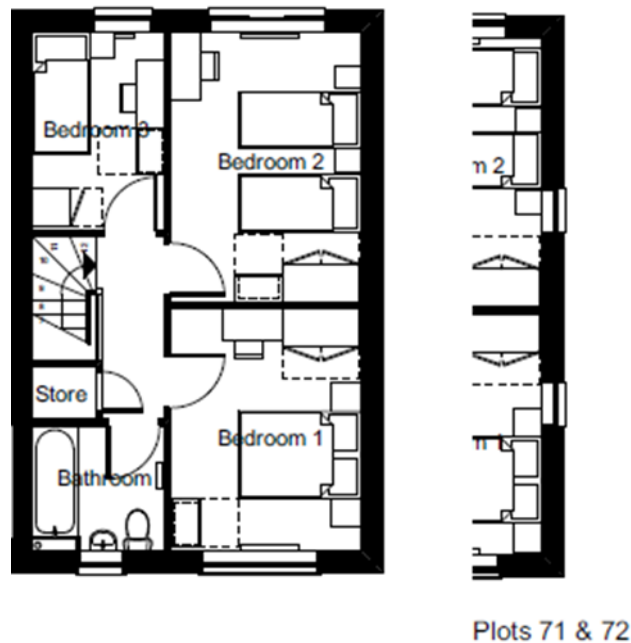


*Figure 9: image of existing property and conservatory.*

- 7.31 Officers are of the view that as there is an existing footpath running along the side of no. 32, then the orientation of plots 69 and 70 to face onto this to create a new vehicular access would in principle be acceptable and provide additional benefits of surveillance and activity. This would also address some of the concerns raised by the police in respect of the existing PROW between plots 70 and 71.
- 7.32 The layout does however result in some increased overlooking into the garden of no 32 albeit it from the front of the new properties at plots 69 and 70. However, Officers are satisfied that plot 69 would not cause an unacceptable level of overlooking on to no.32 as it mainly faces a blank side elevation and then a conservatory.



- 7.33 There would however be some overlooking from the first floor bedroom of plot 70 towards the rear garden of No.32 which officers consider an unacceptable relationship (see figure 8 and 10). However, this could be mitigated by way of requiring an obscure glazed window to bedroom 1 and the other front facing window which serves a bathroom and the provision of a larger clear glazed window to the southern gable in a similar position to that of plot 71. This would result in windows in the side gables of plots 70 and 71 facing each other but at an angle of 45 degrees and is considered acceptable. This would also provide additional surveillance over the existing PROW. It is therefore recommended that this is included in a condition on any permission granted.



*Figure 10: Bedroom 1 and suggested location of larger side window.*

- 7.34 Plots 48 to 53 are bungalows adjacent to the existing bungalows on Wayside Close and plots 32 to 37 lie adjacent to 3 existing properties. Officers consider that the separation distances and relationship with and between these properties is acceptable.
- 7.35 Plots 29 to 31 lie adjacent to existing properties and Officers consider that the separation distances and relationship with these properties is acceptable.
- 7.36 Plots 54 to 66 are adjacent to bungalows on Greenland Close and no 10 Whiteleas Avenue (see fig 7). The separation distances between the rear of the existing bungalows and plots 56-58 exceeds the 21m set out in Successful Places and also has the existing footpath between the dwellings. The potential overlooking is considered to be acceptable in this regard.

- 7.37 Comments have been raised by a local resident in respect of these units being houses and bungalows and the resident's fencing being adjacent a footpath. There are no proposals to change the resident's boundary fence as this lies outside the application site, and the footpath in question is an existing path that is being extended slightly as part of the development. For these reasons the relationship is considered to be acceptable.



Figure 11: plots 54 to 66

- 7.38 Overall, Officers consider that the development would not have an overriding and harmful impact on near residential neighbours.

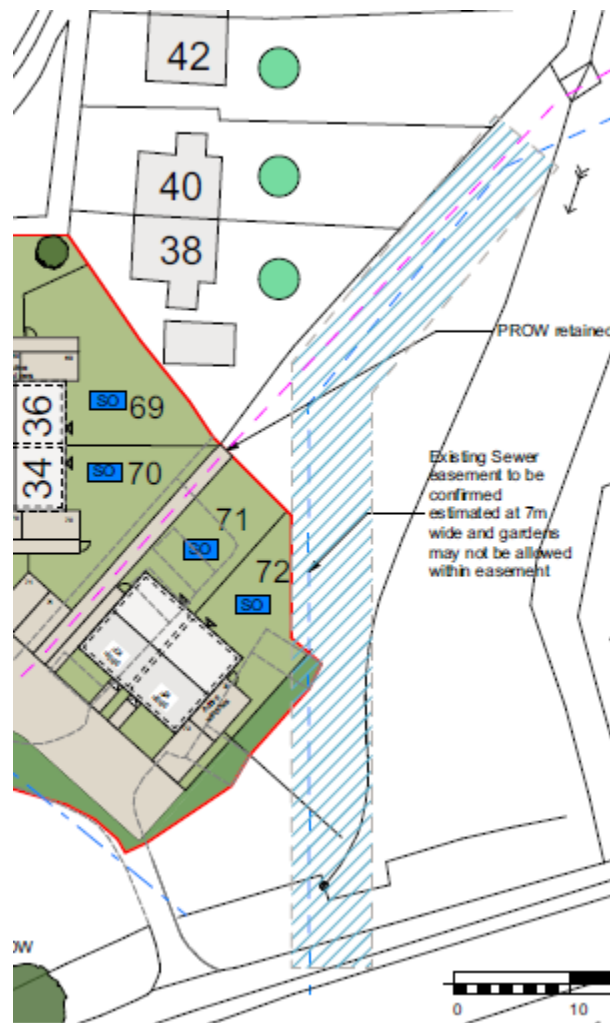
#### Land Contamination and Stability including Coal Risk Assessment

- 7.39 The Coal Authority have confirmed 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. Standing advice in the form of an informative would suffice.
- 7.40 With regards to land contamination no objections have been raised by Environmental Health Officers, subject to conditions.
- 7.41 In summary, Officers consider that in view of the above, subject to conditions, the development would be acceptable from environmental health and ground stability perspectives.

#### Flood Risk

- 7.42 The site is located within flood zone 1 and the agent has submitted a Flood Risk assessment.

- 7.43 The Lead Local Flood Authority (LLFA) have commented that they would have no objection overall subject to appropriate conditions. However in respect of plots 71 and 72 the LLFA are not satisfied that it has been demonstrated that these 2 plots will not be at risk of future flooding from an adjacent culvert and that the risk of flooding will not increase to existing properties. Lowering the garden area would store water around the proposed properties 71 & 72 and how much storage needed has not been quantified therefore the risk remains unknown. The flood outlines provided in the technical note reflect the photo provided but there are some unknowns, the return period, the maximum flood depth, and the flow routes for example. Therefore, the LLFA advise that further analysis is needed to quantify the required compensatory storage and to conclude that there is no risk to proposed properties and no increased risk to existing properties.



*Figure 12: plots 71 and 72*

- 7.44 The culvert runs below Williamthorpe Road to the south of proposed Plots 71 & 72 (see Fig 12 above). The agent is confident that the concerns of the LLFA can be accommodated and has provided further information to the LLFA to address their concerns. The final comments of the LLFA will be

reported to committee and subject to their agreement this matter would be addressed.

- 7.45 Yorkshire Water initially objected due to the submitted site layout showing that buildings will be sited over the public sewerage system located within the site. This would seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and would not be acceptable. Following the submission of a revised site layout Yorkshire Water have confirmed that they have no objections subject to conditions.
- 7.46 In summary, Officers consider that in view of the above, subject to conditions and the LLFA confirming that the proposed mitigation of flood risk for plots 71 and 72 are acceptable; the development would be acceptable from drainage and flood risk perspective.

#### Biodiversity

- 7.47 The application is accompanied by a Biodiversity Survey and report and Derbyshire Wildlife Trust (DWT) have commented that the report recommends further bat assessment for Dwellings 1-5 and 7-8 on the site. All bat surveys should be undertaken prior to determination. Any necessary mitigation/licensing will then be recommended by the consultant ecologists.
- 7.48 The agent has undertaken the bat surveys and submitted a Preliminary Bat Roost Assessment and Further Bat Surveys Report (24.08.2022). The report includes proposed mitigation measures as recommended in the DWT response. DWT have confirmed that they have no objections subject to conditions.
- 7.49 The DWT have also commented that there is a high likelihood that house sparrows, starlings and swifts could nest in the onsite buildings and therefore seasonal constraints should apply to demolition, unless preceded by a thorough nesting bird check by an ecologist.
- 7.50 Bat and bird roosting/nesting features should be included within new properties and this can be controlled by condition.
- 7.51 Two native hedgerows, plus ornamental gardens hedgerows, are proposed for removal. Development should not result in a net loss of native hedgerow and therefore proposals should replace native hedgerow of greater length within proposed landscaping. Proposed gardens and public open space are considered likely to compensate for the loss of the modified grassland present in terms of biodiversity value, however DWT encourages the creation of tall sward flower-rich grassland in open areas and the inclusion of native trees and shrubs within the landscaping to ensure no net loss.
- 7.52 With regards to the hedgerow comments and gardens Officers consider that these issues can be addressed through the necessary landscape condition.

- 7.53 In summary, 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 unallocated site that lies within the defined settlement development limits for North Wingfield and is considered a sustainable location for additional and replacement housing and Officers place significant weight on the provision of significant affordable 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. Subject to the LLFA confirming their position with regards to plots 71 and 72 there are no technical issues weighing against the scheme and it would not have a detrimental impact on highway safety.
- 8.3 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 provision as set out in the application (27 affordable rent and 10 shared ownership)

£72,662.20 for the provision of additional educational facilities for 4 primary places at North Wingfield Primary and Nursery School.

£112,132.28 for the provision of additional educational facilities for 4 secondary phase (with post 16) places at Tupton Hall School.

£17,216.25 with a maintenance contribution over 10 years of £6,048.38 towards existing offsite play provision.

£32,719 towards NHS Chesterfield Royal Hospital.

### **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:-

40549 004R SITE LAYOUT  
FW2220-TN-001 TECHNICAL NOTE PLOT 71 AND 72

Preliminary Bat Roost Assessment and Further Bat Surveys dated  
24.08.2022

WANW-BSP-XX-D-H-002-P01 DIMENSIONS PLAN received 18.07.22  
WANW-BSP-XX-XX-D-H-0001-P01 SWEPT PATH ANALYSIS received  
18.07.22

Flood Risk Assessment received 30.05.2022

3664NGLS\_01-03 TOPOGRAPHY SURVEY  
40549/017C BOUNDARY TREATMENT PLAN  
40549/032 GARDEN SIZES PLAN  
YORKSHIRE WATER DRAINAGE PLAN

Design and Access Statement  
Transport Statement

36643NGUG-01 UTILITIES AND DRAINAGE SURVEY  
40549/008C MATERIALS DISTRIBUTION PLAN

40549/009C HOUSE-TYPE 3B5P  
40549/010C HOUSE-TYPE 3B5P  
40549/011C HOUSE-TYPE 3B5P KF TERRACE  
40549/012C HOUSE-TYPE 3B5P KF TERRACE STONE OPTION ...  
40549/013A HOUSE-TYPE 2B4P KF  
40549/014B HOUSE-TYPE 2B4P CRANKED STONE  
40549/015B HOUSE-TYPE 2B3P BUNGALOW  
40549/016B HOUSE-TYPE 2B3P BUNGALOW STONE OPTION  
40549/022 HOUSE-TYPE 4B6P - NDSS  
40549/023A HOUSE-TYPE 3B5P KF - NDSS  
40549/024 HOUSE-TYPE 3B5P KF (STONE) - NDSS  
40549/025 HOUSE-TYPE 3B5P KF TERRACE - NDSS  
40549/026 HOUSE-TYPE 2B4P KF  
40549/027A HOUSE-TYPE 2B3P BUNGALOW - NDSS  
40549/028 HOUSE-TYPE 3B5P KF PLOTS 67, 68 - NDSS  
40549/029 NO 55 BOUNDARY ALTERATIONS  
40549/030 HOUSE-TYPE 2B4P CRANKED STONE DETACHED

40549/019 STREET ELEVATIONS  
40549/031 SITE LOCATION PLAN

BIODIVERSITY SURVEY AND REPORT  
COAL MINING RISK ASSESSMENT  
LAND CONTAMINATION ASSESSMENT

Reason: For clarity and the avoidance of doubt.

### **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 SS1 of the North East Derbyshire Local Plan

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

4. 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 SS1, LC4, and SDC12 of the North East Derbyshire Local Plan

5. 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 SS1, LC4, and SDC12 of the North East Derbyshire Local Plan

6. 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 SS1, LC4, and SDC12 of the North East Derbyshire Local Plan

7. 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 SS1 of the North East Derbyshire Local Plan.

8. 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 SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

9. Before any above ground works commence details of a new first floor window to the southern elevation of plot 70 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: To protect the amenity of adjacent residential occupiers and in accordance with Policy SDC12 of the North East Derbyshire Local Plan.

10. The window(s) proposed in the front elevation of the bedroom 1 of Plot 70 shall be fitted with obscure glazing prior to the dwelling hereby approved being brought into use. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to level(s) 3 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.

Reason: To protect the amenity of adjacent residential occupiers and in accordance with Policy SDC12 of the North East Derbyshire Local Plan.

## **Highways**



11. Before any other operations are commenced, a construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The agreed plan/statement shall be adhered to throughout the construction period. The construction method statement shall provide information about the construction access, storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles during the construction period.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

12. Throughout the period of construction, wheel washing facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous materials on the public highway.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

13. Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the approved details and retained as such thereafter.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

14. Before any other operations are commenced excluding Condition 9 above the new vehicular and pedestrian accesses shall be created in accordance with the drawing 'Proposed Site Layout 40459/004R', laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

15. Prior to first occupation a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall set out proposals (including a timetable) to promote travel by sustainable modes and shall be retained in perpetuity.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

## **Ecology**

16. No stripping, demolition works or clearance of hedgerow, scrub or trees shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

17. The demolition of Buildings 65 & 67 shall not take place until either a European Protected Species licence has been obtained from Natural England or the site has been registered under a bat mitigation class licence (low impact). Upon receipt of a licence from Natural England/site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Preliminary Bat Roost Assessment and Further Bat Surveys (Peak Ecology, 24/08/2022) and amended as necessary based on any correspondence from Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence/confirmation of registration will be submitted to the LPA once granted.

Reason: Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

18. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- integral bird boxes at ratio of 1:1 per number of dwellings, in line with British Standard 42021:2022. A variety of boxes will be used suitable for house sparrow, starling and swift.
  - integrated bat boxes in 25% of dwellings.
  - insect bricks in 25% of dwellings.
  - gaps 130 mm x 130 mm in garden fencing to maintain connectivity for hedgehogs.

- summary of ecologically beneficial landscaping, including native hedgerow planting to achieve no net loss of native hedgerow on site (full details to be provided in Landscape Plans).

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

### **Drainage**

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

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.

20. 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:
  - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
  - ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.

### **Ground Conditions**

21. 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 and demolition 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 local air quality and in the interests of the amenity of surrounding dwelling sand in accordance with Policy SDC13 of the North East Derbyshire Local Plan

22. Before the commencement of the development hereby approved: The site investigation strategy as identified in the Desk Study report Ref EAL.172.21 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 relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

23. No dwellings hereby approved shall be occupied until:

- a. The approved remediation works required by 1 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 submitted with the application and through the process described in 20 above.
- c) Upon completion of the remediation works required by 1 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

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

**Amenity**

24. 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 SDC12 of the North East Derbyshire Local Plan