

North East Derbyshire District Council

Special Planning Committee

3 September 2019

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| Development Management Applications |
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Report No PM/8/19-20/AK of the Planning Manager – Development Management

This report is public

Schedule of Planning and Other Applications under the Town and Country Planning (General Development Procedure) Order 2015, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012

FOR THE INFORMATION OF MEMBERS

Legal and Financial Implications

Members are advised that there may be legal and financial implications arising from determination of planning and other applications and the authorisation of enforcement action.

There is a right of appeal against a refusal of planning permission or the imposition of conditions on a planning approval, which may attract an award of costs against the Council. Preparation of the District Council's case in such appeals may necessitate expenditure on legal advice or Counsel.

Breaches of planning control, such as unauthorised development or the unauthorised use of buildings and land, or failure to comply with conditions may be redressed by the District Council's powers to take enforcement action. Such action may lead to possible further action in the Magistrates' or Crown Courts which may involve expenditure on legal advice and costs.

There is a right of appeal against the service of an enforcement notice. If any appeal is upheld it may attract costs against the Council.

Human Rights Act 1998

The reports consider decisions by the Council which may affect property rights of the owner (Article 8 and Article 1 may be relevant). Under the Human Rights Act 1998 the Council must be in a position to show:

- its action is in accordance with clearly established law
- the objective is sufficiently important to justify the action taken
- the decisions taken are objective and not irrational or arbitrary
- the methods used are no more than are necessary to accomplish the legitimate objective
- the interference impairs as little as possible the right or freedom

All action taken in considering applications, consents, and enforcement is the lawful duty of this Authority as Local Planning Authority. Decisions are objective and proportional being based on consideration of the National Planning Policy Framework and the policies contained in the North East Derbyshire Local Plan and all other material considerations.

There is a right of appeal against all decisions made by the Council.

Environmental Considerations

There are environmental implications arising from the determination of planning applications and the authorisation of enforcement action. The consideration of the development of any site seeks to take into account the need to safeguard the environment, and the relevant issues are dealt with in each case in the Planning Assessment and Summary.

Community Safety Implications

Members are advised that there are Community Safety Implications arising from the determination of planning applications.

Crime prevention is capable of being a material consideration in the determination of planning applications as set out in the National Planning Policy Framework. Where relevant these matters are addressed in each case in the Planning Assessment and Summary.

The safety of development sites is the responsibility of the site's operative and enforced by specialist agencies.

Issues with regard to highway safety are relevant to the determination of planning applications. These issues where relevant are addressed in each case in the Planning Assessment and Summary with the relevant advice of the Highway Authority incorporated in the report.

Background Papers

The background papers relating to each application are the application forms, plans, representations received and replies to consultations, contained in the application file, the reference of which is given at the head of each report.

With reference to applications made for works to Protected Trees

Financial Implications

The prescribed format when a Tree Preservation Order is made includes a section which makes provision for the payment by the Local Planning Authority, subject to such exceptions and conditions as may be specified in the Order, of compensation in respect of loss or damage caused or incurred in consequence of:-

- (a) the refusal of any consent required under the Order; or
- (b) the grant of any such consent subject to conditions.

Liability for compensation may be avoided by the Local Planning Authority in relation to trees which are subject to a Tree Preservation Order made prior to 2nd August 1999, and incorporating the appropriate wording, where in refusing consent or imposing conditions on

an approval the Local Planning Authority are satisfied that their decision is in the interest of good forestry or that the tree(s) has/have an “outstanding” or “special” amenity value, unless the Council’s assessment of the amenity value of the Tree(s) is successfully challenged.

Legal Aspects

Once an Order is made, applications for consent are required in respect of any proposed cutting down, topping, lopping or uprooting of any trees. There is a right of appeal to the Secretary of State against the decision of the Council to either refuse consent or grant permission for works subject to condition.

Environmental Considerations

The making of a Tree Preservation Order, and the subsequent control of works to trees covered by Orders are likely to benefit the local environment through the contribution of the protected tree(s) to visual amenity and the retention of their ecological value. The assessment of all applications for consent for works balances this with the need for the works proposed.

Trees (Community Safety Implications)

The health of a protected tree and its safety remain the responsibility of the tree’s owner, even where the tree is covered by a Tree Preservation Order. If a tree is dead, dying or dangerous, works to rectify the danger may be undertaken without the consent of the District Council.

The safety and health of a tree covered by a Tree Preservation Order is a material consideration in the determination of any application to undertake work to a protected tree. However, this has to be balanced against all other material factors when considering any particular submission.

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APPLICATION NO. 19/00376/OL

APPLICATION Outline planning application for residential development including means of access with all other matters reserved for subsequent approval (Major Development/Departure from Development Plan)

LOCATION Land at rear of 263 Nethermoor Road, Wingerworth

APPLICANT Land Allocation Ltd

CASE OFFICER Nigel Bryan

DATE RECEIVED 4th April 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Windley

REASON: Concern has been raised about the application and it is considered appropriate for Members of the Planning Committee to determine it.

1.0 SITE DESCRIPTION

- 1.1 The application site covers an area some 2.8 hectares and is bound by Derby Road, the A61, to the east; residential properties on Nethermoor Road to the South and open countryside to the north and west.
- 1.2 There is a significant change in levels across the application site with the land dropping away when heading in a northerly direction, a change of some 14m. An existing field access exists in the south east corner of the site, through a metal gate close to the A61 roundabout. The boundary to the A61 is constituted of a mixture of walling, hedging and mature trees. The main boundary to open countryside, along the site's western edge, is marked by a dyke, in addition to a hedge. To the northern edge of the site is a timber stable building with Sutcliffe Wood, a Local Wildlife Site beyond, which has within it Redleadmill Brook.
- 1.3 The actual application site is farmed so is devoid of any features of note, save for electricity cables which cross the site in a roughly north-south direction.

2.0 PROPOSAL

- 2.1 The application is submitted in outline form with only access committed. Vehicular access would be taken from Derby Road, roughly central to the application site. Details of the proposed access have been identified in the submitted Transport Statement and note that the speed limit on the A61 is 50mph and, therefore, a visibility splay of 4.5m by 160m is required, along with a road width of some 5.5m. A conventional priority junction is proposed e.g. no right lane turn is required for vehicles entering the site when heading south along Derby Road. All other reserved matters, scale, design, landscaping and appearance would remain to be approved.
- 2.2 As part of the application it is indicated that up to 67 dwellings would be erected. An *indicative layout* has been submitted which shows appropriate SUDS and public open space to the north of the site, with the majority of existing boundary treatments

retained. It is indicated that dwellings to the south of the site would back onto existing properties that front Nethermoor Road, with a landscape buffer along the western boundary and dwellings facing out toward the A61.

- 2.3 For the avoidance of doubt, the application site falls within the parish of Wingerworth but is close to the border of Tupton parish; the boundary between the two parishes is the A61.

3.0 AMENDMENTS

- 3.1 During the course of the application additional information has been submitted with regard to drainage of the site and also with regard to archaeological investigations. Additional information in the form of an indicative landscape masterplan, with a particular focus on the site entrance has also been supplied. The application is considered accordingly but does not alter the fundamental principles of the application e.g. an outline application with all matters reserved save for access.

4.0 PLANNING HISTORY

- 4.1 18/01241/EIA – A Screening Opinion was submitted to seek the view of the Local Planning Authority as to whether or not an application for residential development on the land would need to be subject of an Environmental Impact Assessment (EIA). It was determined that an application would not need to be supported by an EIA.

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The Development Plan in this case comprises both the North East Derbyshire Local Plan (2001-2011) and the Wingerworth Neighbourhood Plan.
- 5.2 The policies considered to be the most important in determining this application and contained within the Local Plan are as follows:

GS1 – Sustainable Development
GS5 – Settlement Development Limits
GS6 – New Development in the Countryside
GS9 – Planning Obligations
NE1 – Landscape Character
NE7 – Protection of trees and hedgerows
BE1 – General Design Principles
BE5 – Percent for art
H3 – New Housing Outside Settlement Development Limits
H6 – affordable housing provision in the main settlements
H12 – Design and Layout of new housing
T2 – Highway Access and the impact of new development
T9 – Car parking provision
R1 – Outdoor recreation space standards
R5 – Providing for Childrens play space through new development
CSU4 – Surface and foul water drainage
CSU6 - Contaminated land

- 5.3 The policies considered to be the most important in determining this application and contained within the Neighbourhood Plan are as follows:

- W1 – Wingerworth Settlement Development Limit
- W2 – Development in the Countryside
- W4 – Housing mix
- W12 – Design Principles
- W13 – Biodiversity
- W14 – Trees and Hedgerows
- W17 – Highway safety
- W18 – Highway safety: A61

- 5.4 In addition, the Council is currently in the process of preparing a new Local Plan. That plan is currently subject of an Examination in Public and in line with the advice contained in the National Planning Policy Framework may be afforded weight, the greater the weight being dependant on the level of preparation that the Plan has achieved and whether there are outstanding objections in respect of the Plan. The following policies are considered those most important in determining this application.

- SS1 – Sustainable Development
- SS2 – Spatial Strategy and the distribution of development
- SS9 – Development in the countryside
- LC2 – affordable housing
- LC4 – Type and mix of housing
- SDC2 – Trees, Woodland and Hedgerows
- SDC3 – Landscape character
- SDC4 – Biodiversity and Geodiversity
- SDC11 – Flood Risk and Drainage
- SDC12 – High Quality Design and place-making
- ID1 – Infrastructure Delivery and Developer contributions
- ID2 - Provision and safeguarding of Transport Infrastructure
- ID3 – Sustainable Travel
- ID9 – Open space, sports and recreation facilities

5.5 National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous NPPF published in July 2012 and 2018. At the heart of the NPPF is a presumption in favour of sustainable development with a need to consider the social, environmental and economic impacts from a proposal. Chapters which are of particular note for this application are considered to be 2 (achieving sustainable development), 4 (decision making), 5 (delivering a sufficient supply of homes), 6 (building a strong, competitive economy), 9 Promoting sustainable transport), 11 (making effective use of land), 12 (achieving well-designed places) and 15 (conserving and enhancing the natural environment).

5.6 Other

The Council's design guidance "Successful Places" is considered to also be relevant to the determination of this application.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 A site notice was erected on a lamp post near to the Tupton roundabout, at the southern end of the site. Consultation was also undertaken to neighbouring properties, relevant statutory consultees and both Wingerworth and Tupton Parish Councils.

6.2 In total 36 representations (as of 26 July) have been received and all object to the application. A summary of the observations received are drafted below:

- The development is contrary to the Local Plan in that it is not allocated for residential development;
- The amenity of neighbouring properties would be detrimentally impacted through overlooking and overbearing impacts;
- Badgers, which are protected, are known to be active in the locality and their habitat should be protected;
- Access to the site would be harmful to highway safety, with a number of accesses off the A61 and an access to a possible gypsy site considered to be unacceptable;
- Drainage on site is an issue;
- Wingerworth has had a disproportionate number of dwellings built within it over the last few years and consideration should be given to other areas;
- The gap between Wingerworth and Tupton would be eroded to the detriment of the character of both villages;
- The land is an important area of green space and consideration should be given to brownfield sites first;
- Services within the village cannot cope with a greater influx of residents e.g. schools, doctors etc;
- Wildlife will be detrimentally impacted through the removal of trees for the access;
- Wingerworth Neighbourhood Plan has just been adopted and should be afforded greater weight in the determination of this application;
- The approval at Deerlands Road does not mean that this application should be granted too;
- In Wingerworth there are known problems with sewerage, which this application would make worse;
- Power cuts occur in this area and it is questionable whether or not the infrastructure can cope with additional housing;
- Is there a wider planning gain that could be sought e.g. money toward the Parish Hall?
- Sutcliffe Wood will be surrounded by housing to the detriment of the biodiversity;
- Speed restrictions in the area should be enforced;
- A footway along the A61 would require the removal of a number of semi-mature trees, and
- Air pollution will increase along the A61 corridor.

- 6.3 **Ward Member Cllr Windley** expresses concern about highway safety, given the proximity of the proposed access to a number of other junctions; the gap between Tupton and Wingerworth will be eroded; infrastructure in the area e.g. Doctors and Schools are already over stretched; wildlife in the area will be detrimentally impacted.
- 6.4 **Tupton Parish Council** object to the application on the grounds of highway safety given the number of access points in close proximity to the proposal; the settlement gap between Wingerworth and Tupton would be eroded and the identity of both settlements will be detrimentally impacted, and the development is contrary to the emerging Local Plan.
- 6.5 **Wingerworth Parish Council** object to the application on highway grounds given the number of access points in the area, including noting that a Traveller site in the area was turned down on highway grounds; the density of housing proposed is out of character; infrastructure e.g. doctors and schools, do not have capacity to absorb the increase in residents; wildlife in the area will be detrimentally impacted; the housing allocations for the village, identified in the emerging Local Plan and adopted Neighbourhood Plan, have been met along with the proposal leading to a reduction in the gap between Tupton and Wingerworth.
- 6.6 The **Employment and Skills Officer** raises no objection to the application, subject to the imposition of a condition to encourage local employment and training.
- 6.7 Derbyshire County Council **archaeology** initially raised concern over the application given recent finds in the locality, notably Hanging Banks. However, following receipt of an interim archaeological report they raise no objection to the application subject to the imposition of conditions.
- 6.8 Derbyshire County Council, as **Highway Authority**, have reviewed the submitted Transport Assessment based on the speed restrictions at the proposed access, 50mph, and note that there would be a need to secure a visibility splay of 2.4m by 149m, which can be achieved. Noting a bus stop close to the site, there would be a need to provide a 2m wide pedestrian link to it. When reserved matters are submitted there will be a need to construct the internal highway network in accordance with Manual for Streets guidance. Overall the Highway Authority raise no objection to the application, subject to the imposition of conditions.
- 6.9 The **Environment Agency** note it is not an application on which they would comment and ask that the advice of the Lead Flood Authority, Derbyshire County Council, be sought.
- 6.10 **Yorkshire Water** note that surface is to discharge either via soakaway or to Redleadmill Brook. Foul water will link to the existing network within the A61. There should be separate systems for each. Subject to conditions, they raise no objection to the application.

- 6.11 The **Lead Flood Authority (LFA)** note that surface water is intended to be stored on site in an above ground retention basin and then be discharged to a watercourse to the north of the application site. Such an approach is broadly supported in that it falls within the parameters of 'Sustainable Drainage'. There would be a need to ensure these broad principles are followed through when a reserved matters application is submitted, but based on what has been submitted thus far the LFA raise no objection to the application, subject to conditions.
- 6.12 **Derbyshire County Council Infrastructure** note that based on up to 67 dwellings being erected this would generate the need for 13 additional primary school places, with the site falling within the Hunloke Park Primary School catchment. Taking into account existing pupil numbers, combined with predicted numbers, the school would not have sufficient capacity to accommodate the number of pupils the scheme would generate. As a result a contribution of **£218,559.12** is sought toward additional teaching and support provision.
- Places for secondary education would need to be absorbed into Tupton Hall School. Whilst the school currently has capacity this would be exceeded with the dwellings likely to be constructed and given the projected pupil increase. As a result a contribution of **£363,225.02** is sought to mitigate the impacts of the development.
- 6.13 **NEDDC Streetscene** note that based on 67 dwellings being erected and the indicative layout, there would be an element of Public Open Space (POS) but it is not intended to have on-site play equipment. Based on this there would a requirement for payment toward off-site provision at either Adlington Avenue, Wingerworth or North Side, New Tupton. The contribution would total roughly £47,383.61 with a 10 year maintenance fee of £13,915.33, dependent on the final number and size of dwellings erected. Furthermore, dependent on the applicants intention for future maintenance of the POS, which could either be through a management company or taken on by North East Derbyshire District Council, there would be a need for payment if taken on by the later.
- 6.14 The **NHS** note that additional space would be required within Wingerworth Medical Centre to meet the resultant increase in demand. Based on the number of dwellings proposed to be erected **£32,256** is sought.
- 6.15 **Derbyshire Wildlife Trust (DWT)**, ecological advisers to North East Derbyshire District Council, have offered advice on the possible impacts from the development upon ecology, most prominently the local badger population. They have indicated that existing setts will not be directly impacted, although foraging in the local area will be reduced by this and other developments in the locality. Also express concern about whether a badger protection corridor adjacent to rear gardens will be appropriate given the need for it to be managed appropriately and the desire of future residents to possibly extend gardens into it.
- 6.16 The **Housing Officer** notes that the site is a little detached from Tupton given the A61 between the two; however, there is a shortage of affordable homes within the District and the applicant has identified that 30% of the dwellings are intended to be affordable, which would be acceptable.

- 6.17 The **Coal Authority** have reviewed the submitted Coal Mining Risk Assessment and concur with the conclusions reached within it. As a result they raise no objection to the application subject to the imposition of conditions.
- 6.18 **Environmental Health** have reviewed the submitted phase 1 contaminated land report and raise no fundamental objection to the application in this regard, subject to additional work being undertaken, which can be secured via condition. Furthermore, given the proximity of the site to the A61, a potential source of noise pollution, there would be a requirement to undertake noise surveys to ensure that dwellings closest to the road are not detrimentally impacted, which can be secured via condition.
- 6.19 Derbyshire **Campaign to Protect Rural England** (CPRE) object to the application on the grounds that it would represent an unjustified intrusion into an area of open countryside resulting in significant harm to the rural character of the area. Furthermore, an important gap between Wingerworth and New Tupton would be eroded given the sites prominence from the A61.
- 6.20 **Derbyshire County Council Urban Designer** notes that the site is not in close proximity to services e.g. shops and would result in a linear form of development along the A61. Greater consideration should be had to improving linkages to the site with the remainder of Tupton and Wingerworth through footway links. A density of 30 dph is considered to be too high in this location. Future maintenance and enhancement of existing and proposed green spaces, notably existing boundary treatments, is important. There are opportunities to enhance the indicative layout through dual aspect properties, reducing the density of development, terminating views and consideration of internal landscaping features.
- 6.21 **Derbyshire County Council Landscape Architect** notes that the site is a green space between Tupton and Wingerworth, which is detached from and not integrated well with existing properties. The existing hedge to the A61 screens the development and should, where possible, be retained. It is noted in the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant that the impacts would be 'low magnitude of effect and minor/moderate adverse significance of effect'; however, an impact of 'medium magnitude of effect and moderate adverse significance of effect' is considered more appropriate. Overall, the site is not particularly visible save for along the A61.

7.0 PLANNING CONSIDERATIONS

- 7.1 Taking into account that the application is submitted in outline with only access committed there is a need to determine whether or not the vehicular access to Derby Road is acceptable, along with wider highway implications in terms of capacity. In addition, there is a need to determine whether or not the principle of development is acceptable having regard to the policy background to the application (the Development Plan, extant and evolving) and the wider visual impact of the development on the character of the area, along with other relevant planning matters including, impacts on ecology, protected species, drainage and residential amenity.

8.0 PLANNING ASSESSMENT

Principle of Development and Policy Background

- 8.1 The application site falls outside of the Settlement Development Limit (SDL) contained within both the Adopted and Publication Draft (evolving) Local Plans. As a result the application would fall to be determined against open countryside policies (GS1, GS5, GS9 and H3) where new residential development is tightly controlled. However, the weight attached to housing policies determined by SDL's within the adopted Local Plan is considered to be limited given its age and the fact that the SDL's do not reflect the up to date housing need for the District as of 2019. As a result the weight attached to the housing policies of the Local Plan is considered to be reduced.
- 8.2 The Publication Draft (evolving) Local Plan has been through examination at a Public Inquiry, which increases the weight attached to the policies therein, although there are still objections to the housing policies and to this site's exclusion from the settlement in particular. The weight attached to policies within that document are, therefore, considered to be reduced and given that the application site falls within open countryside residential development on the land would not generally be supported.
- 8.3 Wingerworth has an adopted Neighbourhood Plan (NP) (July 2018). The policies within the NP are important material considerations in the determination of applications within the Parish; however, the document relies on the Local Plan to establish settlement development limits, as outlined in paragraph 4.1.1 of the NP. As noted above, the weight attached to the SDL's within the adopted Local Plan are limited due to their age. Therefore, whilst the NP is considered to be up to date it has not assessed the SDL's of the village but relied upon those within the Local Plan, which are of some age. Members may also recall a recent appeal (Deerlands Road in Wingerworth (LPA ref; 17/00268/OL)) where this matter was considered in some detail and reached similar conclusions about the weight attached to SDL's.
- 8.4 The NPPF also has to be taken into account. Whilst not dislodging the supremacy of the Development Plan it is one of the material considerations needing to be taken into account in determining this application. It identifies a general need to assess whether or not a development is in the broadest sense sustainable and requires an assessment against three key criteria, economic, social and environmental impacts.

There would be economic benefits arising from the scheme through, most notably, the built phase as well as through spend within the local economy from occupiers of the dwellings, which weighs in favour of the development.

There would be social benefits emanating from the scheme in terms of new housing generally and most notably affordable housing, of which there is a shortage in the District. This too weighs in favour of the development, although the infrastructure mitigation is neutral when weighed in the balance.

There would be environmental impacts of the scheme in that a greenfield site would have built form upon on it as well negative impacts on flora, fauna, and wildlife. This is generally a negative feature of the development.

- 8.5 Weighing the above factors in the round, it is considered that the proposal would be contrary to policies within the Adopted and Publication Draft Local Plan given that the site is in open countryside where new housing development is generally very strictly controlled.
- 8.6 However, the weight attached to the policies of the adopted Local Plan is reduced given its age and the fact the policies of the publication draft Local Plan are not adopted.
- 8.7 With regard to the NPPF it is apparent that the site is within a Parish that has good access to services, albeit none immediately adjacent to the site, although there is access to excellent public transport and the wider highway network, with positive social and economic benefits but negative environmental factors.
- 8.8 Taking all the above into account it is considered that unless any adverse impacts of the development significantly or demonstrably outweigh the benefits, in this case most notably the visual impact of the development, it is considered that the principle of development would be supported.

Impact on the character of the area and residential amenity

- 8.9 The application is submitted in outline so the future layout of the site is not known and would need to be approved through subsequent reserved matters applications.
- 8.10 Due to ecological constraints there would need to be a green corridor formed along the western site boundary and in terms of harm to adjacent properties it is noted that only a small number of dwellings along Nethermoor Road are immediately adjacent to the site and have reasonably large rear gardens, with the exception of number 239, which is set-back and adjacent to the western boundary.
- 8.11 However, there is nothing to indicate that residential development on the land would result in harm being caused to the amenity of any adjacent residential occupiers through a dominating or overlooking impact. Nor is there any right to a view for existing occupiers over the adjacent countryside. As a result there is no overriding concern with regard to the impact on residential amenity from the development proposed.
- 8.12 With regard to the impacts of the proposal on the character of the area, it is apparent that any greenfield site which is built upon would be altered in character. Policies contained in the Development Plan do seek to ensure new development in the countryside is neither prominent nor an intrusion into the area but do not rule out development per se.
- 8.13 However, the site is relatively self-contained with limited views of the site from public vantage points, save the A61 and some long distance views from Grassmoor to the east. This is largely due to topography in the area and planting which, to a point, screens the site from all other public vantage points. A section of hedging and three trees would need to be removed to create the access and requisite visibility splay but their loss can be mitigated against and they are considered poor specimens.

- 8.14 The Highway Authority have indicated that a 2m footway would be required to link the vehicular access to the bus stop to the south, which may require additional planting to be removed; that being the case additional planting along the footway edge would be imperative. In other respects, there would be no reason to remove existing boundary treatments, which are considered to add to the rural character of the area.
- 8.15 The character of the site would change from a green field to one of residential development; however, the visual impacts would be localised and with appropriate planting along the frontage, similar to what has been shown on the indicative landscape strategy, it is considered that the impact would be appropriately mitigated. Furthermore, the site is not afforded any formal or informal protection. Therefore, whilst there would be an erosion of the gap between Tupton and Wingerworth given the linear form of the site that impact is not considered to be significant or overriding and in fact only localised in terms of impact.
- 8.16 Therefore, having regard to the above it is considered that there would be a negligible impact on residential amenity but a negative one on the character of the area. However, the impact would be localised and, to a point, reasonably mitigated. Any negative impacts are also not considered to be significant and therefore it is considered that, on balance, the impact would be broadly acceptable having regard to guidance within the NPPF and policies within the Local Plan and Neighbourhood Plans.

Highway Implications

- 8.17 Access to the site would be from the A61 on a stretch of road that has good visibility along its length. Adequate splays can be achieved and no concern has been raised by the Highway Authority with regard to capacity of the highway network. It is indicated that a pedestrian access would be in the position of the existing gate to the south of the site with a bus stop, giving good access to larger settlements north and south, a short distance from the application site.
- 8.18 Parking provision is something that would be resolved through any subsequent reserved matters application with the density of development appropriate to ensure that adequate space standards would be met. There is no overriding concern with regard to access, which is considered to be acceptable and comply with policy T2 of the North East Derbyshire Plan.

Ecology

- 8.19 With the application site currently being grazed by animals there are limited features of ecological significance within the application site. However, there are badgers in the locality as well as adjacent woodland that has many ecological benefits to the locality. The majority of existing boundary treatments will be retained and appropriate buffers to mitigate impacts on protected species are proposed. Future maintenance of open space and ecological buffers would need to be achieved and this can be done through a suitably worded condition.

Other Matters

- 8.20 The application site can be suitably drained with surface water ultimately discharging to Redleadmill Brook and foul water to the existing sewerage network. No concern has been raised to drainage from statutory consultees, which is considered to be acceptable.
- 8.21 With regard to land stability and possible contamination, conditions are to be attached to any decision notice to address matters raised by the Coal Authority and Environmental Health. A condition to cover possible noise impacts from the A61 on the dwellings, as recommended by Environmental Heath, would also be required.

Archaeology

- 8.22 Additional information has been received with regard to potential impacts on Archaeology in the area and, subject to appropriate conditions, as was the case at the nearby Hanging Banks site, it is considered that this issue can be appropriately addressed also\.

S106 Legal Agreement

- 8.23 The application is a significant scheme and therefore contributions are sought to make the development socially acceptable in planning terms. No argument has been forwarded by the applicant that the site would be unviable with the requisite contributions. As a result a full policy compliant set of contributions are necessary, as outlined below, which would be sought through a Section 106 Legal Agreement.
- 30% Affordable Housing
 - £581,784.14 toward education provision (primary and secondary)
 - £32,256 toward the NHS
 - £47,383.61 toward off-site play equipment and £13,915.33 toward its future maintenance (dependent on the number and size of dwellings, possibly with a contribution toward future maintenance of Public Open Space)
- 8.24 The contributions sought are all considered necessary and comply with relevant guidance within the National Planning Policy Framework. For the avoidance of doubt it is considered that off-site play equipment would be better spent on the playing field at North Side, Tupton. The application site is roughly equi-distance between the two parks specified above but given recent permissions in proximity to the Adlington Avenue park there are likely to be improvements proposed on this park, with less so on North Side.

Conclusion

- 8.25 The application site falls within open countryside as identified in both the Local and Neighbourhood Plan. In such areas the policies of the Development Plan seek to prevent new residential development. However, in view of the context in which the Local Plan was written and the weight that can be attached to the evolving Local Plan it is not considered that in that context a blanket restriction on housing can be relied upon.

- 8.26 Policies of the Development Plan seek to prevent unacceptable development in the countryside. However, the impact of this development is considered to be localised and contained within the landscape such that a suitably designed scheme, mitigated by landscaping and good design would not be either prominent in or unacceptable to the countryside setting.
- 8.27 Therefore, weighing these issues with other matters and the tests set out in the NPPF it is considered that there are both economic and social benefits arising from this scheme. It is acknowledged that there is environmental harm arising from the development in that a green field will be lost and built upon.
- 8.28 However, in this case that harm is not considered to be so adverse that it significantly or demonstrably outweighs the benefits.
- 8.29 As such, Officers conclude the development is, on balance, considered to be broadly sustainable and accordingly recommend the scheme for approval.

9.0 SUMMARY OF CONSULTATIONS

| | |
|---------------------------------------|--|
| <u>County Highways:</u> | Raise no objection subject to conditions |
| <u>DCC Archaeology:</u> | Raise no objection subject to conditions |
| <u>County Planning:</u> | Request various financial contributions |
| <u>Environmental Health:</u> | Raise no objection subject to conditions |
| <u>Environment Agency:</u> | Not an application on which they would comment |
| <u>Yorkshire Water:</u> | Raise no objection subject to conditions |
| <u>Lead Flood Authority:</u> | Raise no objection subject to conditions |
| <u>Employment and Skills Officer:</u> | Raise no objection subject to conditions |
| <u>NHS:</u> | Request a financial contribution |
| <u>DWT:</u> | Raise no objection subject to conditions |
| <u>Housing Officer:</u> | Seeks requisite affordable housing |
| <u>Coal Authority:</u> | Raise no objection subject to conditions |
| <u>CPRE:</u> | Object to the application |
| <u>DCC Urban Design:</u> | Makes observations on how to improve the layout |
| <u>DCC Landscape Architect:</u> | Makes observations on visual impact of the scheme |
| <u>NEDDC Streetscene:</u> | Request financial contributions in lieu of on-site play equipment |
| <u>Neighbour:</u> | 36 letters of objection have been received |
| <u>Others:</u> | |
| <u>Ward Member:</u> | Raise concern and ask that the Committee determine the application |
| <u>Parish Council (Wingerworth):</u> | Object to the application |
| <u>Parish Council (Tupton):</u> | Object to the application |

10.0 RECOMMENDATION

That Planning Permission is **APPROVED** subject to the prior completion of a section 106 (legal) agreement in accordance with the Heads of Terms outlined above and subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management),

- 1 Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.
- 2 Approval of the details of the layout, scale, appearance of the building(s) and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started.
- 3 The development hereby approved shall be carried out in accordance with the submitted plans,

Location plan 01

DMRB Visibility splays (P31 of the Transport Statement by Newell Edwards (ref: 60597123-20))

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

- 4 No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
- 5 Throughout the construction phase 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, including wheel wash facilities, to be submitted in advance to the Local Planning Authority for written approval. The details as approved shall be maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use
- 6 No dwelling shall be occupied until a new estate street junction has been formed to the A61, laid out, constructed to base level and provided with 2.4m x 149m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway or verge and not being included in any plot or other sub-division of the site.
- 7 Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the "Manual for Streets" document issued by the Departments for Transport and Communities and Local Government and the County Council's own design guide, the Delivering Streets and Places document.

- 8 No development shall take place until construction details of the residential estate streets and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
- 9 The carriageways and footways of the proposed estate streets shall be constructed in accordance with condition No 7 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 street. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
- 10 No part of the development shall be occupied until a 2m wide footway has been constructed along Derby Road (A61) linking the proposed access to the existing bus stop to the south of the site in accordance with the details first submitted to and approved by the Local Planning Authority.
- 11 The frontage boundary treatment to the estate street shall be restricted in height to no more than 1m, measured relative to the nearside carriageway channel level, to ensure 2.4m x 17m minimum visibility sightlines are maintained to the estate street, in each direction, from individual driveway access points.
- 12 The proposed access driveways to the estate street shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.
- 13 No dwelling shall be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents, visitors, service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
- 14 Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 15 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.

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

Development shall thereafter take place in accordance with the archaeological Written Scheme of Investigation as approved.

- 17 No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 16 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 18 Prior to the commencement of the development hereby approved the following shall be carried out:
- A. The submission of a scheme of intrusive site investigations for shallow coal workings, including gas monitoring and mine entry.
 - B. The approval in writing from the Local Planning Authority that the scheme required by A above is acceptable.
 - C. The undertaking of the scheme of intrusive site investigations as agreed;
 - D. The submission of a report of findings arising from the intrusive site investigations, including a plan showing the recorded position and potential departure of the mine entry, the extent of the investigations and their relationship to the layout of development;
 - E. The submission of a scheme of remedial works and/or mitigation measures for written approval from the Local Planning Authority, and,
 - F. The full implementation of the agreed remedial works and/or mitigation measures approved under E above.

- 19 Before the commencement of the development hereby approved:

Further works to effectively characterise the site based on the relevant information identified in the Flood Risk UK 'Phase 1 Contamination Study Proposed Residential Development Land to the West of A61 Derby Road New Tupton (dated January 2019)' submitted with the application shall be undertaken by a competent person in accordance with current UK good practice guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the conceptual site model. A report of the site investigation shall be submitted to the local planning authority for approval.

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) prior to commencing works in connection with the remediation scheme.

20 No dwelling hereby approved shall be occupied until:

- a) The approved remediation works required by 19 above have been carried out in full in compliance with the approved methodology and good 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 land contamination assessment (Flood Risk UK Phase 1 Contamination Study Proposed Residential Development Land to the West of A61 Derby Road New Tupton (dated January 2019)) submitted with the application and through the process described in 1 above and,
- c) Upon completion of the remediation works required by 19 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.

21 Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation 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 L_{Amax} to occur no more than 6 times per hour (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. The approved scheme shall be implemented in full and retained thereafter.

- 22 All planting, seeding or turfing as may be approved through a reserved matters application or subsequent approval through a discharge of condition shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 23 Before the development hereby approved starts, a scheme for the provision of public art on the site including a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter. Unless otherwise agreed in writing by the Local Planning Authority.
- 24 Prior to the commencement of development a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.
- 25 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 26 Prior to the commencement of development a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a) Flood Risk Assessment Land to the west of A61 Derby Road, New Tupton (Flood Risk UK, Jan 2019) including subsequent amendments or update to those documents as approved by the Flood Risk Management Team,
 - b) and DEFRA's non-statutory technical standards for sustainable drainage systems (March 2015),have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details design, prior to the use of the building commencing.
- 27 No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 of the Planning Practice Guidance.

- 28 Prior to the commencement of development, the applicant shall submit for the written approval of the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant will need to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating before the commencement of any works which would lead to increased surface water run-off from site during the construction phase.
- 29 Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.
- 30 As part of the reserved matters application, as identified on the indicative layout, there shall be a landscape buffer along the western boundary of not less than 20m. Details of boundary treatment, use of the land and its future maintenance shall be identified in supporting information. Details as may be approved shall be implemented thereafter.
- 31 Prior to the commencement of development, an Ecological Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out details of biodiversity mitigation, compensation and enhancement, as outlined below.
- a) Description and evaluation of features to be managed.
 - b) Aims and objectives of management.
 - c) Appropriate management options for achieving aims and objectives
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - f) Details of the body or organization responsible for implementation of the plan
 - g) Ongoing monitoring and remedial measures
 - h) A method statement to mitigate possible impacts on protected species

Details as approved shall be implemented as approved thereafter.

- 32 As part of any reserved matters application, a detailed plan showing the positions, species and crown spread of trees to be retained within the application site, together with details of measures for their protection for the duration of the works shall be submitted to and approved in writing by the Local Planning Authority. The means of protection shall be installed in accordance with the approved scheme before any other works commence on site and retained in position until pertinent building works have been completed. The area within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered.



APPLICATION NO. 19/00527/FL

APPLICATION Application for the erection of 10 dwellings with garages, access, drainage, landscaping and associated engineering works

LOCATION Land to the South of Ankerbold House, Ankerbold Road, Old Tupton

APPLICANT Mr Evans – Evolution Construction Ltd

CASE OFFICER Phil Slater

DATE RECEIVED 14th March 2017

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Hancock

REASON: Concerns regarding highway safety, impact on bats, and cumulative impact on infrastructure due to neighbouring 193 house development. Concerns that the density is out of keeping with the surrounding area.

1.0 SITE DESCRIPTION

- 1.1 The application site is located to the south of Ankerbold House which is a grade II Listed Building. It is 0.8 hectares in area and lies within countryside adjacent to the defined settlement development limits for Tupton as set out in the adopted North East Derbyshire Local Plan.
- 1.2 The site consists of an overgrown area of grass/scrubland formerly associated with Ankerbold House but separated since 2003. The site rises upwards from east to west, and the southern site boundary is adjacent to the recently approved development of 193 dwellings off Ankerbold Road.
- 1.3 The site contains a number of trees with several protected by Tree Preservation Orders and these lie primarily on the eastern edge of the site closest to Ankerbold Road and on the northern edge closest to Ankerbold House.
- 1.4 The character of properties along Ankerbold Road is mixed however it is predominately formed of larger homes set within large gardens particular to the south of the site. The adjacent housing development that was granted permission for a mix of 2, 3, and 4 bedroom houses and bungalows.
- 1.5 Within the evolving Local Plan the application site is allocated for housing development and is proposed to be sited within a newly drawn settlement development limit.

2.0 PROPOSAL

- 2.1 This application is a full application for the construction of 10 dwellings which would include a single 3 bedroomed house, eight 4 bedroom houses and a 6 bedroomed house.

- 2.2 Access is proposed to be taken from Ankerbold Road via the existing access to Ankerbold House. A shared surface access then branches off to serve plots 2 to 9 with plot 1 served off the existing driveway. To the east of the access is an area of proposed public open space which contains a number of the retained TPO trees.
- 2.3 The application is accompanied by a Design and Access Statement; a Written Scheme of Investigation for an Archaeological Evaluation; Preliminary Ecological Appraisal; a Heritage Settings Assessment; an Environmental Risk Assessment; and a Tree Survey.

3.0 AMENDMENTS

- 3.1 None

4.0 PLANNING HISTORY

- 4.1 14/01299/OL - Outline planning application for the erection of 15 dwellings/garages (including 4 affordable units) with access from Ankerbold Road (Affecting the Setting of Listed Building) (Major Development) (Departure from Development Plan). Application withdrawn.
- 4.2 15/00667/OL - Outline application (all matters reserved) for residential development (Major Development) (Affecting Setting of Listed Building) (Departure from Development Plan). Conditionally approved subject to a s106 (July 2017).

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The Development Plan comprises the North East Derbyshire Local Plan. The policies most relevant in determining this application are as follows:
- GS1 Sustainable Development
 - GS9 Planning Obligations
 - GS10 Crime Prevention
 - BE1 General Design Principles
 - H3 New Housing Outside Settlement Development Limits
 - H7 Affordable Housing Provision in the Settlements with a population of 3000 or fewer
 - H12 Design and Layout of New Housing
 - T2 Highway Access and the Impact on New Development
 - T5 Walking and Cycling
 - T9 Car Parking Provision
 - R5 Providing for Children's Play Space through New Development
 - CSU4 Surface and Foul Water Drainage
- 5.2 Other relevant policy documents include the Successful Places Interim Design Guide.
- 5.3 The evolving Local Plan: the North East Derbyshire Local Plan: Publication Draft (PD) (2014-2034) is also relevant to this application. In that Tupton is identified as a Level 2 settlement within the settlement hierarchy as the village is considered to have good level of sustainability.

5.4 The Council is at an advanced stage in the production of a the new Local Plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and is currently under examination. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.

5.5 The following policies are considered those most relevant to this application and are a material consideration:

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

ID1 – Infrastructure Delivery and Developer Contributions

ID2 – Provision and Safeguarding of Transport Infrastructure

ID3 – Sustainable Travel

ID6 – Green Infrastructure

ID9 – Open Space, Sports and Recreation Facilities

National Planning Policy Framework

5.6 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 the policies which are most important for determining the application are out of date granting permission unless policies in the framework that protect areas or assets of particular importance provides a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on the 16 May 2019 with a determination date of 15 August 2019. An extension of time has been agreed until the 20th September 2019. Site notices were posted on Ankerbold Road, and consultation letters were sent to all properties which adjoined the application site.

6.2 One **Ward Member** has requested that the application be determined by Planning Committee and has raised the following comments:-

- Significant concerns regarding highway safety.
- The tree survey identified potential bat roosts and would expect to see an Environmental Impact Assessment. *[Officer note: this is not EIA development which is for major infrastructure projects normally of 500 dwellings or more and would not be required for small scale development such as this].*

- The preliminary ecological appraisal provides only limited value in terms of assessing environmental impact of the development.
- Cumulatively with the proposed 193 house development there would be significant issues of infrastructure concerns that need mitigation.
- Density out of keeping with the surrounding area.
- Limited footpath pavement provision on Ankerbold Road which would impact on routes to bus stops.
- References paragraph 72 of the NPPF which relates to development to meet identified needs. This development does not correspond with an identified need. *[Officer note: para 72 forms part of the strategic policy section of the NPPF and specifically relates to the supply of large numbers of new homes that can be best achieved through planning for larger scale development such as new settlements or significant extensions to existing villages and towns.]*

6.3 **Tupton Parish Council** has raised no comments

6.4 The **County Highway Authority (HA)** has not raised an objection and has commented that the site benefits from outline planning permission and the principle of development has therefore been established.

The HA note the link path from the access road to Ankerbold Road in the vicinity of plot 10 and this will not replace the provision of a footway on Ankerbold Road. The applicant should be aware that the HA will not consider the access for adoption and it would be preferable for the access road to benefit from a 2m footway along one side to link to the footway to be provided on Ankerbold Road.

6.5 **Environmental Health Officers (EHO)** have raised no objections and have commented that Phase 1 Environmental Risk Assessment presents the findings of a desk study and an initial conceptual site model developed on the basis of a qualitative risk assessment. The report recommends further works are undertaken to inform the refinement of the conceptual site model and the assessment of potential risks to human health and EHO would be in general agreement with this recommendation. There is no detail provided on the nature and scope of these further works and we would highlight the importance of ensuring all works are undertaken in accordance with good practice guidance and are adequate to allow robust decision making.

6.6 EHO would recommend conditions are attached to any permission granted to address the potential risks identified in the Phase 1 report. 8.37 EHO have also commented that given the proximity of the proposed development site to Ankerbold Road and the mainline railway line EHO would have some concerns regarding the potential for the operation of the railway line to have an adverse impact on the aural amenity of any future residents. A condition is requested requiring a scheme of sound insulation.

6.7 **Yorkshire Water** have raised no objection and asked for a planning condition to be attached to the consent.

6.8 The **Lead Local Flood Authority (LLFA)** at Derbyshire County Council have recommended a 'holding objection' and requested the applicant provide further information with regards to soakaways and infiltration features.

- 6.9 The agent has been in discussions with the LLFA and has submitted further information seeking to address these comments. The LLFA final comments will be reported to members in the Late Comments Report.
- 6.10 **NEDDC Streetscene – Refuse** have raised no comments.
- 6.11 **NEDDC Streetscene – Parks** have commented that there would be a requirement for a s106 contribution of £9,337.34 with a 10 year maintenance sum of £2,742.13 towards the enhancement of existing off site play provision. The nearest play facilities would be at Longcroft Close, Old Tupton which is owned and maintained by NEDDC.
- 6.12 Confirmation is also requested from the agent that none of the trees covered by TPOs are affected by the development as the tree survey does not clearly identify which trees are affected. Officers have raised this issue with the agent and further details have been submitted which show that the trees covered by TPOs are unaffected.
- 6.13 The **Council's Employment and Skills Officer** has requested a condition to maximise employment and training opportunities.
- 6.14 The **Environment Agency** has raised no objections from a flood risk perspective.
- 6.15 The **Council's Housing Officer** has commented that the site and layout are not considered to be suitable for affordable housing and requests a commuted sum equivalent to 20% on site provision. This would amount to a contribution of £101,700.
- 6.16 **Derbyshire County Council Community Infrastructure** have commented that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The county council requests the following contributions:-
- £16,812.24 for the provision of 1 place at Tupton Primary School
 - £78,139.81 for the provision of 2 secondary places and 1 post 16 place at Tupton Hall school.
- 6.17 **NHS Hardwick Group** have been consulted and have not requested any s106 contributions towards health provision.
- 6.18 The **Derbyshire Wildlife Trust (DWT)** initially commented that the application is accompanied by a preliminary ecological appraisal which recommended a further survey which should be carried out prior to determination. The agent has submitted further surveys for reptiles and roosting bats; and the DWT have confirmed that the work is consistent with current practice guidelines and are satisfied that sufficient information has been provided to determine the application.

DWT support the conclusions and recommendations within the report and recommend a condition relating to an ecological enhancement plan.

- 6.19 The **Derbyshire County Council Archaeologist** has commented that this full application includes a written scheme of investigation which has been approved by DCC. Subsequently archaeological field evaluation of the adjacent development site has revealed evidence of archaeological remains relating to an iron age/Romano British settlement. It is possible that such remains may also occur within the proposed development site. On the basis of the results of the field evaluation more extensive archaeological recording may be required and a pre-commencement condition is requested requiring a written scheme of investigation.
- 6.20 **One representation** has been received from a resident of Chesterfield making a general comment that it is important that development maintains the listed building's setting and character. The new buildings are of traditional appearance and will be in keeping with the listed building.

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations for this application, are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding area, the amenity of neighbouring uses and highway safety issues.

8.0 PLANNING ASSESSMENT

- 8.1 This is a full planning application for the construction of 10 dwellings with garages, access, drainage, landscaping and associated engineering works at land off Ankerbold Road, Tupton.

Principle of Development

- 8.2 The application site comprises an overgrown paddock/private amenity space which was formerly associated with Ankerbold House, a Grade II listed building.
- 8.3 The site is therefore a green field site located outside of, but adjacent to, the Settlement Development Limit for Tupton, a level 2 settlement within the settlement hierarchy and considered to have a good level of sustainability.
- 8.4 The policies of the Development Plan, namely policies GS1, GS6 and H3, are restrictive of new housing outside settlements. As such, this proposal would be contrary to the policies of the Development Plan, although policies GS1 and GS6 do not necessarily preclude new housing outside of settlements per se.
- 8.5 The National Planning Policy Framework (NPPF) confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 8.6 Based on the latest published assessment of the Council's 5 year supply of deliverable sites, the Council has sufficient supply within the 5 year supply period for approximately 7 years of delivery. Therefore, a lack of housing supply is not material in this case.
- 8.7 However, the settlement development limits and housing targets set out in the 2001-2011 Local Plan do not adequately address the needs of the District as of 2019 reflecting a position in 2001 and are therefore not up-to-date and could not be relied upon to resist this application..
- 8.8 The Council is at an advanced stage in the production of a new Local Plan, the Publication Draft 2014-34 (LPPD) which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and is currently under examination. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making. In the LPPD the site is proposed to be allocated for residential development and the SDL re-drawn to include the development site. This, the fact Tupton is a level 2 settlement within the settlement hierarchy and considered to have a good level of sustainability and that permission has previously been granted for residential development on the site are all material factors that weigh in favour of the proposal.
- 8.9 In these circumstances guidance in the NPPF is helpful in stating that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental objectives. These issues are addressed as follows:-
- 8.10 In the short term, there would be **economic benefits** from the build phase of the development and in the longer term whilst there would be no direct employment opportunities provided on the site there would be economic benefits to existing services within the village and contributions to local Council Tax revenue.
- 8.11 There would be a number of **social benefits** from the development in that it future occupiers of the new houses would use local services, helping their sustainability and increase the customer base for existing business. The scheme would provide a commuted sum equivalent to 20% affordable housing which would be a social benefit of the scheme along with s.106 contributions towards education. The contribution to education is required in order to mitigate the impacts of the development itself and is therefore of neutral benefit.
- 8.12 In respect of **environmental impacts**, the site lies within countryside and would have an impact on it. However the site is enclosed by other residential development within the existing Tupton settlement whilst immediately to the south is a large site which has an extant permission for 193 dwellings. This development would therefore represent an infill development between Ankerbold House and the new development. The development would result in a visual change to the landscape however officers consider that the impact would be localised, small scale and limited. Any more distant views of the development from the east would see it in the context of the existing

residential development within Tupton, and would not result in an encroachment further into the countryside. Overall, Officers do not consider the countryside protection policies of the Local Plan (policy GS6 and NE1) would be harmed.

- 8.13 In weighing these issues in the planning balance, officers consider that there would be some social and economic benefits arising from the scheme and that the environmental harm is both localised and limited. The development of the site is considered to be broadly sustainable as set out in the NPPF, and the site is allocated in the LPPD with the SDL proposed to be re-drawn to include the site. In addition the site benefits from an extant outline permission.
- 8.14 Therefore, the principle of the development is supported with other material factors outweighing the predominance of the Development Plan in this case..

Impact on Heritage Assets

- 8.15 The application site is located to the south of Ankerbold House which is a grade II Listed Building, and it should be noted that the principle of development within the site was established by the 2017 outline permission for up to 15 dwellings. The current scheme proposes 10 dwellings which will be accessed by a single road following the historic access point from Ankerbold Road. Open space will be retained in the northern area of the site creating a visual link with open land located to the south of the House.
- 8.16 The reduction in unit numbers from 15 to 10 ensures a distribution of dwellings within the site and will create a greater sense of openness around each dwelling, reflecting to a degree, the positioning of the House within its associated grounds creating a sense of identity and interconnection with the House.
- 8.17 A Heritage Statement has been provided which acknowledges the proposed development impacts on the significance of the listed building. While the proposed development will result in an increase in the amount of modern development within the vicinity of Ankerbold House, the design proposals demonstrate units to be sparsely set within the site and that the retention of mature vegetation and trees will limit the visual impact of the proposed development from wider observation points.
- 8.18 Within the immediate grounds of Ankerbold House the proposed development will be visible beyond its southern boundary. However elements of the House's setting which contribute to its significance such as the historic farmstead to the north and the open land immediately to the south of the listed building will not be impacted upon. The proposed development will result in a level of change to the setting of Ankerbold House, however it is considered setting makes a limited contribution to the significance of the listed building resulting in less than substantial harm to the significance of the listed building.
- 8.19 Paragraph 134 of the NPPF identifies that where a development would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum use.

- 8.20 Whilst there would be less than substantial harm to the setting of heritage asset this needs to be considered alongside the public benefits of the proposal. In this instance, officers consider the harm to be toward the lower end of the scale given the separation discussed above and the retention of important trees. In terms of public benefit the site would provide new housing and contributions towards affordable housing and education. It is considered that the wider public benefit does override the less than substantial harm in this case.

Infrastructure

- 8.21 The agent has confirmed that they will meet all the requested infrastructure requirements requested by the various consultees. These are £9,337.34 towards enhancement of existing play facilities at Longcroft Close, Old Tupton with a £2,742.13 ten year maintenance contribution. £101,700 commuted sum for affordable housing in Tupton Ward (20% in accordance with emerging Local Plan). £16,812.24 for the provision of 1 place at Tupton Primary School and £78,139.81 for the provision of 2 secondary places and 1 post 16 place at Tupton Hall School.

Affordable Housing

- 8.22 The Council's Housing Officer has commented that the house types and layout are not considered to be suitable for affordable housing and in this instance a commuted sum would be the most appropriate route to meet the site's affordable housing requirement.
- 8.23 Officers consider that the affordable housing commuted sum is acceptable and meets the requirements of the Publication Draft Local Plan policy aim of 20% which is based on the most up to date evidence. .

Highways

- 8.24 The Highway Authority has not raised an objection and has commented that the site benefits from outline planning permission and the principle of development has therefore been established.
- 8.25 The HA have also commented that the link path from the access road to Ankerbold Road in the vicinity of plot 10 will not replace the provision of a footway on Ankerbold Road. The applicant should be aware that the HA will not consider the access for adoption and it would be preferable for the access road to benefit from a 2m footway along one side to link to the footway to be provided on Ankerbold Road.
- 8.26 Officers consider that the design of the internal road layout would provide a better scheme with the proposed shared surface arrangement and that a 2m footpath within the site would not be necessary. With regards to the new footway along Ankerbold Road this is shown on the proposed layout drawings and its provision can be secured by condition.
- 8.27 Concern has been raised by a ward member regarding the highway implication of the development, however officers place considerable weight on the advice of the Highway Authority as a statutory consultee who have raised no objection.

- 8.28 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. Officers do not consider there is any evidence that the 10 dwellings would result in demonstrable harm to highway safety or that the transport impacts would be severe. Highway issues can be satisfactorily addressed by appropriate conditions.

Design and Layout

- 8.29 The proposals are for 10 detached dwellings which would include a single 3 bedroom house, eight 4 bedroom houses and a 6 bed executive house. Access is taken from Ankerbold Road from the existing access into Ankerbold House with a shared surface to serve plots 2-9. The mature trees that are protected by a tree preservation order which are to the east and northern site boundaries are proposed to be retained and this would be a small development of high quality new homes.
- 8.30 The character of the surrounding area is mixed however to the north lies Ankerbold House a large detached listed building and further to the south properties on Ankerbold Road are generally larger detached houses in larger gardens. It is considered that the density of the proposed development respects the adjacent listed building better than the extant permission for 15 dwellings. The adjacent scheme of 193 provides a range of small to mid-size houses and bungalows.
- 8.31 Concern has been raised that the density is out of keeping with the surrounding area and that the development would be contrary to paragraph 72 of the NPPF. Para 72 forms part of the strategic policy section of the NPPF and specifically relates to the supply of large numbers of new homes that can be best achieved through planning for larger scale development such as new settlements or significant extensions to existing villages and towns. The application before members for determination is for an application site of 0.8ha and for 10 dwellings. It is not a large scale development and therefore in officers view paragraph 72 is not relevant to its determination.
- 8.32 Overall, Officers consider that the design of the scheme is in accord with the Council's Successful Places Design Guidance, that the design and layout are acceptable and it would provide an attractive place to live.

Impact on Neighbours

- 8.33 The nearest existing residential properties are to the north, at Ankerbold House, and north west which are the rear gardens of properties on Longcroft Close. The application site would also lie adjacent to the site with extant permission for 193 dwellings off Ankerbold Road which has rear gardens backing onto the site's southern and western boundaries. All the separation distances are in accordance with the Successful Places design guidance and boundary treatments can be controlled by conditions.
- 8.34 Officers consider that the proposed development would respect the privacy and amenity of neighbouring dwellings (both existing and proposed) and conforms to the requirements of Successful Places.

Ground stability, noise, archaeology and drainage

- 8.35 The Water Authority has raised no objection subject to a condition being included on the consent. The Lead Local Flood Authority has raised a holding objection and requested that the applicant provide further information with regards to the disposal of surface water. The agent has been in discussion with both the LLFA and Yorkshire Water and the final comment of the LLFA will be reported to members in the Late Comments Report.
- 8.36 Officers consider that subject to the LLFA withdrawing their objection and subject to appropriate conditions the scheme is acceptable from a drainage and flood risk perspective.
- 8.37 The Council's EHO have raised no objections and have commented that Phase 1 Environmental Risk Assessment presents the findings of a desk study and an initial conceptual site model developed on the basis of a qualitative risk assessment. The report recommends further works are undertaken to inform the refinement of the conceptual site model and the assessment of potential risks to human health and EHO would be in general agreement with this recommendation. There is no detail provided on the nature and scope of these further works and we would highlight the importance of ensuring all works are undertaken in accordance with good practice guidance and are adequate to allow robust decision making.
- 8.38 EHO recommend conditions are attached to any permission granted to address the potential risks identified in the Phase 1 report.
- 8.39 EHO have also commented that given the proximity of the proposed development site to Ankerbold Road and the railway line they have some concerns regarding the potential for the operation of the railway line to have an adverse impact on the aural amenity of any future residents. A condition is requested requiring a scheme of sound insulation.
- 8.40 The DCC Archaeologist has commented that the application includes a written scheme of investigation which has been approved by DCC. Subsequently archaeological field evaluation of the adjacent development site has revealed evidence of archaeological remains relating to iron age/Romano British settlement. It is possible that such remains may also occur within the proposed development site. On the basis of the results of the field evaluation more extensive archaeological recording may be required and a pre-commencement condition is requested requiring a written scheme of investigation.

Impacts on trees and ecology

- 8.41 The Derbyshire Wildlife Trust has not raised an objection to the proposals and has commented with regards to the additional surveys for reptiles and roosting bats. The DWT have confirmed that the work is consistent with current practice guidelines and are satisfied that sufficient information has been provided to determine the application.

- 8.42 DWT support the conclusions and recommendations within the report and recommend a condition relating to an ecological enhancement plan be included in the consent.
- 8.43 The proposals involve the removal of a number of trees within the application site, and the application is accompanied with a comprehensive tree report. The proposals would retain the mature trees on the eastern and northern edge of the site which are covered by tree preservation orders. All of the trees and tree groups within the site which are to be lost are Category C1 or C2, with the exception of a single Category B1 Sycamore (T8) which is between plots 4 and 5.
- 8.44 In the context of the scheme and the additional landscaping proposals that have been submitted, officers consider that the loss of poorer-quality trees is acceptable in this instance. A condition is recommended with regards to ecological enhancement of the site. The loss of the trees will be mitigated to some extent by the boundary landscape scheme and the two open areas to the north west and eastern edges of the site. Additional planting is also proposed within the site.
- 8.45 In view of the comments of the DWT who do not raise an objection to the scheme officers consider that the proposed development would not have a significant detrimental impact on ecological interests.

Conclusion

- 8.46 The application site falls outside of the defined SDL for Tupton as identified in the adopted Local Plan and as such is in the countryside. However, it benefits from an extant outline permission for up to 15 dwellings and in the Publication Draft Local Plan the site is proposed to be allocated for residential development with Tupton identified as a village having a good level of sustainability.
- 8.47 The development is considered to be broadly sustainable and there are no adverse impacts which would significantly and demonstrably outweigh the benefits. It is considered that there would be some social and economic benefits arising from the scheme and any landscape harm resulting from the development considered to be localised and limited. The proposal is considered to preserve the setting of the adjacent listed building.
- 8.48 The application is a full planning application and would provide a well designed scheme that is consistent with the principles of the Successful places Design Guide. Furthermore the proposals would not result in a detrimental impact on the privacy or amenity of neighbouring residents. Subject to the LLFA removing their holding objection there are no technical issues weighing against the scheme and it would not have a detrimental impact upon highway safety.
- 8.49 It is recommended that subject to the completion of the section 106 agreement and conditions that permission should be granted.

9.0 SUMMARY OF CONSULTATIONS

| | |
|------------------------------|---|
| <u>County Highways:</u> | no objection |
| <u>County Planning:</u> | education contribution requested |
| <u>Environmental Health:</u> | conditions requested |
| <u>LLFA:</u> | holding objection pending further information |
| <u>Water Authority:</u> | conditions requested |
| <u>DWT:</u> | conditions requested |
| <u>DCC Archaeologist:</u> | conditions requested |
| <u>Ward Member:</u> | call-in |
| <u>Parish Council:</u> | No comments |
| <u>Neighbours:</u> | No comments |

10.0 RECOMMENDATION

That Planning Permission is **APPROVED** subject to the prior completion of a section 106 (legal) agreement in accordance with the Heads of Terms set out below and conditions, the final wording of which is delegated to the Planning Manager (Development Management),

Section 106 Heads of Terms

| | |
|---------------------------|--|
| Education Primary - | £16,812.24 |
| Education Secondary - | £78,139.81 |
| Off-site Play Provision - | £9,337.34 + £2,742.13 maintenance contribution |
| Affordable Housing - | . £101,700 |

CONDITIONS

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
 - 007 rev C Presentation Layout
 - 102 Hard landscaping Plan
 - 100213-03-0500-01 Proposed Drainage Strategy
 - 100213-01-1200-01 Proposed Road Markings
 - 100213-01-0600-01 Proposed Earthworks
 - 100213-01-1100-01 Proposed Kerbs, Footways & Paved Areas
 - 100213-01-0700-01 Proposed Pavements
 - 100213-01-0500-01 Proposed Drainage
 - 100213-01-0200-01 Proposed Site Clearance
 - 100213-01-0100-01 Proposed General Arrangement
 - 100213-01-000-04 Proposed Preliminary Access Design
 - 100213-01-000-02 Proposed Construction Details
 - 101 Materials Plan
 - GL111401A Soft Landscape Proposals
 - 101-01 House Type A1 Elevations
 - 101-02 House Type A1 Floor Plans
 - 102-01 House Type A2 Elevations
 - 102-02 House Type A2 Floor Plans
 - 103-01 House Type A3 Elevations

- 103-02 House Type A3 Floor Plans
- 104-01 House Type A4 Elevations
- 104-02 House Type A4 Floor Plans
- 105-01 House Type B1 Elevations
- 105-02 House Type B1 Floor Plans
- 106-01 House Type B2 Elevations
- 106-02 House Type B2 Floor Plans
- 107-01 House Type B3 Elevations
- 107-02 House Type B3 Floor Plans
- 108-01 House Type C Elevations
- 108-02 House Type C Floor Plans
- 109-01 House Type D Elevations
- 109-02 House Type D Floor Plans
- 110-01 House Type E Elevations
- 110-02 House Type E Floor Plans
- 111-03 Garage Type A Plot 5 & 8
- 112-03 Garage Type B Plot 2, 7, & 9
- 113-03 Garage Type C Plot 3
- 114-03 Garage Type D Plot 4 & 6
- 115-03 Garage Type E Plot 1
- 3780 rev A Topographical Survey

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

Employment and Training

3. Before 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.

On site Public Spaces

4. Prior to any above ground works commencing a scheme for the delivery and future maintenance of all public spaces within the site, including a timetable for implementation relative to the completion of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full in accordance with the approved timetable and shall be maintained in accordance with the approved scheme thereafter.

Sustainable Design, Character and Appearance

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 the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. Prior to any above ground works commencing, a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained including a timetable for implementation relative to the occupation of plot numbers 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 shall be retained as such thereafter.
7. Before any above ground works commence precise specifications or samples of the roofing and walling materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.
8. Before development starts details of the 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 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.
9. No part of the development shall be occupied until details of arrangements for the storage of bins and collection of waste have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Ecology

10. The development shall be carried out in accordance with the recommendations for reptiles and bats set out within the Reptile and Bat Survey Report.
11. Before any above ground works commence an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the dwellings.

Drainage

12. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings and retained as such thereafter.

Amenity

14. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30 to 6pm Monday to Friday and 7:30 to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

15. Prior to the first occupation of the dwellings 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 hour
Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

Prior to the first occupation of the dwellings hereby approved 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.

Ground Conditions

16. Before the commencement of the development hereby approved further works as identified in the report prepared by Dice Consulting Engineering Ltd (Phase 1 Environmental Risk Assessment Ankerbold Road Tupton (Ref: 100213/LD/APR-19/01_A; dated April 2019)) shall be undertaken, including the development of a site investigation strategy 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.

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.

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.

17.No dwellings hereby approved shall be occupied until the approved remediation works required by 16 above have been carried out in full in compliance with the approved methodology and good practice.

If during the construction 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 assessment (desk-study) submitted with the application and through the process described in 1 above and,

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.

Archaeology

18.No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

19.No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 25.

20.The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Highways

21. No development shall take place, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period.

The statement shall provide for:

- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

22. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, free from any impediment to its designated use.

23. Before any other operations are commenced, excluding construction of the temporary access, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs which shall be submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

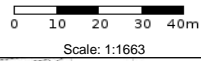
24. Throughout the period of development wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

25. No development shall be commenced until details of the construction and implementation of a crossing point and a 2.0m wide footway along part of the Ankerbold Road frontage of the site has been submitted to and approved in writing by the Local Planning Authority. The crossing and footway shall be implemented in full in accordance with the approved details and retained as such thereafter.

26. No development shall take place until construction details of the proposed access road and hard surfaced margins (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

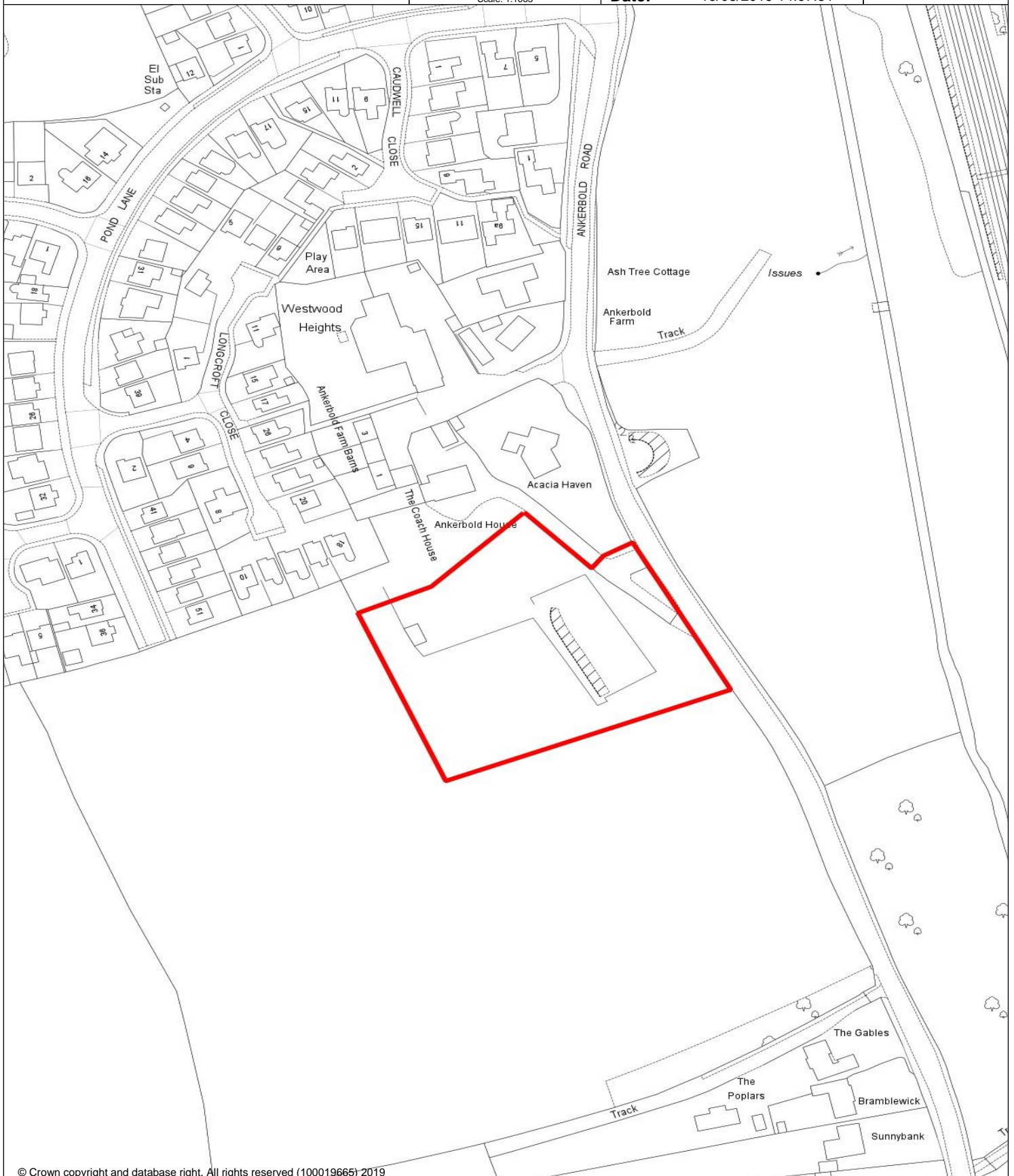
27. The new dwellings shall not be occupied until the proposed new estate street between each respective plot and the existing public highway has been laid out in accordance with the approved application drawings to conform to the County Council's design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.

28. The new dwellings shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
29. 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.
30. There shall be no gates or other barriers on the access into the development.
31. The proposed access to Ankerbold Road and individual driveways to the access off Ankerbold Road shall not be steeper than 1 in 14 for the first 5.0m and 1 in 10 thereafter.



Author: K. Spelman

Date: 19/08/2019 14:07:51



APPLICATION NO. 18/00409/OL

APPLICATION Application for [Add Description] Outline application (all matters reserved) for a proposed mixed use development including 5 dwellings and 9 commercial units (Major Development/Departure from Development Plan)

LOCATION Site B Roman Road Systems Rotherside Road Eckington

APPLICANT Mr Paul Adams - Roman Road Systems

CASE OFFICER Phil Slater

DATE RECEIVED 24 April 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Mrs Ridgeway

REASON: To ensure that it conforms to the Local plan and if it's within the Green Belt.

The Site Inspection Group is to visit the site to view the relationship of the site with neighbouring properties and the impact of the development on the adjacent employment premises and access arrangements.

1.0 SITE DESCRIPTION

- 1.1 The application site is located on the southern side of Pipworth Lane on an area of land between the River Moss to the north and existing industrial units within Rotherside Road Industrial Estate to the south.
- 1.2 The site lies within the Eckington settlement development limit and within an allocated employment area within the adopted local plan.
- 1.3 To the west of the application site lie residential properties on Pipworth Lane, and existing industrial units lie to both the east, south and west of the site.
- 1.4 The site lies within Flood Zone 2, with an area in the southern part also within Flood Zone 3.

2.0 PROPOSAL

- 2.1 This is an outline application (all matters reserved) for a proposed mixed use development including 5 dwellings and 9 commercial units at Pipworth Lane, Eckington.
- 2.2 The application is accompanied by an indicative layout which shows the 5 dwellings in the northern part of the application site and accessed via a bridge over the River Moss and onto Pipworth Lane. A landscaped buffer is proposed centrally through the site and 9 commercial units are proposed in the southern half and accessed from the south via Rotherside Road and out through the existing industrial estate.

- 2.3 The application is accompanied by an Ecological Appraisal and a Flood Risk Assessment.

3.0 AMENDMENTS

- 3.1 No amendments to the scheme have been submitted however followings comments from statutory consultees the following additional reports have been submitted:-

Phase 1 Site Investigation Report
Noise Impact Assessment
Addendum Ecological Report

4.0 PLANNING HISTORY

- 4.1 No relevant history

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 North East Derbyshire District Local Plan

GS1 Sustainable Development
GS10 Crime Prevention
BE1 General Design Principles
H12 Design and Layout of New Housing
T2 Highway Access and the Impact on New Development
E6 Existing Employment Areas
E7 Development in New and Existing Employment Areas
T4 Travel Plans
T5 Walking and Cycling
T9 Car Parking Provision
CSU4 Surface and Foul Water Drainage
CSU6 Contaminated Land

- 5.2 Other relevant policy documents include the Successful Places Interim Design Guide.

North East Derbyshire Local Plan: Publication Draft (PD):

- 5.3 The North East Derbyshire Local Plan: Publication Draft (PD) (2014-2034) is also relevant to this application, and the site is proposed to be allocated under Policy WC2: Principal Protected Employment Areas. The plan has now reached its publication draft stage. In accordance with Annex 1 of the NPPF, the PD is considered to carry weight at this stage and the following policies are relevant to this application.

SS1 – Sustainable Development
SS2 – Spatial Strategy and Distribution of Development
LC4 – Type and Mix of Housing

SDC11 – Flood Risk and Drainage

SDC12 – High Quality Design and Place-Making

WC2 - Principal Protected Employment Areas

ID1 – Infrastructure Delivery and Developer Contributions

ID2 – Provision and Safeguarding of Transport Infrastructure

ID3 – Sustainable Travel

ID6 – Green Infrastructure

National Planning Policy Framework

- 5.4 The National Planning Policy Framework is relevant in the determination of the application

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on the 05 June 2018 with a determination date of 04 September 2018. An extension of time has been agreed until 06 September 2019. Site notices were posted on Rotherside Road, and Pipworth Lane, and consultation letters were sent to all properties which adjoined the application site.
- 6.2 One **Ward Member** called in the application to be determined by planning committee and requested a site visit to ensure that it conforms with the local plan and if it's within the Green Belt.
- 6.3 One **Ward Member** supports the objections by local residents and request a site visit. The road is not suitable for increased industrial traffic, and the flooding aspects and coal related contamination should be further investigated.
- 6.4 The **Parish Council** has raised no comments.
- 6.5 The **County Highway Authority** has commented that with regards to the commercial units, there are no concerns from a highway safety viewpoint. The access route has been designed to cater for large vehicles and the proposed parking level within the site is adequate for the 9 units. Whilst adequate space seems to be available to enable large vehicles to turn within the site, swept path drawings should be submitted as part of any full or reserved matters application in the future
- 6.6 With regards to the proposed dwellings, Pipworth Lane is relatively narrow, albeit able to cater for 2-way traffic in places. Whilst these 5 dwellings will inevitably increase the traffic on the lane, this is more of an inconvenience to locals rather than a severe safety concern. Having said that, there are narrow grass verges on the lane which seem to be within public highway limits, so it's likely the lane could be widened in the close vicinity with its junction with Rotherham Road.

- 6.7 As the application is in outline form with all matters reserved, no detailed analysis of the proposed layout has been carried out. However, judging by the submitted indicative layout, there seems to be sufficient space within the site to enable 5 dwellings to be constructed clear of adequate parking/turning areas.
- 6.8 To access the proposed residential site the existing bridge over the River Moss will need either upgrading or replacing. Full structural calculations for the bridge should be submitted to the Local Planning Authority and approved prior to any works commencing.
- 6.9 Therefore, the Highway Authority has no objections to this outline application subject to conditions.
- 6.10 The **Councils Environmental Health officer** (EHO) has commented regarding the additional information submitted to support the above planning application. The applicant has now submitted the following report prepared by Eastwood & Partners 'Phase 1 Geotechnical and Geo-Environmental Site Investigation Land at Pipworth Lane Eckington for Mr Paul Adams (Project Ref: PR/AJK/KLG/40336-001; 30 November 2016)'. However, it would appear the above report only covers part of the proposed application site (i.e. the northern part of the site).
- 6.11 The report identifies a number of potential sources of contamination and potential contaminant linkages to human health and the environment (including the water environment). However, the conceptual site model will need to be updated to include all of the site subject of the current application.
- 6.12 Whilst the above report may go some way to address the requirements of EHO recommended conditions it does not address potential land contamination across the whole of the site. Therefore, it is our opinion the conditions recommended in our previous consultation response remain valid.

Potential Sound Issues

- 6.13 EHO note the application relates to a mixed use development of residential and commercial units. Whilst EHO appreciate the application form indicates the proposed commercial uses will be for B1 uses it would appear there are a variety of other industrial/commercial businesses (B1, B2 and B8 uses) operating in the immediate vicinity of the site. As some of these premises have been operational for some time they may have very limited operating restrictions. Given the nature of these surrounding land uses EHO would have some concerns regarding the compatibility of the proposed residential development due to the potential for a loss of aural amenity of the future occupants.
- 6.14 The agent has submitted a noise assessment and the EHO has commented as follows:-

- 6.15 The report concludes there is a potential significant adverse impact on the proposed residential development from the existing commercial units and advises this can be addressed by mitigation, including a 2.5m high acoustic fence and appropriate specification of the façade elements of the proposed residential dwellings. Whilst EHO appreciate this proposed mitigation may address the potential impact they would have some concerns as to whether the sound survey undertaken was reflective of the potential worst case scenario at the site.
- 6.16 The report makes some assumptions in relation to the operating times of the existing commercial/industrial units but it is EHO understanding that the operation of the surrounding units is not time limited and some may operate outside of normal working hours. The measured sound levels were corrected to include a consideration of impulsivity and tonality for the noise sources identified during the measurement period however the report does state there were multiple external plant units in the external areas of the surrounding commercial/industrial units and it was not known whether these units were operating during the assessment. In addition the sound survey was undertaken in November and it is possible this may not be sufficiently representative of the summer period when there may be increased activity in external areas which is also when future residents are likely to want to use their external amenity spaces.
- 6.17 For the proposed commercial units the noise assessment defines a cumulative noise limit for the proposed units relative to the prevailing background sound level and includes a correction of +2dB for a possible tonal component. As the use of the proposed commercial units is not known the setting of a defined cumulative noise limit would appear to be a reasonable way forward. However, this relies on the ability to effectively manage the cumulative noise limit which is likely only to be achievable if the commercial units are retained under one ownership and acoustic surveys are undertaken as each unit is occupied to ensure the limits are not exceeded.
- 6.18 There is the potential this may have an impact on the viability of the units as all the available noise limit allowance could be used up before the final units are occupied. The defined noise limit is more likely to be achieved if the proposed commercial units were to be predominantly office type units however as this is an outline application the detail is not available. If the proposed units were to be more commercial in nature it is possible the defined noise limit may not be achieved. The layout of the proposed units may also offer some degree of mitigation for example if the units were positioned so there were no openings towards the proposed residential properties.
- 6.19 It is EHO view that the planning application seeks to incorporate residential dwellings within an existing commercial/industrial setting. The National Planning Policy Framework (NPPF 2018) highlights the requirements for planning policies and decisions to ensure that new development is appropriate for its location and to ensure new development can be integrated effectively with existing businesses. EHO would have concerns around the compatibility of the proposed residential land use with the existing commercial/industrial use which will surround it on three sides and the resulting potential impact on the amenity of any future residents.

- 6.20 Although the noise assessment indicates mitigation measures could be incorporated into the proposed residential development in order to achieve acceptable design criteria EHO would have some concerns the assessment does not represent a worst case scenario and there may be occasions when there may be increased activity ongoing in the external areas which could give rise to complaints for example clatters and bangs which are more likely to give rise to complaints and more difficult to mitigate against. As a worst case it is possible a situation could arise where the amenity of future residents is adversely impacted by activities at the commercial/industrial units and it may not be possible to remedy the situation if the businesses can demonstrate best practicable means are in place to mitigate against noise.
- 6.21 Notwithstanding this, as the noise assessment indicates it is possible to achieve acceptable levels with appropriate mitigation EHO are not in a position to recommend refusal. However EHO would expect further information to be submitted to support the application including a more comprehensive worst case scenario (possibly incorporating a range of potential scenarios) for the finalised layout and details of how the defined noise limit will be managed.
- 6.22 **Derbyshire Wildlife Trust (DWT)** have commented that an addendum report has been submitted following initial DWT comments and contains sufficient information to determine the application. Should the council be minded to approve the application DWT advise conditions should be attached in respect of a lighting strategy, and biodiversity enhancement strategy.
- 6.23 **Yorkshire Water** has raised no objections subject to conditions.
- 6.24 The **Environment Agency** initialled objected due to the lack of an adequate Flood Risk Assessment. A revised FRA has been submitted and the EA consider that this has adequately addressed the initial concerns and no objections are raised subject to conditions.
- 6.25 **DCC Archaeologist** has raised no comments.
- 6.26 **The Coal Authority** has commented that it previously commented on this application in letters to the LPA dated 19 June 2018 and 28 August 2018.
- 6.27 The planning application is now covered by a Phase 1 Geotechnical and Geo-Environmental Site Investigation Report, dated 20 December 2018 and prepared by Eastwood & Partners. This report has been informed by a range of sources of information.
- 6.28 Having reviewed the available coal mining and geological information the Phase 1 Geotechnical and Geo-Environmental Site Investigation Report states that there will be two coal seams present beneath the site, one at around 36m, with adequate cover above, and one at around 16m deep. This shallow seam is noted in the report as being of poor quality in this area such that it would not have been of economic interest and therefore workings are not expected in this seam. They conclude that the site is not considered to be at risk from the effects of shallow coal mining and precautions to protect the plots against ground movements caused by former mine workings should not be required.

- 6.29 On the basis of the information now submitted, and the professional opinions of the report authors set out therein that the risk of shallow mining is negligible, the Coal Authority withdraw its objection to the planning application.
- 6.30 **DCC Flood Team (LLFA)** has raised no objections subject to conditions. LLFA have commented that the applicant proposes to develop a 0.92ha site with 5 residential dwellings and 9 commercial units with two surface water drainage systems each discharging into the River Moss at a rate of 3.5 l/s, 7 l/s in total. Surface water is proposed to be attenuated on site to a volume of approximately 400m³ to ensure the proposed discharge rate can be maintained up to the 1 in 100 critical storm duration.
- 6.31 The LLFA requires the applicant to demonstrate that the on-site surface water drainage system is sized appropriately to manage surface water on site up to the 1 in 100 (+40% Climate Change) event at the detailed design stage.
- 6.32 The LLFA would ask that an appropriate allowance for urban creep is made in relation to the residential area, in addition to the 40% allowance for climate change. The applicant should evidence that any in impermeable area has been used in calculations to account for this.
- 6.33 The LLFA requires the applicant to demonstrate the maintenance requirements for the drainage infrastructure for the site, submitting a comprehensive management and maintenance plan for the lifetime of the development indicating the party responsible for the maintenance.
- 6.34 The **Employment and Skills Officer** has requested a condition relating to employment and training opportunities.
- 6.35 **Derbyshire County Council Community Infrastructure** have raised no comments.
- 6.36 **12 objections** have been received which have raised the following points (in summary)
- Extra traffic on Pipworth Lane which is narrow with no footpaths.
 - Increase in noise levels
 - Risk of flooding – the last major flood was 2007.
 - It appears that the application has been prepared without adequate research into the flood risks
 - The Environment Agency ordered the removal of all bridges down the lane as they were proven to be holding the river back in flood so where would be the logic or good practice in rebuilding bridges on the lane. The river flows across the land in question following its own natural course if it cannot flow freely so I would be concerned that the river would be prevented from taking this natural route. Would the proposal mean the water would then flow on to my property which is nearest and adjacent? This would create deeper flood water.
 - Loss of employment opportunities
 - Concerns relating to sewers
 - Impact on wildlife including bats, grass snakes and kingfishers.
 - Admirals Yard Self Storage which adjoins the eastern boundary of the subject site operates on a 24 hr basis. There are frequent late night and

early morning vehicle movements and security lighting 7 days a week: entirely incompatible with the proximity of the proposed dwellings. Recent case law implies that a planning authority might itself be culpable in damages where a planning consent creates this type of conflict.

- The disposition of the dwellings on the site, albeit it might be alleged to be indicative, does not respect the presence of the adjacent storage use. No practical separation or meaningful landscaping is provided so that, in the event of planning permission being granted and the development being completed, there is significant potential for complaint with regard to activities on adjacent employment land. This is not satisfactory.
- Council now increasingly relies on the policies of the North East Derbyshire Local Plan Publication Draft (February 2018). Map 2 in respect of Eckington shows the application site, as you are aware, to be subject to policy WC2 in respect of a Principal Employment Area. This is the most appropriate use for the land, notwithstanding that the housing area is capable of being independently accessed from the lane to the north.
- This is not a case where there is no reasonable prospect of the site being used for employment purposes because, as the application demonstrates, potential is included for new employment units also.
- Do not accept that there has been sufficient demonstration that the land is no longer physically suitable for employment uses or any realistic prospect of the re-use for such purposes, particularly bearing in mind the employment proposals enshrined within this allegedly mixed use development.
- There is very significant and clear potential for a conflict between the housing use and the reasonable peace and quiet that residents might be expected to enjoy with the round the clock activities of its next door neighbour. The proposal is wholly unacceptable for that reason.
- The applicant has failed to demonstrate the lack of commercial potential for the land. If 9 commercial units are viable, why not a second phase at a later date instead of residential? The land is allocated for employment use. The applicant's contention that cross site sewers restrict commercial development is no justification for a change of use. Similarly, the statement that the land has been vacant for many years is incorrect. Prior to the applicant's purchase it was used in connection with the local coal mine. To our knowledge no significant effort has been made to establish the site's commercial potential.
- The issue of contamination has not been dealt with. Due to the land's mining associated history it is questionable whether it is at all suitable for housing without major remediation.
- Notwithstanding all the above major problems, that while a "buffer zone" has been indicated between the proposed new commercial and residential elements, no such "buffer zone" has been indicated along our boundary.
- note that the application is "outline with all matters reserved". Due to the substantive nature of the above, it would be entirely inappropriate to grant consent with reserved matters such as flood precautions, ground conditions etc. The application must therefore be refused.
- The proposed increase in the ground level to the development to protect the proposed development suggesting they already know historically the flooding problem that occurs there and with the applicants agents knowledge of that area as they were the same agent that was responsible for my development for T.Garnett Ltd. On my proposed land there are very

strict conditions attached regarding floor levels and under no circumstances raise the land profile to hinder the rivers flood course.

- Proposals not in keeping with the immediate surroundings
- Contrary to the development plan for the area.
- Knock on effect on existing properties by raising of land levels to meet Environment Agency conditions.

7.0 PLANNING CONSIDERATIONS

- 7.1 The Site Inspection Group is to visit the site to view the relationship of the site with neighbouring properties and adjacent employment uses and access arrangements.

8.0 PLANNING ASSESSMENT

- 8.1 This is an outline application (all matters reserved) for a proposed mixed use development including 5 dwellings and 9 commercial units at Pipworth lane, Eckington.

Principle of development

- 8.2 The application site is a previously developed (brownfield) site located within the defined Settlement Development Limit for Eckington. The site is allocated within the adopted Local Plan as an employment site under saved policy E6.
- 8.3 On such sites Local Plan Policy E7 indicates that planning permission will not be granted for the change of use from employment purposes unless the local planning authority is satisfied that adequate supplies of employment land and premises remain.

Land Supply

- 8.4 There is no new employment land remaining in Eckington although there is some 2.5ha available in Renishaw, within Eckington parish. The wider area around Eckington (including Renishaw), Dronfield and Killamarsh is considered the appropriate one to assess supply. The latest Local Plan evidence shows that the supply of available (new) employment land in and around the site amounts to 8.25ha to provide for the remainder of the (new) Plan period from 2017 (17 years). This takes into account the Local Plan Inspector's advice that the Dronfield regeneration Area, (also known as the Callywhite Lane extension) be removed from the Local Plan supply (see below).
- 8.5 This supply can be balanced against take-up. As past take-up is very limited (zero since 2009) assessing the supply of employment land should relate to future provision. A decision on this application should also use the most up-to-date evidence, which is set out below.
- 8.6 Alternatively, if it is considered that the present 8.25ha provision of employment land in the area is to provide for the remainder of the Plan period from 2017 (17 years) indicates an expected rate of take up of 0.48ha/yr. the loss of the residential element of this site, some 0.5-0.6ha would amount to around 1 year of the planned supply.

Market context of supply

- 8.7 To consider employment land supply in the market context an independent report has considered employment land supply in the District in relation to Clay Cross. This work has concluded that

“Elsewhere [i.e. outside Clay Cross] within North East Derbyshire, there is very little other availability at the current time. The Avenue [Wingerworth]...may not be deliverable for 3 to 5 years. Markham Vale (of which only a small part is within North East Derbyshire) is arguably focused on a different market to Clay Cross.

Many of the other sites identified as part of the Local Plan allocation have significant constraints and could be years from being deliverable. At Dronfield, the 6 acres proposed to be allocated will potentially be withdrawn as the timescale for delivery is considered to be outside the timeframe of the Local Plan.

From our investigations we conclude that Clay Cross contains the majority of the current supply of deliverable employment land in North East Derbyshire. Other allocated sites are potentially in excess of 3 years from being deliverable”¹

- 8.8 This led to an overall conclusion that:-

“We do not consider that there is an oversupply of land suitable for development for employment purposes at the current time in North East Derbyshire. Much of the allocated land is subject to constraints that need to be overcome or is not yet at the deliverable stage.”²

- 8.9 Supply within the north of the District (including Eckington) amounts to 23% of the District total, where all of the short-medium-term supply is within the South and East, according to the Fowler Sandford Report. Consequently while there is adequate supply of employment land in the local area on the basis of minimal past take-up, the absolute supply of new land is limited.
- 8.10 A further factor to be considered is that the market, not being constrained by Local Planning Authority boundaries would look to employment land supply in Rotherham (under 1 km away) and in Sheffield (NE of Killamarsh) where there appears to be more employment land available (although this has not been ratified). This does not affect the consideration of local supply in the context of Eckington residents.

Losses of Employment land

- 8.11 Also impacting on employment land supply are losses. Losses of B-class employment land in Eckington since 2014 amount to a reduction in supply of 1.66ha. All these have been to other employment uses. (There are 0.93ha, all to non B class employment uses).

¹ Paras 7.17-19 Market Assessment – Plot L, Coney Green, Clay Cross, Derbyshire, Fowler Sandford on behalf of NEDDC

² Paras 8.1-2 Market Assessment – Plot L, Coney Green, Clay Cross, Derbyshire, Fowler Sandford on behalf of NEDDC

- 8.12 These losses impact on the stock (portfolio) of available B class employment land, but the overall provision in the emerging Local Plan does allow for some 20ha of losses of B class uses. The land on which the losses have taken place is to be re-allocated for general (incl.non B class) employment uses in the emerging Local Plan.

Current Local Plan conclusion

- 8.13 Officers consider that the extant local plan policy is in conformity with the NPPF and can therefore be afforded full weight in the decision and that the tilted balance of paragraph 11 (of the NPPF) does not apply in this instance.
- 8.14 On the issue of principle the loss of part of the site for residential use would be contrary to the adopted local plan policy E7 unless the Local Planning Authority is satisfied that adequate supplies of employment land and premises remain. While supply of new employment land is limited and losses have taken place recently, the level of take up and turnover of land and premises suggests the situation is less clear-cut, so the principle is not conclusive.

Submission Draft Local Plan (SDLP)

- 8.15 It is acknowledged that the emerging Local Plan itself carries weight and it has now been subject to examination, and an inspector's initial letter published; outstanding objections relate to employment land, but none relate to this site specifically. However, as indicated above, any decision on this application is to be informed by the emerging Local Plan's employment evidence base, used to establish the policies.
- 8.16 The emerging Local Plan aims to retain the most appropriate employment locations and safeguard them from loss. The application site lies within the Eckington Business Park which the Employment Sites Study³ states is "a source of labour and services whilst its strategic location provides a good access for HGV's and employers". This area has been identified as being important for the retention of the District's B-Class employment base, either strategically or locally for a particular settlement.
- 8.17 Consequently the evidence supporting the emerging local Plan supports the protection given to this area and it will, subject to examination, be included in Policy WC2: Principal Protected Employment Area, where B1, 2 and 8 uses will be protected, with no provision under the draft policy for alternative non-employment uses.
- 8.18 Subsequent to the Local Plan hearings the Local Plan Inspector has advised that the Dronfield regeneration area (Callywhite lane extension) be removed from the Local Plan supply, as it is unlikely to be delivered in the Plan period. The impact of that is that the supply of available (new) employment land in and around the Northern settlements amounts to 8.25ha.
- 8.19 The impact upon the Local Plan is to reduce the level of employment land allocations to some 4ha below the requirement (2017-35). In light of this the Council has committed to monitor losses of employment land in order to

³ Aspinall-Verdi December 2017

determine whether these are at levels to require a review of policy or provision of additional land. There is no indication from the Inspector that there is, at District level, a significant concern over under-supply.

NPPF 2018

- 8.20 The 2018 NPPF includes a new chapter 11 on how planning policies and decisions should promote effective use of land. Paragraph 120 sets out that where the Local Planning Authority considers that there would be no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses on the land should be supported.
- 8.21 The Employment Study commissioned by the Council for the emerging Local Plan states that for Eckington Business Park the site is fully occupied by businesses and the site is in a good location due to accessibility to the M1. The emerging Local Plan currently retains the area for B class employment use. This does not suggest in relations to para 120(a) that a re-allocation would be appropriate.
- 8.22 The applicant states that “the site has remained unused for many years and no interest has been expressed in developing it for employment purposes”. In view of this being an extant site within an operating industrial estate the Council needs to be satisfied that paragraph 120 of NPPF 2018 could apply.
- 8.23 A further argument presented is that the development as a whole would deliver some nine commercial units on land that has not seen development in many years.
- 8.24 On balance in view of the above this would weigh in favour of granting permission as:-
- Local supplies of employment land, (if the area beyond Eckington is considered), cannot be shown to be clearly inadequate, although limited, take up is low.
 - The provision under NPPF para 120 of “no reasonable prospect of an application coming forward”. The Council’s market consultant indicates that while demand for land may be limited there is scope for premises, once they are provided, but willingness to do so is limited, with speculative developers not considering development viable.
 - With regards to para 120(b), the proposed uses(s) could both contribute to meeting an unmet need, in that:-
 - Delivery of industrial units would provide development albeit on a currently undeveloped part of an existing industrial estate. The level of unmet need for employment land is limited, hence there is flexibility to allow for some loss here;
 - Provision of housing would go towards providing new housing in the north of the district where the level of provision in the emerging Local Plan has been significantly reduced by the Inspector.

Conclusion on principle

- 8.25 Officers conclude that the local supply of employment land cannot be demonstrated to be inadequate and that there are benefits in terms of bringing forward employment development which would be ready for occupation. On this basis it is considered that the proposals would not be contrary to Local Plan policy E7 and that the principle of the development would be in that case acceptable.

Provision of community Infrastructure.

- 8.26 No requests for s.106 monies have been received from DCC.

Highways

- 8.27 The County Highway Authority has commented that with regards to the commercial units, there are no concerns from a highway safety viewpoint. The access route has been designed to cater for large vehicles and the proposed parking level within the site is adequate for the 9 units. Whilst adequate space seems to be available to enable large vehicles to turn within the site, swept path drawings should be submitted as part of any full or reserved matters application in the future.
- 8.28 With regards to the proposed dwellings, Pipworth Lane is relatively narrow, albeit able to cater for 2-way traffic in places. Whilst these 5 dwellings will inevitably increase the traffic on the lane, this is more of an inconvenience to locals rather than a severe safety concern. Having said that, there are narrow grass verges on the lane which seem to be within public highway limits, so it's likely the lane could be widened in the close vicinity with its junction with Rotherham Road.
- 8.29 As the application is in outline form with all matters reserved, no detailed analysis of the proposed layout has been carried out. However, judging by the submitted indicative layout, there seems to be sufficient space within the site to enable 5 dwellings to be constructed clear of adequate parking/turning areas.
- 8.30 To access the proposed residential site the existing bridge over the River Moss will need either upgrading or replacing. Full structural calculations for the bridge should be submitted to the Local Planning Authority and approved prior to any works commencing. Therefore, the Highway Authority has no objections to this outline application subject to conditions.
- 8.31 Concern has been raised by residents regarding the highway implications of the development, however Officers place considerable weight on the advice of the Highway Authority as a statutory consultee and who have raised no objection.

- 8.32 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. Officers do not consider that the 5 dwellings would result in demonstrable harm to highway safety; and 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.

Design and Layout

- 8.33 The application is in outline with all matters reserved and the applicant has submitted an indicative layout which demonstrates that dwellings and commercial units could be accommodated on the site.
- 8.34 Officers consider that the indicative layout would accord generally with the principles of the Successful Places Interim Design Guidance and that the scheme is acceptable in principle from a design perspective.

Impact on Neighbours

- 8.35 Whilst the layout is indicative only, with the detailed design and layout to be determined at reserved matters stage officers consider that the development would respect the privacy and amenity of neighbouring dwellings and conform to the requirements of the Successful Places design guide.

Noise

- 8.36 The Council's EHO note that the application relates to a mixed use development of residential and commercial units. Whilst EHO appreciate the proposed commercial use will be a B1 use it would appear there are a variety of other industrial/commercial businesses (B1, B2 and B8 uses) operating in the immediate vicinity of the site. As some of these premises have been operational for some time they may have very limited operating restrictions. Given the nature of these surrounding land uses EHO would have some concerns regarding the compatibility of the proposed residential development due to the potential for a loss of aural amenity of the future occupants.
- 8.37 The agent has submitted a noise survey which the EHO has commented that there is a potential significant adverse impact on the proposed residential development from the existing commercial units and advises this can be addressed by mitigation, including a 2.5m high acoustic fence and appropriate specification of the façade elements of the proposed residential dwellings.
- 8.38 Whilst this proposed mitigation may address the potential impact identified on the basis of the sound survey undertaken in November 2018, EHO would have some concerns as to whether the sound survey undertaken was reflective of the potential worst case scenario at the site. In addition the sound survey was undertaken in November and it is possible this may not be sufficiently representative of the summer period when there may be increased activity in external areas which is also when future residents are likely to want to use their external amenity spaces.

- 8.39 For the proposed commercial units the noise assessment defines a cumulative noise limit for the proposed units relative to the prevailing background sound level and includes a correction of +2dB for a possible tonal component. As the use of the proposed commercial units is not known the setting of a defined cumulative noise limit would appear to be a reasonable way forward. However, this relies on the ability to effectively manage the cumulative noise limit which is likely only to be achievable if the commercial units are retained under one ownership and acoustic surveys are undertaken as each unit is occupied to ensure the limits are not exceeded. There is the potential this may have an impact on the viability of the units as all the available noise limit allowance could be used up before the final units are occupied. The defined noise limit is more likely to be achieved if the proposed commercial units were to be predominantly office type units however as this is an outline application the detail is not available. If the proposed units were to be more commercial in nature it is possible the defined noise limit may not be achieved. The layout of the proposed units may also offer some degree of mitigation for example if the units were positioned so there were no openings towards the proposed residential properties.
- 8.40 It is the view of the EHO that proposals seek to incorporate residential dwellings within an existing commercial/industrial setting. The National Planning Policy Framework (NPPF 2018) highlights the requirements for planning policies and decisions to ensure that new development is appropriate for its location and to ensure new development can be integrated effectively with existing businesses.
- 8.41 EHO would have concerns around the compatibility of the proposed residential land use with the existing commercial/industrial use which will surround it on three sides and the resulting potential impact on the amenity of any future residents. Although the noise assessment indicates mitigation measures could be incorporated into the proposed residential development in order to achieve acceptable design criteria EHO would have some concerns the assessment does not represent a worst case scenario and there may be occasions when there may be increased activity ongoing in the external areas which could give rise to complaints for example clatters and bangs which are more likely to give rise to complaints and more difficult to mitigate against. As a worst case it is possible a situation could arise where the amenity of future residents is adversely impacted by activities at the commercial/industrial units and it may not be possible to remedy the situation if the businesses can demonstrate best practicable means are in place to mitigate against noise.
- 8.42 Notwithstanding this, as the noise assessment indicates it is possible to achieve acceptable levels with appropriate mitigation EHO are not in a position to recommend refusal. However we would expect further information to be submitted to support the application including a more comprehensive worst case scenario (possibly incorporating a range of potential scenarios) for the finalised layout and details of how the defined noise limit will be managed.
- 8.43 Objections have been submitted from the adjacent commercial uses raising concerns that the residential use is entirely incompatible with the proximity of the proposed dwellings; and that there is very significant and clear potential for a conflict between the housing use and the reasonable peace and quiet that residents might be expected to enjoy with the round the clock activities of its next door neighbour.

- 8.44 On this issue officers conclude that on balance the potential impact upon the amenity of future residential occupiers could be controlled by planning condition and in any case the construction of additional and suitably controlled B1 industrial units, a buffer area and mitigating fencing would provide a suitable “barrier” between existing industrial activity and new residential units to secure acceptable living conditions for future occupiers.. The application is in outline only and this detailed mitigation would be required to secure suitable reserved matters approval.

Ground Stability, archaeology and drainage

- 8.45 The site lies within Flood Zone 2 and part of the site lies within Flood Zone 3. The agent has submitted a revised Flood Risk Assessment which the Environment Agency have confirmed has adequately addressed their initial concerns and no objections are raised subject to the implementation of a planning condition.
- 8.46 The Lead Local Flood Authority (LLFA) has raised no objections subject to conditions which requires the applicant to demonstrate that the on-site surface water drainage system is sized appropriately to manage surface water on site up to the 1 in 100 (+40% Climate Change) event at the detailed design stage.
- 8.47 The LLFA requires the applicant to demonstrate the maintenance requirements for the drainage infrastructure for the site, submitting a comprehensive management and maintenance plan for the lifetime of the development indicating the party responsible for the maintenance.
- 8.48 The Water Authority has raised no objections and NEDDC Drainage engineers have raised no comments.
- 8.49 Officers note the objections from residents with regards to historic flooding and the implications of the development. However, they consider that subject to conditions the development would be appropriately drained and the scheme is acceptable from drainage and flood risk perspectives.
- 8.50 The Coal Authority has commented that they have reviewed the available coal mining and geological information within the Phase 1 Geotechnical and Geo-Environmental Site Investigation Report and on the basis of this information the risk of shallow mining is negligible and no objections are raised to the proposals.
- 8.51 With regards to land contamination the Council’s EHO has commented that there may be potential land contamination issues and no objections are raised subject to conditions.
- 8.52 In view of the above, subject to conditions Officers consider that the development would be acceptable from drainage, environmental health and ground stability perspectives.

Impacts on Ecology

- 8.53 The agent has submitted an addendum ecology report which updates the survey information. The Derbyshire Wildlife Trust (DWT) has commented that the survey contains sufficient information to determine the application and no objections area raised subject to conditions relating to lighting and a biodiversity enhancement strategy.
- 8.54 Officers consider that the proposed development would not have a detrimental impact on ecological interests subject to the requested conditions being included in the consent.

Conclusion

- 8.55 In view of the above evidence Officers consider that whilst the proposals would result in a loss of part of an allocated employment site under policies E6 and E7 of the adopted Local Plan in the North of the District adequate local supplies of employment land would remain even if part of the site was lost for housing. In addition, some industrial land and units would be delivered which is unlikely to happen in other circumstances. This is considered a considerable economic and social benefit of the scheme and Officers place considerable weight on this particularly as the applicant has committed to phase the development to enable commercial space to be delivered ahead of delivery of the housing on the site.
- 8.56 Therefore Officers consider that the principle of the development is acceptable with the additional benefit of delivering a small amount of housing on a brownfield site in the north of the district.
- 8.57 The proposed development is in outline only and has the potential to offer good design that would be in keeping with the character and appearance of the surrounding area. A phasing condition is proposed to ensure that the employment units are provided in the early phases of development. Furthermore the proposal would not result in a detrimental impact upon the privacy or amenity of neighbouring residents.
- 8.58 Objections have been submitted from the adjacent commercial uses raising concerns that the residential use is entirely incompatible with the proximity of the proposed dwellings. Officers are satisfied the potential impact upon the amenity of future residents could be controlled by planning conditions. The application is in outline only and further detailed mitigation would need to accompany any reserved matters application.
- 8.59 There are no technical issues weighing against the scheme and it would not have a detrimental impact upon highway safety.
- 8.60 It is recommended that subject to conditions that permission should be granted

9.0 SUMMARY OF CONSULTATIONS

| | |
|------------------------------|--------------------------------|
| <u>County Highways:</u> | conditions requested |
| <u>County Planning:</u> | no comments |
| <u>Environmental Health:</u> | conditions requested |
| <u>Drainage:</u> | conditions requested |
| <u>Water Authority:</u> | condition requested |
| <u>DCC Flood Team:</u> | conditions requested |
| <u>Environment Agency</u> | conditions requested |
| <u>Neighbour:</u> | objections |
| <u>Parish Council:</u> | no comments |
| <u>Ward Member:</u> | comments and call-in requested |

10.0 RECOMMENDATION

That Planning Permission is **APPROVED** subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management),

Conditions

Time Limit

1. Applications for the approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is started.
3. The application site shall be developed with a maximum of 5 dwellings.
4. Prior to or as part of the submission made for the first of the first reserved matters required further to the granting of this permission a detailed Phasing Plan for the application site shall be submitted to and be approved in writing by the Local Planning Authority. The phasing plan shall specifically identify how the employment uses and buildings shall be constructed and made available for use ahead of the construction of all the new dwellings. The development shall then be carried out in accordance with the approved phasing plan.

Employment and Training

5. Before development hereby approved starts a scheme for the recruitment of employees for both the construction periods and post occupation of the development hereby approved, including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be operated as part of the development in accordance with the approved details.

Design, character and Appearance

6. The details to be submitted to and approved in writing by the Local planning Authority as part of the reserved matters shall include a scheme for mitigating climate change through sustainable design and construction of the dwellings. Thereafter the approved scheme shall be implemented in full and retained as such thereafter.
7. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to datum point which is to remain undisturbed during development. The development shall then be carried out in accordance with the approved details and the levels retained as such thereafter.
8. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
9. Before any above ground works commence details of the proposed boundary treatments throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments scheme shall include a timetable for implementation relative to the occupation of plot numbers. The scheme shall be implemented in full and retained as such thereafter.
10. Before any above ground works commence precise specifications of the roofing and walling materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.

Ecology

11. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard the adjacent Moss Brook corridor. This should provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. Dependent on the extent of new lighting, a plan showing lux levels of lightspill around the application area should be included. Guidelines can be found in Bats and Lighting in the UK (BCT, 2009). Such approved measures will be implemented in full prior to the first occupation of the buildings and retained as such thereafter.
12. Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:

- details of bird and bat boxes will be clearly shown on a plan (positions/specification/numbers).
- hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Drainage

13. No building or other obstruction including landscape features shall be located over or within :

- (i) 6 (six) metres either side of the centre line of the 2no. 950mm diameter public combined sewers i.e. a protected strip width of 12 (twelve) metres;
- (ii) 5 (five) metres either side of the centre line of the 900mm diameter public combined sewer i.e. a protected strip width of 10 (ten) metres;
- (iii) 3 (three) metres either side of the centre line of the 225mm diameter public combined sewer i.e. a protected strip width of 6 (six) metres;
- (iv) 3 (three) metres either side of the centre line of the 150mm diameter public combined sewer i.e. a protected strip width of 6 (six) metres

If the required stand -off distances are to be achieved via diversion or closure of the sewers , the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

14. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Eastwood and Partners (Report 40336-002 dated April 2018)

15. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:

- a. Flood Risk Assessment, Pipworth Lane, Eckington (Eastwood & Partners Consulting Engineers, July 2018)
- b. And DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.

16. The development hereby permitted shall be carried out in accordance with the supporting Flood Risk Assessment (reference 40336-002 dated July 2018) and in particular the following resilience measures detailed within:

- All residential development shall be located in areas of Flood Zone 2 only;
- The finished floor levels of all residential development shall be set 600mm above the flood depths associated with the 1 in 100 year plus 30% climate change flood event;
- The finished floor levels of all 'less vulnerable' developments shall be set 400mm above the flood depths associated with the 1 in 100 year plus 20% climate change flood event;
- Flood resilient construction measures shall be incorporated throughout the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the phasing arrangements embodied within the scheme.

Amenity

17. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30 to 6pm Monday to Friday and 7:30 to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
18. The commercial units shall only be used between the hours of 08:00 and 18:00 on Monday to Friday inclusive and 08:00 and 13:00 on Saturdays. There shall be no working on Sundays and public holidays.
19. Any reserved matters application shall include details of the design and layout of the whole site (residential and commercial) and demonstrate compliance with the whole site criteria defined in Nova Acoustics 'Noise Impact Assessment and Residential Noise Survey of a Mixed Use Development The Land Off Rotherside Road Eckington Sheffield S21 4HL (Project Number: 2958JW; dated 3rd December 2018)'.
20. Prior to occupation of any dwelling the sound mitigation measures specified in the report prepared by Nova Acoustics 'Noise Impact Assessment and Residential Noise Survey of a Mixed Use Development The Land Off Rotherside Road Eckington Sheffield S21 4HL (Project Number: 2958JW; dated 3rd December 2018)' shall be implemented in full and the fence of the specification defined in the above referenced report shall be constructed in full and retained thereafter.

Highways

21. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
22. 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.
23. Prior to any works commencing the applicant shall submit a detailed scheme for the bridge upgrade/replacement to be submitted to and approved in writing by the Local Planning Authority. The details shall include cross section, design calculations and details of construction and materials etc. The approved scheme shall be implemented in full in a timescale to be agreed with the Local Planning Authority and retained as such thereafter.

24. No part of the development shall be occupied until a road improvement scheme to widen sections of Pipworth Lane has been submitted and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any residential dwelling and retained as such thereafter.
25. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include modification of the existing access to Pipworth Lane to be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 25 metres in each direction measured along the nearside carriageway edge. The area 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.
26. Prior to the occupation of any residential or commercial unit, the site shall be split with a permanent physical barrier to ensure the commercial traffic cannot gain access to Pipworth Lane and the residential traffic cannot gain access to Rotherside Road in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
27. No dwelling or commercial unit shall be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.
28. From the commencement of development there shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only.
29. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
30. Before development starts details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Ground Conditions

31. Before the commencement of the development hereby approved:

Details of a site investigation strategy to effectively characterise the site based on the findings of the report prepared Eastwood & Partners 'Phase 1 Geotechnical and Geo-Environmental Site Investigation Land at Pipworth Lane Eckington for Mr Paul Adams (Project Ref: PR/AJK/KLG/40336-001 Issue 2; 20 December 2018) shall be submitted to and approved in writing by the Local Planning Authority. The site investigation shall be carried out by a competent person in accordance with the good practice guidance and a report of the site investigation shall be submitted to the local planning authority for approval.

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) prior to commencing works in connection with the remediation scheme.

32. No building hereby approved shall be occupied until:

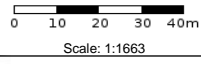
a) The approved remediation works required by 30 above have been carried out in full in compliance with the approved methodology and best practice.

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 above referenced report and through the process described in 30 above and,

b) Upon completion of the remediation works required by 30 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.

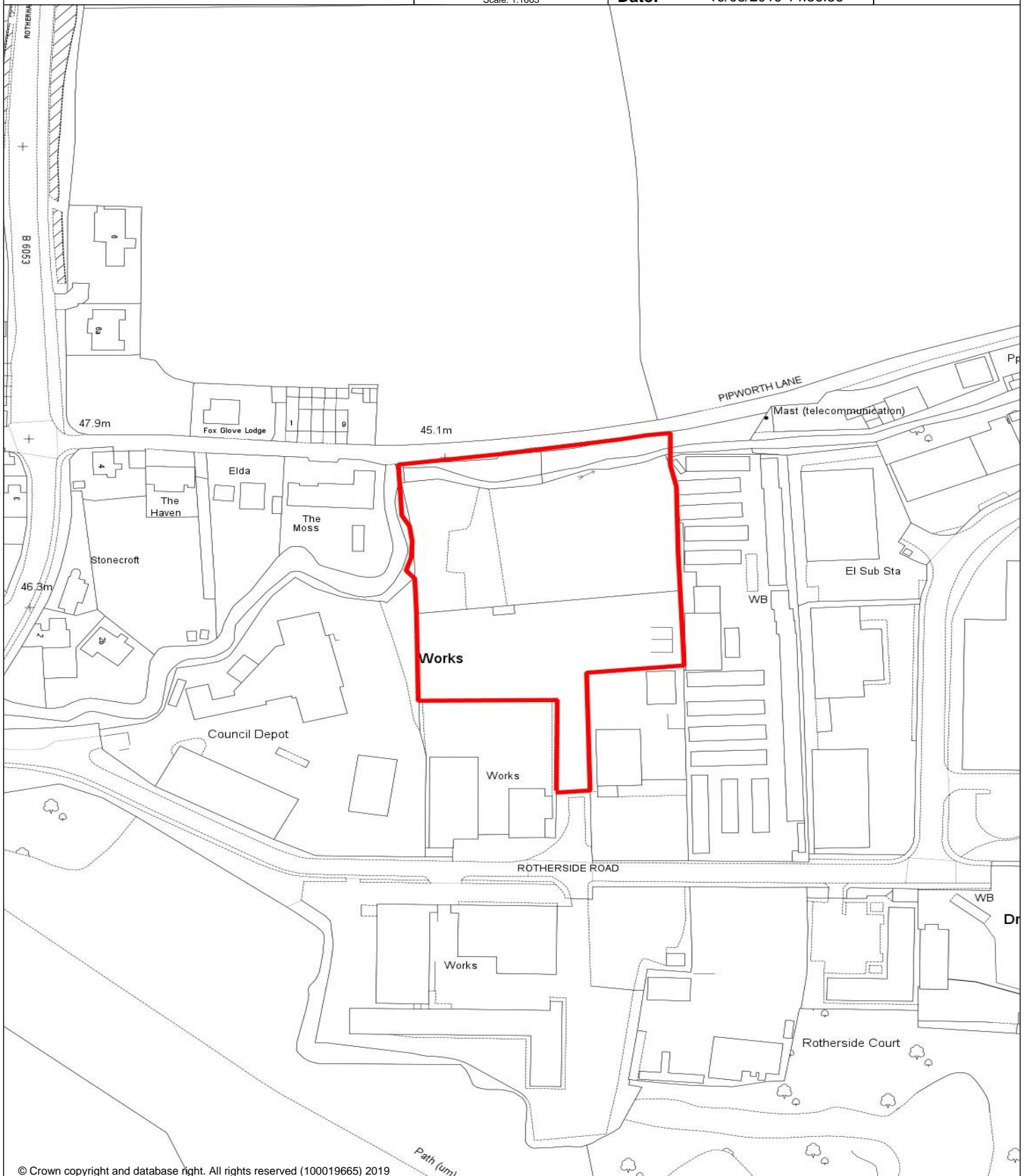
Lighting

33. Before first occupation of the commercial units hereby approved details of the external lighting scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter.



Author: K. Spelman

Date: 19/08/2019 14:36:36



APPLICATION NO. 19/00362/FL

APPLICATION Application for proposed 8 bed care home for children with physical and learning disabilities and associated bungalow accommodation

LOCATION Former Club Site, Oaks Farm Lane, Calow

APPLICANT Mr F Sissons

CASE OFFICER Phil Slater

DATE RECEIVED 2nd April 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Kerry

REASON: Local Member has concerns particularly with the access, its status and state of disrepair

1.0 SITE DESCRIPTION

- 1.1 The application site comprises the former Club Site which has now been cleared of buildings. It is as a result a previously developed site located within the defined settlement development limits for Calow.
- 1.2 The application site is located on the western side of Oaks Farm Lane which is an unadopted private road. To the north and north east is the rear of housing along Top Road and Oaks Farm Lane. On the opposite side of Oaks Farm Lane for the site is a vehicle repair business and to the south and west are open fields.

2.0 PROPOSAL

- 2.1 This application proposes to redevelop the vacant site with the construction of a single storey secure children's care home incorporating 8 bedrooms (with ensuite bathrooms), communal facilities, staff facilities and accommodation. A separate 3 bed bungalow for use by relatives visiting children is proposed to the southern boundary of the site.
- 2.2 There will be a high ratio of staff to children with a maximum of 12 staff being on site at any one time.
- 2.3 To the front of the building will be a garden area and parking accessed via Oaks Farm Lane. To the rear and side of the building will be a separate area of amenity space for each 4 bed unit separated by a garden area at the rear of the staff facilities.

3.0 AMENDMENTS

- 3.1 The elevation of the bungalow has been amended so that its front elevation now faces onto Oaks Farm Lane. A new 900mm brick wall and planting have been included on the boundary with Oaks Farm Lane.

4.0 PLANNING HISTORY

- 4.1 No planning history.

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The Development Plan comprises the **North East Derbyshire District Local Plan. The policies most relevant to the determination of this application are as follows:**

GS1 Sustainable Development
GS5 Development within Settlement Development Limits
BE1 General Design Principles
T2 Highway Access and the Impact on New Development
T9 Car Parking Provision
CSU2 Purpose Built Community Facilities

- 5.2 Other relevant policy documents include the Successful Places Interim Design Guide.

- 5.3 The Council is now at an advanced stage in the production of a new Local Plan, the **North East Derbyshire Local Plan: Publication Draft (PD)** which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and is currently being examined. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.

The following policies are considered the most relevant to this application:

SS1 – Sustainable Development
SS2 – Spatial Strategy and Distribution of Development
SDC12 – High Quality Design and Place-Making
SS7 - Development on Unallocated Land within Settlements with defined Settlement Development Limits
ID4 – New Social Infrastructure

National Planning Policy Framework

- 5.4 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 the policies which are most important for determining the application are out of date granting permission unless policies in the framework that protect areas or assets of particular importance provides a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on the 17 May 2019 with a determination date of 11 July 2019. An extension of time has been agreed until the 6th September 2019. Site notices were posted on Oaks Farm Lane, and consultation letters were sent to all properties which adjoined the application site.
- 6.2 One **Ward Member** has commented that he notes concerns have been raised in correspondence. Calow Parish Council also has concerns. The Local Member has concerns particularly with the access, its status and state of disrepair. The Ward Member therefore requests that this application be subject to consideration by the full Planning Committee .
- 6.3 The **Parish Council** have commented that the access to the development is on an unadopted and unmaintained road which has a narrow access down the centre to the farm.
- 6.4 **Environmental Health Officers** have commented that the BSP Consulting 'Combined Phase I Desk Study and Phase II Exploratory Investigation' considers potential land contamination issues and presents the findings of a desk study and intrusive investigation undertaken on an area of land which includes the site the subject of the current application. The report also considers land to the eastern side of Oaks Farm Lane and the report recommendation and conclusions are made in the context of the wider site. As the report was undertaken in 2011 and there may have been changes on and in the vicinity of the site, in planning policy and in technical guidance relating to the assessment of potential land contamination, it is our opinion the report and the conceptual site model need to be updated.
- EHO would request the imposition of pre-commencement conditions to ensure the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework (NPPF) 2019.
- 6.5 The applicant has submitted further information and the EHO has commented that the revised report prepared by GeoInvestigations Ltd 'Remediation Strategy and Verification Plan for a Proposed Care Home at Oaks Farm Lane Calow (Ref: 422-R-01; dated July 2019)' considers the findings of the previously submitted Phase 1 and advises that remediation is required to address the potential contaminant linkages associated with the Made Ground on the proposed development site.
- 6.6 The proposed remediation strategy appears to comprise of a number of elements including the placement of artificial turf in the area to the rear of the proposed care home and the placement of a clean cover of imported sub soil and topsoil to a depth of at least 600mm in all other areas of garden and soft landscaping. EHO would generally be reluctant to accept the placement of artificial turf as a means of risk management however given the nature of this development there is likely to be a management system in place which can record the purpose of the artificial turf and ensure it will not be removed and replaced. As reflected in the GeoInvestgations report the verification report should include details of the engineered artificial turf system to demonstrate it is sufficiently robust to break the potential contaminant linkages.

- 6.7 Therefore, on the basis of the currently available information EHO have no objection subject to condition.
- 6.8 **Yorkshire Water** have raised no comments
- 6.9 The **Coal Authority** have confirmed that the site does not fall within the defined high risk coal area and an informative note is requested on the decision notice.
- 6.10 **Cadent Gas/National Grid** have not raised an objection and requested an informative on the decision notice.
- 6.11 The **County Highway Authority** (HA) have commented that the application site will be accessed via the existing private drive and junction with Top Road. The drive would appear to have sufficient width to accommodate two way traffic and the junction with Top Road would appear to have in excess of the 2.4m x 47m visibility splay required for the 30mph speed limit at this location.
- 6.12 The HA consider it unlikely that the proposed development would lead to an increase in traffic over that which would have been generated by the working men's club, and therefore there is no objection subject to conditions being included on the consent.
- 6.13 **5 letters of objection** have been received which have raised the following points (in summary)
- Mr Sissons has now fenced off the site taking more land than what he owns, and in doing so has fenced off the entrance that we have used for the past 90 years if not longer. This action has stopped us from gaining access to 16 Acres of wheat that is ready to cut.
 - one of the owners of Oaks Farm Lane and Oaks Farm should I have been notified of the planning application as others seem to have been by letter.
 - This lane is a farm lane with pot holes and uneven surfaces with heavy farm machines running up and down and not suitable for wheelchairs and mobility scooters or visitors cars and no parking facilities on the said lane as this is not in the applications ownership
 - The pull out on to a very busy main road not at all suitable for disable vehicles there is also a public footpath that runs in front of the planned building that the applicant has failed to show on his application
 - There are power lines that belong to Western Power that run under part of the site where the buildings are proposed to be built.
 - The Hill family, in whose ownership Oaks Farm lies, was listed as one of the parties upon whom a Notice No. 1 was stated to have been served. It has never been received. This cannot be acceptable since the development relies on Oaks Farm Lane for its access.

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations for this application, are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding area, the amenity of neighbouring uses and highway safety issues.

8.0 PLANNING ASSESSMENT

- 8.1. This is a full planning application for a proposed 8 bed care home for children with physical and learning disabilities and an associated bungalow at Oaks Farm Lane, Calow.

Principle of Development

- 8.2. The application site comprises a hard surfaced and previously developed site located within the defined settlement development limits (SDL) for Calow in the adopted North East Derbyshire Local Plan. The SDL around the site is not proposed to change under the PD and therefore the principle of the site's re-development would be acceptable in policy terms.
- 8.3. Policy GS5 relates to development within SDLs and requires that it should not be detrimental to the character and appearance of the site and its surroundings and not have a detrimental effect on the amenities of neighbouring occupiers and uses.
- 8.4. Policy CSU2 allows for the provision of purpose built community facilities subject to it being well related to the community it serves and not affecting the amenities of neighbouring residents.
- 8.5. In view of the sites location within the SDL, close to the main road and within Calow, which is a level 2 settlement with a good level of sustainability; officers consider that the principle of the care home is acceptable.

Highways

- 8.6. The Highway Authority (HA) has not raised an objection to the proposals and have commented that the application site will be accessed via the existing private drive and junction with Top Road. The drive would appear to have sufficient width to accommodate two way traffic and the junction with Top Road would appear to have in excess of the 2.4m x 47m visibility splay required for the 30mph speed limit at this location.
- 8.7. The HA consider it unlikely that the proposed development would lead to an increase in traffic over that which would have been generated by the working men's club, and therefore there is no objection subject to conditions being included on the consent.
- 8.8. Representations have been received regarding the suitability of the access, and the current state of the road surface and its unsuitability for the development that is proposed. Officers place considerable weight on the advice of the Highway Authority and no objection has been raised to the application on highway safety grounds..
- 8.9. The access to the site lies outside of the applicant's ownership and private rights of access are not a material planning consideration. Notice has been served on the landowners and some representations received from them. Whilst there is dispute between the parties over whether the notice was served as stated on the application forms the agent has confirmed that he has served the correct notice. This is therefore not a matter for planning assessment.

- 8.10. 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. Officers do not consider that this development would result in demonstrable harm to highway safety and there is no evidence to the contrary.. Officers consider that the highway issues can be satisfactorily addressed by appropriate conditions and there is no reason to conclude that the transport impacts of this development would be severe.

Design

- 8.11. The surrounding site area is mixed in character with residential and commercial properties in close proximity to the application site. The site will be visible from Oaks Farm Lane which is a private road that also carries the route of a public footpath. The main building would be set back from the road and is single storey.
- 8.12. The scheme has been slightly amended with a 900mm brick wall with planting behind forming the boundary with the lane and the new bungalow now faces onto the lane, providing an active frontage in line with the Council's design aspirations
- 8.13. Officer consider that the design and layout of the proposal is a positive element of the proposal.

Impact on Neighbours

- 8.14. The nearest residential properties would be those located on Top Road to the north.
- 8.15. Officers do not consider that this single storey building or the use of its garden areas to the rear would have an unacceptable impact upon the privacy or amenity of the adjacent properties.

Other matters

- 8.16. The Council's Environmental Health Officer (EHO) has raised no objections to the application subject to conditions.
- 8.17. The Water Authority has raised no comments and the Coal Authority have requested an informative be placed on the decision notice.
- 8.18. Representations have made reference to the overhead electric supply pole within the site. However the National Grid have not raised an objection to the proposals subject to an informative on the decision notice, and it is the applicant's intention to remove the structure and divert the on-site supply route. However these would be matters dealt with between the applicant and the National Grid.
- 8.19. Representations have also been received regarding the development resulting in the loss of access from the application site to their fields. Private rights of access are not material planning considerations and would be a matter for the parties involved.

Conclusion

- 8.20. This application site falls within the defined SDL of Calow which is a level 2 settlement with a good level of sustainability. In addition the site is a vacant previously developed site and would provide a community facility in the form of a care home for children and an associated bungalow.
- 8.21. The proposals 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 upon highway safety.
- 8.22. It is, therefore, recommended that subject to conditions permission be granted.

9.0 SUMMARY OF CONSULTATIONS

| | |
|------------------------------|-----------------------|
| <u>County Highways:</u> | No objection |
| <u>Environmental Health:</u> | No objection |
| <u>Drainage:</u> | No comments |
| <u>Neighbour:</u> | objections |
| <u>Parish Council:</u> | Comments |
| <u>Ward Member:</u> | Objection and call-in |

10.0 RECOMMENDATION

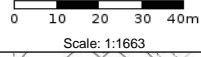
That Planning Permission is **APPROVED** subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management),

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
 - C606.4 SITE AND LOCATION PLAN
 - C606.1 A PLANS AND ELEVATIONS

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

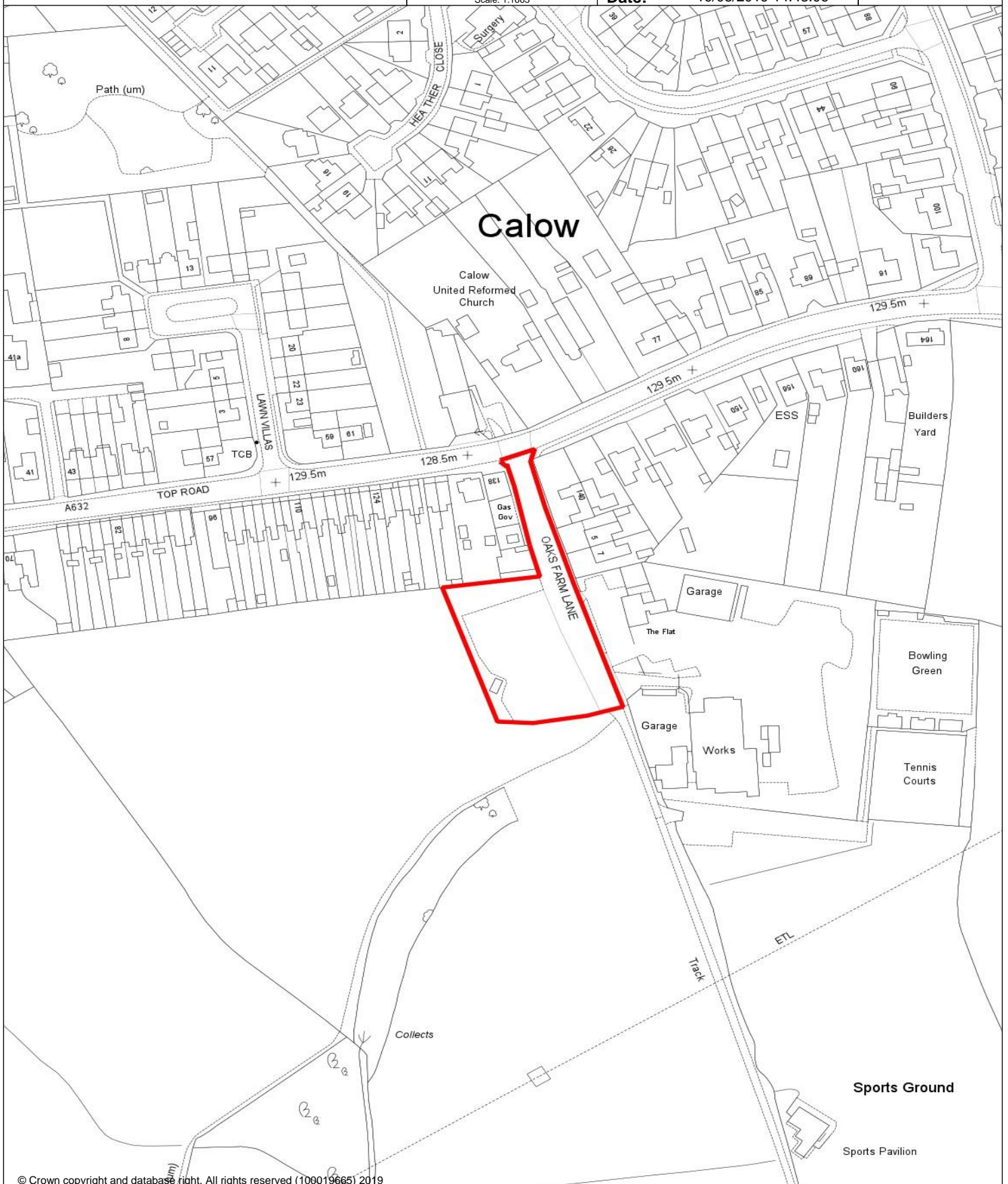
3. Prior to any above ground works commencing, a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of the building.
4. Before any above ground works commence precise specifications or samples of the roofing and walling materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.

5. The buildings hereby approved shall not be occupied until:
 - a) The approved remediation works as identified in the GeoInvestigations Ltd report 'Remediation Strategy and Verification Plan for a Proposed Care Home at Oaks Farm Lane Calow (Ref: 422-R-01; dated July 2019)' have been carried out in full in compliance with the approved methodology.
 - 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 phased approach recommended in good practice guidance for the assessment, investigation and management of potential land contamination and,
 - c) Upon completion of the remediation works required by (a) 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.
6. At the commencement of operations space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
7. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents, visitors, staff, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.



Author: K. Spelman

Date: 19/08/2019 14:43:06



APPLICATION NO. 19/00570/DISCON

APPLICATION Application for proposed discharge of condition 29 (Construction Management Plan/Traffic Management Plan

LOCATION Land off Ankerbold Road, Tupton for Northwood Group Limited

APPLICANT Northwood Group

CASE OFFICER Phil Slater

DATE RECEIVED 29 May 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Hancock

REASON: Cllr Hancock believes that the Traffic Management Plan poses a risk to highway safety.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises two parcels of land and is bounded to the north by residential development. To the northeast is an area of open space within the curtilage of Ankerbold House. To the east by Ankerbold Road, lies the river Rother and the railway line, together with open landscape beyond. To the south lies residential development and to the west lies further residential dwellings.
- 1.2 There are hedgerows and trees located to the site boundaries; and a well established hedge bisects the site in a north south direction, and the site slopes down from west to east towards Ankerbold Road.

2.0 PROPOSAL

- 2.1 This is an application to discharge conditions required by planning permission NED/18/00056/FL which was granted permission in March 2019 for the erection of 193 dwellings at land off Ankerbold Road.
- 2.2 The application has been called-in regarding condition 29 which relates to the submission of a construction management plan or construction method statement which shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.
- 2.3 The discharge of condition application also included details relating to conditions 8 (boundary treatments), 11 (public art), 9 (materials), 10 (finished levels), 13 (bin storage and waste collection strategy), and 23 (sound insulation). These matters are currently under consideration by officers and would be dealt with under delegated powers.

3.0 AMENDMENTS

- 3.1 Following initial comments from the Highway Authority, a revised Construction management Plan has been submitted along with a revised site plan (revision P18) showing the show home proposals; a revised traffic management plan (revision P08) showing the build area compound 2; and a revised traffic management plan (revision 08) showing compound 1.

4.0 PLANNING HISTORY

- 4.1 Erection of 193 dwellings and associated infrastructure, Land To The North And West Of The Poplars, Ankerbold Road for Northwood Group Limited. Conditionally approved subject to a s106 agreement.

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 There are no planning policy considerations as this is an application to discharge conditions relating to an extant planning application. It is a technical approval based on whether or not the details confirm to the requirements of the planning condition.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on the 13 June 2019 with a determination date of 07 August 2019. An extension of time has been agreed until 6th September 2019. As this is a discharge of conditions application and not a planning application there is no requirement to undertake publicity or notify neighbours.
- 6.2 One **Ward Member** has called in the application based on the Traffic Management Plan, which he believes poses a risk to highway safety.
- 6.3 The **County Highway Authority** (HA) have been consulted and have commented that the information submitted is generally acceptable, however the HA have been unable to determine the location of the wheel wash facility, and the related measures to prevent runoff onto Ankerbold Road, and the submitted drawing does not appear to identify the unloading/turning area.
- 6.4 The agent has submitted additional information including a revised Construction Management Plan and revised drawings to address the comments of the HA.
- 6.5 The HA have commented that the information relating to the build area compound is adequate, however there appears to be very limited space for HGV turning for the enabling works compound, particularly in relation to the access road behind the sales suite.

The provision of separate routes for incoming and exiting vehicles will reduce instances of large vehicles meeting in opposing directions, and whilst the routes are through residential areas and therefore not ideal, the roads in question are C classified roads and the separation of routes will reduce the overall effect upon any one road.

Whilst the principle of a sacrificial drainage pit is acceptable, HA have been unable to find any information of how this pit is to be drained or its likely capacity, it would also appear to be located directly underneath the site

access road. Further information on the above matters is requested before discharging the condition.

- 6.6 The agent has been informed of the HA comments and will provide the information requested. The additional information and final comments of the HA will be reported to members in the Late Comments Report.

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning consideration are whether the details submitted are sufficient to address the requirements set out under the relevant planning conditions.

8.0 PLANNING ASSESSMENT

- 8.1 This is an application to discharge condition 29 of planning permission NED/18/00056/FL. This is not a planning application and the principle of development has been established. The matters under consideration relate solely to whether or not the submitted information meets the requirements set out in condition 29, below.
- 8.2 Condition 29 requires that:- *“No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*
- o Parking of vehicles of site operatives and visitors*
 - o Routes for construction traffic, including abnormal loads/cranes etc*
 - o Construction traffic including delivery and contractors vehicles shall not take access via Pond Lane throughout the construction phase of the development*
 - o Hours of operation*
 - o Method of prevention of debris being carried onto highway*
 - o Pedestrian and cyclist protection*
 - o Proposed temporary traffic restrictions*
 - o Storage/loading/unloading compound*
 - o Methods to prevent surface water flowing out of the site during construction phases due to sloping nature of the site”*
- 8.3 The agent submitted Construction Management Plan (CMP) which includes the details set out below along with a revised site plan (revision P18) showing the show home proposals; a revised traffic management plan (revision P08) showing the build area compound 2; and a revised traffic management plan (revision 08) showing compound 1.
- 8.4 The **Construction Management Plan** includes:-
- 8.5 **Hours of operation** - 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays. Scaffolding shall only be constructed and dismantled between 08:00 and 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays and not at all on a Sunday or Bank Holidays.

- 8.6 **Deliveries and Routes for Construction Traffic (abnormal loads etc.)** - Construction traffic access and egress are as the Traffic Management Plan(TMP) drawings and will be managed by the Site Manager. The wider routes are indicated on a further drawing also submitted. Deliveries shall only take place between 08:00 and 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays and not on a Sunday or Bank Holidays. It can be seen on the TMP the loading/unloading and storage areas proposed.
- 8.7 **Method to prevent debris on the Highway** - There will be a wheel wash facility to ensure any mud or other contaminants are kept from the road surface on Ankerbold Road and the surrounding access roads. If necessary a road sweeper will be utilised to ensure that the Construction Activity has minimal impact on both residents and the wider road network.
- 8.8 **Discharge of runoff from site onto the existing road network** - An 'Incident Response Plan' will be compiled and implemented as part of the project mobilisation with daily visual Inspections of the areas identified as part of the ongoing monitoring process for the Site Manager.
- 8.9 As an initial control measure the developer will prioritise the construction of the new road system into the site with the appropriate gullies and drainage this will alleviate any run-off from these areas. A specially prepared sacrificial drainage pit at the point of the new road and the edge of Ankerbold road will be dug prior to the formation of the road. This will further alleviate the potential for run off from the wheel wash onto Ankerbold Road. The sub-base for the compound area will act as a soakaway to mitigate any run-off from the compound area onto the new road. The manned wheel wash station will also be situated near the compound area and utilised when muck shift activities are taking place. Any run off would be diverted to the sacrificial pit.
- 8.10 **Site compound** - The Site Compound locations are shown on the attached TMP's. Area 1 is for the initial stage of the project (approx. 33 weeks). The site compound at area 1 on the TMP will move to area 2 after this initial period.
- 8.11 The CMP includes details of dust and noise suppression measures.
- 8.12 **Proposed Temporary Traffic Restrictions under s278 agreement** - There is work within the Highway (Ankerbold Road) under a 278 agreement and for sewer works under a section 104 agreement and adoptable works under a section 38 agreement. The developer intends to use trenchless technology to cross Ankerbold Road to the attenuation area and sewers opposite. This will remove the necessity to close Ankerbold Road for these works and reduce disruption to the local area. Any Temporary traffic restrictions required will be overseen by Derbyshire Highways and through agreements made with them to ensure compliance.
- 8.13 **Pedestrian and Cyclist protection** - separate pedestrian walkways and cycle ways to segregate them from the construction traffic. These will be clearly marked/signposted.

- 8.14 **Traffic routes** - No construction or contractors vehicles shall access the site from the Pond Lane entrance as per the requirement within Condition 29. All traffic entering Tupton via the A61 are to make their way to the Tupton Tap roundabout and take the road signposted Nethermoor Road. Continuing on this road until meeting the junction with Station New Road. Turn right into Station New Road and follow the road until it meets the junction of Ankerbold Road on the left. This is just before the bridge over the River Rother. Turn left into Ankerbold Road and the site entrance is 400 yards up Ankerbold Road on the left hand side. This route is shown on the Traffic approach and exit hierarchy TMP drawing.
- 8.15 All access to and egress from the site is 'left turn only' to eliminate crossing traffic and forming queues.
- 8.16 The first location of the site compound is just inside the site entrance on the right. The traffic enters site and with the assistance of a banksman reverses into the road behind the show houses. When permission is given by site staff they are able to move forward into the site compound for unloading. They exit the compound area turning left onto the site road and left onto Ankerbold Road.
- 8.17 When the project is further advanced and is using (Compound Two), traffic into and out of the compound is via a one way system only. All traffic leaving the site is to turn left onto Ankerbold Road and proceed to the junction of Ankerbold Road and Queen Victoria Road. Turn left onto Queen Victoria Road and follow this road until it meets the A61 roundabout. This route is shown on the Traffic Approach and Exit Hierarchy TMP drawing.
- 8.18 **Parking of Vehicles** - parking for contractors and visitors has been proposed on-site within the compound as shown on the TMP for approx. 20 cars and vans to park on site. All plant approaching site will be banked and the one way system shown on the TMP will be established and enforced once the site is in fully operational.
- 8.19 The Highway Authority have been consulted on the submitted details and on the additional details that has been submitted. The HA have commented that the information submitted is generally acceptable, and that the information relating to the build area compound is adequate, however there appears to be very limited space for HGV turning for the enabling works compound, particularly in relation to the access road behind the sales suite.
- 8.20 The provision of separate routes for incoming and exiting vehicles will reduce instances of large vehicles meeting in opposing directions, and whilst the routes are through residential areas and therefore not ideal, the roads in question are C classified roads and the separation of routes will reduce the overall effect upon any one road.
- 8.21 The HA have commented that the principle of a sacrificial drainage pit is acceptable, but further information is required as to how it is to be drained and its likely capacity, it would also appear to be located directly underneath the site access road. Further information on the above matters is requested before discharging the condition.

8.22 The agent has been informed of the HA comments and will provide the information requested. The additional information and final comments of the HA will be reported to members in the Late Comments Report.

8.23 Officers consider that subject to the requested information being submitted and the HA confirming that the outstanding matters are acceptable the submitted details satisfactorily address the requirements of condition 29.

9.0 SUMMARY OF CONSULTATIONS

County Highways:
Ward Member:

Further information requested
committee call in

10.0 RECOMMENDATION

That the discharge of condition 29 is **APPROVED** the final wording of which is delegated to the Planning Manager (Development Management).

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Author: K. Spelman

Date: 19/08/2019 15:02:41

