

PLANNING COMMITTEE – 6th June 2023

Reference Number: 22/00886/OL

Application expiry: 09/06/23

Application Type: Outline

Proposal Description: Outline application (means of access not reserved) for residential development with access from High Street via Pasture Lane. Development to comprise up to 30 dwellings (use class C3), informal open space, creation of public rights of way and other associated works and operations including earthworks, demolition and engineering operations (including in relation to utilities and drainage) (Major Development) (Affecting Public Rights of Way)

At: Land to rear of 14A to 54 High Street, Stonebroom

For: Green 4 Developments

Third Party Reps: 20 local residents

Parish: Shirland & Higham

Ward: Shirland

Report Author: Graeme Cooper

Date of Report: June 2023

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Cupit requested that this application be considered by Planning Committee due to concerns over the impact of development on highway safety and local infrastructure. In addition concerns are raised to the proposed means of access, and the suitability of the land for the proposals, especially with regards to existing wildlife on the site and the risk of flooding.

2.0 Proposal and Background

Site Description

- 2.1 The application site forms a paddock used for the keeping of horses, a stable block is located close to the eastern boundary of the site, which in turn links to Pasture Lane. The site covers an area of 1.29 hectares and is framed by mature hedge planting to the east, south and western boundaries.
- 2.2 The site is generally flat in nature and has a public footpath running along the western edge of the site connecting to High Street to the north. However this footpath appears lightly trafficked and is overgrown. A number of mature trees are located in the north west corner of the site and along the north and southern boundaries of the site.
- 2.3 The eastern boundary of the application site lies adjacent to Pasture Lane, which serves other residential properties and stables to the south east. The north eastern corner of the site appears to be being used as an informal orchard/allotment under the applicant's ownership.
- 2.4 Access to the site will be taken from High Street to the north east which connects to Pasture Lane and in turn to the application site. Pasture Lane is an unmade private road with the applicant having a right of access. The junction with High Street has a slight gradient and is constructed from loose chippings/gravel.
- 2.5 High Street serves residential properties, with a high level of on street parking in a westerly direction. Properties to the east are able to park vehicles clear of the highway. A bus stop is located close to the junction with Pasture Lane which would serve the surrounding community.
- 2.6 Stonebroom Primary School and other services, including shops, takeaways and doctors surgery are all located to the west along High Street, a short walk from the application site.

- 2.7 The site is located in the Settlement Development Limit for Stonebroom (See Figure 2 below) and is allocated for housing (Ref: ST1) for approx. 35 dwellings in the North East Derbyshire Local Plan as shown in Fig 2 below..

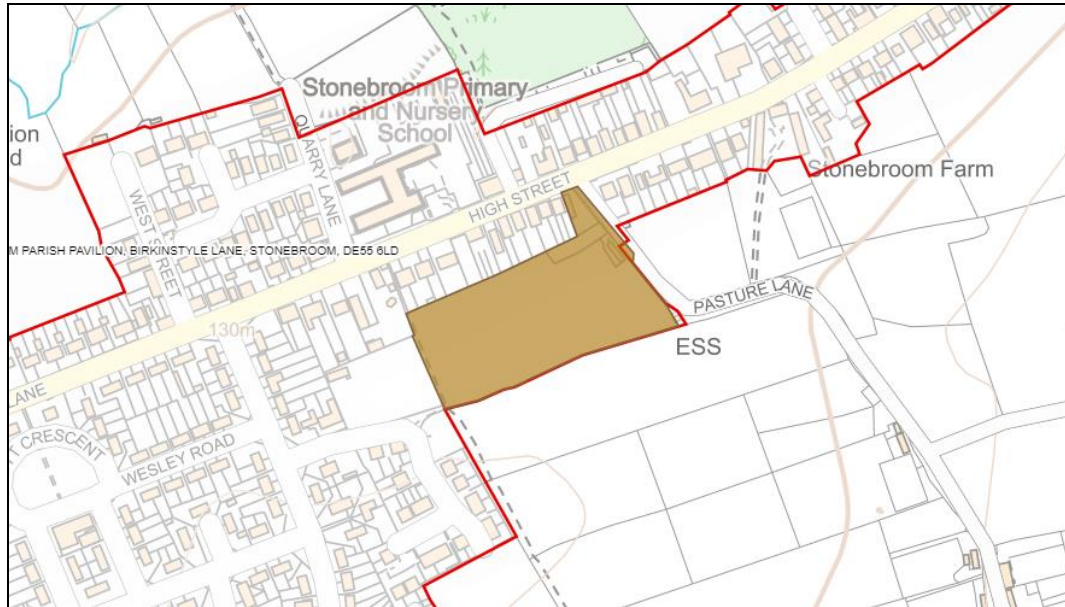


Figure 2: Extract from Local Plan

Proposal

- 2.8 This application seeks permission in outline for up to 30 dwellings, with informal open space, creation of public rights of way, earthworks and engineering works. Access details are being considered at this stage, with matters relating to the appearance, landscaping, layout and scale reserved at this time.
- 2.9 An indicative layout has been submitted illustrating 30 units on the site with access taken from High Street.
- 2.10 The application is accompanied by full elevational and floor plan details for each house, but these details are not being considered at this outline stage.
- 2.11 In addition, the proposal includes a Planning Statement, Transport Assessment, Tree Survey, Flood Risk Assessment, Design and Access Statement, Coal Mining Risk Assessment and Biodiversity Survey.

Amendments

- 2.12 None.

3.0 Relevant Planning History (not the full site history)

- 3.1 17/00566/OL | Outline application for proposed residential development (With all matters reserved) (Departure from the development plan/Affecting footpaths/Major development) (Planning permission granted subject to a S106 agreement)
- 3.2 98/00919/FL | Proposed stable block (Conditionally Approved)
- 3.3 77/01071/OL | Two bungalows (outline) (Refused)
- 3.4 77/01072/OL | One two bedroom bungalow and garage (Refused)

4.0 Consultation Responses

- 4.1 **Parish Council** are concerned about the visibility for road users leaving Pasture Lane. The Council also have concerns about the problems with the drainage and surface water at this location. Additional properties in the village would have an effect on the number of people using the Doctors Surgery and the Village School. There are to be reductions in bus services along this route which will mean that the proposed development would mean a large increase in traffic volume. Residents' concerns are shared regarding the Japanese Knotweed which can be found on the site.
- 4.2 **Ward Member** called the application into committee for the reasons raised in 1.1 above.
- 4.3 Additional comments were received on 22nd May 2023:

“Whilst I understand the principle of development on this site may have previously been accepted through the previous approved outline planning application in 2017, I have several concerns about the suitability of this site for the development and scale proposed and would like to note my objections to this outline application.

In particular, I know many local residents are concerned about the suitability of Pasture Lane as an access point on to the High Street for 30 new dwellings. Pasture Lane is a popular right of way but unadopted road which leads on to the busy High Street in Stonebroom. 30 new dwellings and the associated significant increase in cars turning onto and off of the High Street in this area would be of significant concern to me, particularly given existing parking constraints on the High Street and the speed of existing traffic in the area.

In addition, whilst I know this is only an outline application, I'm concerned about the indicative layout and the density being proposed on the site,

particularly given this is an outward rural facing site and area. To me, it wouldn't be possible to put this number of dwellings on such an area without having a detrimental impact on the surrounding character and area.

I know many local residents and objectors have also raised concerns over the suitability of the site for the number of houses proposed given drainage/flooding, ecology and mining concerns.”

- 4.4 **Highways Authority (HA)** not that no objection was raised to a scheme in 2017 (app ref 17/00566/OL). HA comments of 14/11/22 requested more information be included in the Transport Statement, bus stop enhancements are required and the access needed some updating. Road adoption and parking could be finalized at the RM stage.
- 4.5 Further HA comments received on 11/11/22 confirm the scheme is for 30 dwellings, with access details being considered at this stage. The internal layout would be considered at the RM stage. The HA is satisfied that matters related to accident data, bus stop, parking and swept path analysis have been resolved, and the Highway Authority has no further comments. The Highway Authority, in its response, raised issues of widening Pasture Lane and requested to provide 2no 2m wide footway on either side of the access road. This matter was discussed with the DCC Implementation Team, and the officer is happy to accept 1no 2m footway on the western side of the access road as per drawing 226660-PD05. The Highway Authority has also sought advice from the Implementation Section in light of the applicant's response on the RSA and Road Adoption matters, and the Implementation Section has no further comments to provide. It should be noted that RSA 2 will be required at the detailed design stage/RM stage, and this needs to be included as Informative.
- 4.6 The HA, in their response of 11th November 2022, raised concerns on the emerging visibility splays from Pasture Lane junction, which is obscured due to the issues of parked cars & due to the presence of street furniture. The applicant's consultant in 'Highway Response to DCC comments' advised dealing with this matter by S106 contribution for a TRO process and appropriate signage and lining related to parking restrictions. The Highway Authority have agreed. Therefore, a contribution of £4k is required via the S106 Agreement. Subject to the proposed details being modified where necessary in accordance with the above comments the following conditions, informatives and S106 should be included if consent is granted.
- 4.7 **Environmental Health (EHO)** no objection subject to conditions relating to land contamination, dust control and site operating hours during the construction phase.

- 4.8 **The Coal Authority** raised no objection subject to an informative note.
- 4.9 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted Preliminary Ecological Appraisal (Stefan Bodnar, May 2022). Noted that the proposals are likely to retain the majority of existing hedgerows and boundary trees, however the Design and Access Statement indicates that most of these are proposed to form the boundary of gardens and therefore will receive no protection from future removal or poor management. Encourage hedgerows to border open space where their longevity can be safeguarded. Furthermore, mature trees should not be incorporated within gardens for the same reason.
- 4.10 Whilst the onsite grassland is of relatively low ecological value, the loss should still be compensated for to ensure no net biodiversity loss. We note that no biodiversity metric has been submitted to quantify losses and gains and this should be provided, prior to determination. Enhancements such as bat and bird boxes and hedgehog gaps should be secured separately to biodiversity net gain.
- 4.11 In terms of protected species, DWT support the recommendation for site clearance under a method statement to safeguard common amphibians and advise that this should be included within a Herptile Mitigation Strategy (secured via condition). This should also consider reptiles due to the presence of existing records of grass snake in the local area. The PEA does not contain a consultation with the Local Biological Record Centre, which is poor practice, and as such has not identified the grass snake records. The Reptile Mitigation Strategy should include methods for site clearance including best practice measures for removal of the small onsite pond. It should also provide detail of habitat creation where practicable. All trees with bat roost potential appear likely to be retained, however if this changes either nocturnal bat surveys or aerial inspections will be required prior to removal or significant pruning. Nesting birds will also require consideration during any hedgerow removal.
- 4.12 DWT provided updated comments dated 27 April 2023 stating that it had considered the updated PEA, Biological Impact Assessment and 2 versions of the DEFRA metric 3.1. DWT advised that the revised PEA contains a data consultation with the Local Biological Record Centre, which includes the reptile records previously not considered. DWT maintain that a Herptile Mitigation Strategy is required, which should set out methods for site clearance, including best practice measures for removal of the small onsite pond. It should also provide detail of habitat creation where practicable.

- 4.13 The Biological Impact Assessment comprises details of the biodiversity net gain assessment undertaken for the site. This was carried out by a different ecologist, based on the field data collected in the PEA report. Based on the basic outline layout (Proposed Layout G40065 A002), a net loss of -1.57 habitat units (50.96%) and -0.08 hedgerow units (8%) is predicted.
- 4.14 Recommendations have been made as to how good quality landscaping within the current proposed layout could achieve a net gain of +0.34 habitat units (11.08%) and +1.21 hedgerow units (120.85%). However, no detailed plan of these proposals has been provided.
- 4.15 With regards to the metric calculations, DWT accept including existing hedgerows and gap planting along with native trees is acceptable but there is no future safeguarding of hedgerows within private rear gardens. It's unclear how many of the trees would be within private gardens. It's also unclear where new grassland enhancements would be located and managed. A significant portion of the gain is provided from planted scrub and urban trees. It should be confirmed by the applicant that this is practicable within the scheme.
- 4.16 To summarise, DWT state that it appears that it may be possible to achieve a net gain on site, however no detailed site plan/outline landscape plan has been submitted and it advises the LPA to seek clarification that the recommendations made in the Biological Impact Assessment (DJOGS, Undated) are practicable within the scheme. DWT reiterate concerns regarding the inclusion of hedgerows and trees within private gardens and the lack of future certainty for their retention and management. However, DWT conclude that should the council be minded to approve the application conditions in respect of a Reptile Mitigation Strategy, nesting birds, and a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) are imposed.
- 4.17 **Severn Trent Water Authority (STWA)** raised no comments.
- 4.18 **Yorkshire Water Authority (YWA)** confirms that the site is not within the YWA operational boundary.
- 4.19 **Council's Drainage Engineer** raised no comments.
- 4.20 **Lead Local Flood Authority (LLFA)** initially requested more information from the agent in relation to flood risk. The LLFA has reviewed the information submitted for this application, which was received on 03/03/2023. The LLFA has no objection subject to conditions.
- 4.21 **Council Housing Officer** raised no comments.

- 4.22 **Employment and Skills Officer** requested an employment and skills condition be included in any decision.
- 4.23 **Council Tree Officer** The land to rear of 14A – 54 High Street, Stonebroom does not lie within any conservation area and is currently not subject to any TPO. I understand the land is currently used for stables and the keeping of horses. Typical for this current use, the internal area of the field is devoid of arboricultural features which appear to make it a suitable location for development, however, and again typical for the current usage, the field is bound with an established field hedge including established trees of differing ages.
- 4.24 The proposed access onto the site from Pasture Lane appears to avoid the loss of any of the linear length of the existing hedge running parallel to Pasture Lane and therefore looks appropriate. I expect the small semi-mature sycamore currently growing immediately adjacent to the proposed access may require removal, although this is a tree of little value and it's loss shouldn't obstruct consideration to consent the proposal.
- 4.25 The proposed internal layout, although indicative, appears to demonstrate that it is possible to erect circa 30 dwellings at this location whilst, in the majority, avoiding the constraints of existing trees and hedges. It does appear however, that the rooting constraints of the mature tree directly to rear of 22 High Street may come into direct conflict with the road serving plots 21-24, although it may be possible to alter the final layout to avoid these constraints.
- 4.26 I have no objection to the principle of development comprising up to 30 dwellings with access from Pasture Lane, although I would reserve final comment to a latter reserved matters application. I would recommend that to safeguard existing trees and hedges around the perimeter of the site, any future reserved matters application includes the following in accordance with BS5837:2012:
1. Tree survey to identify the quantity and value of existing trees and hedgerows including calculated RPAs
 2. Tree retention/removal plan (finalised) which clearly shows which trees are to be retained and which trees are proposed removed.
 3. Retained trees and RPAs shown on proposed layout
 4. Strategic hard and soft landscape design, including species and location of any new tree planting
 5. Arboricultural impact assessment evaluating the extent of impact of the proposal on the existing trees

6. Tree Protection Plan superimposed on a layout plan indicating the precise location of protective barriers and specification of temporary protective barriers
7. Arboricultural method statement – heads of terms
8. Details for all special engineering within RPA and other relevant construction details

4.27 **Rights of Way Officer** reviewed the Definitive Map and confirmed that Shirland-Higham Public Footpath No.7 runs adjacent to and along the access lane to the proposed site. FP No.11 runs within the site boundaries, connecting to FP No. 17 that leads away from the western side of the site. It is difficult to see clearly if there are trodden paths on the eastern side of the site, but worth noting that any well used trodden paths on the site may have acquired rights. The Rights of Way Section has no objection to the proposals as it appears that the routes will be ultimately unaffected by the proposed works and that the applicant's intention is to increase the network of Rights of Way within the development.

I should be grateful however if you would advise the applicant as follows:

- The footpaths must remain open, unobstructed and on their precise legal alignment.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.
- The footpath width needs to be maintained at 2 metres. Any fencing needs to be installed outside of 1 metre from the precise centre of the legal line of the path.
- As the proposals would result in additional vehicular traffic using the lane down which FP No. 7 runs, there is an increased risk to path users. The Rights of Way Section requires more information regarding any measures that the applicant intends to put in place to mitigate those risks.
- Private rights must not derogate the public right to the footpath. Vehicles must give way to the public when using the right of way.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
- Finally, I would request that consideration is given to funding being provided to improve the paths linking to and surrounding the

development which will receive increased use on completion of the development.

- 4.28 **Peak and Northern Footpaths Society** raised no comments.
- 4.29 **Ramblers Association** raised no comments.
- 4.30 **Chesterfield Cycle Campaign** raised no comments.
- 4.31 **British Horse Society** raised no comments.
- 4.32 **Derbyshire Community Health Services NHS Trust** confirmed that they will not be requesting a contribution for this development as it falls under their threshold. [*Officer note: the threshold being 50 units*]
- 4.33 **County Planning Team** requested financial contributions towards education of £54,495.65 towards the provision of 3 Primary places at Stonebroom Primary and Nursery School + additional education facilities, and £224,264.56 towards the provision of 6 secondary with post16 places at David Nieper Academy + additional education facilities. A note is requested to cover the Digital Derbyshire programme towards high speed broadband. It is requested that dwellings meet national space and/or M4(2) standards to encourage independent living for all ability and mobility levels. A monitoring fee for each contribution request is also sought.
- 4.34 **Council Parks Team** The proposed development comprises of 6 two bed dwellings, 17 three bed dwellings and 7 four bed dwellings. This could attract an estimated £38,124.50 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £13,393.82. These estimates are based on the last available update (April 2022) to Appendix D of the council's Local Plan, and uses an average given the unknown size of the dwellings and is calculated based the number of dwellings being 30.
- 4.35 The Parks Team have included the above figures for new offsite provision given that the plan indicates the developer is still proposing a new on site play area, and this figure will assist in giving an idea of the value of provision that may be expected on the development site.
- 4.36 The nearest existing facilities to the proposed development is the Recreation ground/cricket ground, Birkinstyle lane, Stonebroom in which the play area is owned Shirland & Higham Parish Council and maintained by Shirland & Higham Parish Council; this may benefit from additional/replacement equipment to increase the play value to local residents. However, considering the size of this development, we might seek provision of on-site facilities in the form of Local Area for Play (LAP),

Locally Equipped Area for Play (LEAP), along with contribution to a Multi-Use Games Area (MUGA).

- 4.37 Parks would seek to be further consulted with regards the proposed provision and layout for the play area, particularly if the play area is proposed to be adopted by the District Council; I would request this consultation be made a condition of any consent.
- 4.38 If the on-site play area is proposed to be adopted by District Council, this would attract the appropriate maintenance fees. With regards the proposed on-site play area(s), consideration be given to inclusivity for disabled users. In addition to the play equipment, ancillary items (i.e. fencing, bins, benches etc) should be considered. Ideally any play areas would be separated by fencing, with a minimum two entrances, not in the direct vicinity of any pond, and not in a position overhung or overshadowed by trees. I would suggest metal equipment, but with regards any wooden equipment (if preferred by the developer as considered in-keeping with the site), even if we are not adopting the play area I would still advise the developers have equipment with metal feet, to maximise the longevity of the play equipment. I would also suggest ground conditions be taken into consideration when selecting the safety surfacing and/or surfacing between pieces of play equipment.
- 4.39 If the play area is proposed to be maintained by a Management Company, in addition to those comments, I would add:
- It should be noted that not all users of the play areas will be residents of the site, who might be expected to be aware of the details of the Management Company. I would advise clear signage be installed on the play area, in accordance with BS EN 1176-7 Sec. 8.2.4, and identifying who to contact to report any issues/damage. I would also request that the contact details for the Management Company be provided to ourselves, so that we may refer on any complaints or concerns in relation to the condition of the play area.
 - I would advise the Management Company should ensure inspections undertaken in accordance to the appropriate standards and the operative or sub-contractor undertaking said inspections is suitably trained.
- 4.40 With regards any open space(s), I would make the following comments:

If there is to be proposed to be an open space, and if this to be adopted by NEDDC, then this would be subject to the appropriate maintenance fee contained within Table 1 of Appendix D of the council's Local Plan.

If there are any open space(s) to be adopted by NEDDC then this would be subject to the appropriate maintenance fee contained within Table 1 of Appendix D of the council's Local Plan.

If the public open space(s) is to be adopted by NEDDC, then my comments would also include:

- We would seek to be consulted regarding the landscaping and planting schemes.
- We would seek further information (i.e. a tree survey) with regards condition of any existing trees to be retained.
- We would ask for details with regards the depths and gradients of the attenuation ponds (if any), to assess the suitability/accessibility for maintenance. I presume that Engineers have been consulted with regards the proposed attenuation ponds SUDS.
- We would seek assurance that the access would be appropriate and of suitable standard for the necessary maintenance equipment/vehicles.
- We would request clarification as to the ownership of any boundary hedgerows or fencing between the open space(s) and neighbouring property/private land.

4.41 **Council's Refuse Team** raised comments about refuse collection and the need to provide space for bins to be kept at each property, presented in a formal manner and there being space to turn around a refuse vehicle on site.

4.42 **Derbyshire Police (Designing Out Crime Officer)** made comments on the proposed indicative layout, with particular reference made to the relationship between the development and the public footpaths. These comments can be taken into account at the reserved matters stage.

4.43 **Cadent Gas** raised no objection subject to an informative note being included in any decision.

4.44 **Chesterfield Royal Hospital** requests £66,000 towards mitigating the impact of the proposed development.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notices adjacent to the site. A Site notice was placed adjacent to the application site on pasture Lane which expired on 11th November 2022. An advert was also placed in the local press on 3 November and expired on 24 November.

5.2 20 local residents have made representations raising the following comments objecting to the proposed development:

Highway Safety

- Pasture Lane already used by properties, farm vehicles and equestrian development.
- Pasture Lane used by walkers, dog walkers and horse riders as access to Five Pits trail
- Access onto High Street is hazardous at certain times of the day due to parked vehicles
- Poor visibility from Pasture Lane onto High Street due to parked vehicles
- Traffic survey misleading as it was inappropriately placed
- Vehicle speeds along High Street are high
- Pasture Lane only suitable for single file traffic
- Pasture Lane is un-adopted
- Development will increase pressures on the A61
- Main road through village is already very busy and can't cope with more traffic
- Access onto High Street is steep and unsafe to accommodate the proposed development
- Construction traffic will cause noise and disturbance

Sustainability

- Stonebroom has limited facilities and is a small village [*Officer note: Stonebroom is identified as a Level 2 settlement with good levels of sustainability in the Local Plan*]
- Local school is full
- Doctors surgery full and existing residents struggle to get appointments
- Design and Access Statement refers to village having a public house when it doesn't
- Area cannot take any further development

Landscape and Ecology

- Loss of important open green space
- Important habitats will be lost
- Badgers, hedgehogs, birds, kestrels, sparrow hawks, owls, newts, frogs and grass snakes use the site
- Site is a wildlife corridor

Drainage

- Site floods on a regular basis
- Existing drainage system in village can't cope with more development
- Surface water flowing onto Pasture Lane since other developments have been built has increased
- Attenuation basin will be unsafe for local children

Other matters

- Presence of Japanese Knotweed and Elodea invasive species on site
[Officer note: Can be controlled by way of condition if deemed necessary by the Councils EHO or DWT, however it is the land owners responsibility to deal with this matter]
- No affordable housing proposed
- Development will reduce enjoyment of existing homeowners
- No mention of solar energy provision or rain water harvesting
- Indicative plan shows footpath to north of site which would be harmful to existing residents and create crime issue
- Loss of privacy to existing residents on High Street
- Noise concerns from proposed development
- Light pollution from the proposed development
- Coal mining risk on site [Officer note: no objection from the Coal Authority]
- No recreation space for new residents
- Development will increase crime

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

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

SS1 Sustainable Development
SS2 Spatial Strategy and the Distribution of Development
LC1 Housing Allocations
LC2 Affordable Housing
SDC2 Trees, Woodland and Hedgerows
SDC3 Landscape Character
SDC4 Biodiversity and Geodiversity
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place making
SDC13 Environmental Quality
SDC14 Land Potentially affected by Contamination or Instability
ID1 Infrastructure Delivery and Developer Contributions
ID3 Sustainable Travel
ID8 Greenways and Public Rights of Way

National Planning Policy Framework (NPPF)

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 Local Plan policy SS1 considers sustainable development in the District and development proposals will support the local economy by contributing towards business expansion and growth; reduce the need for energy in new developments and ensure that it can use energy efficiently through the lifetime of the development; create well designed places; protect and enhance the character, quality and setting of heritage assets; and play a positive role in adapting to and mitigating the effects of climate change and take into account land stability risks and where necessary incorporate mitigation measures to address the risk.
- 7.2 Local Plan policy SS2 considers the spatial strategy and distribution of development in the District. The Local Plan seeks to focus new housing development in the four main towns and in level 2 settlements. Stonebroom is considered to be a level 2 settlement with good levels of sustainability.
- 7.3 Local Plan policy LC1 sets out housing allocations in the District. The application site is identified as an allocated site (Ref: ST1) for housing for approximately 35 dwellings. Housing allocations such as this site have been identified to deliver housing land requirements set out in policy SS2.
- 7.4 In view of the above, the principle of development is considered acceptable in this case subject to an assessment against the various strands of planning policy as outlined above.

Developer Contributions

- 7.5 Local Plan Policy ID1 states that the Council will seek to secure infrastructure and facilities required that are necessary and required for the development to proceed. Any request should be in line with the Council's Developer Contributions SPD.
- 7.6 Derbyshire County Council (DCC) made S106 contribution requests for education enhancements. This included £54,495.65 towards the provision of 3 Primary places at Stonebroom Primary and Nursery School + additional education facilities and £224,264.56 towards the provision of 6 secondary with post16 places at David Nieper Academy + additional education facilities.

- 7.7 In addition to the education request, DCC also seek a £4,000 contribution request for a Traffic Regulation Order (TRO) process and appropriate signage relating to parking restrictions along High Street.
- 7.8 A S106 request of £66,000 towards mitigating the impacts of development on the Chesterfield Royal Hospital has been made.
- 7.9 No contributions have been sought from Derbyshire Community Health Services NHS Trust, which covers local healthcare provision, due to the site being below the threshold to request contributions.
- 7.10 An off-site contribution of £38,124.50 has been requested to be spent on enhancement of the recreation ground/cricket ground at Birkinstyle lane, Stonebroom along with a £13,393.82 to cover 10 years maintenance.
- 7.11 The above items have been agreed with the developer and can be covered in a suitably worded S106 agreement.

Affordable Housing

- 7.12 Local Plan policy LC2 requires major development for housing to provide 20% affordable housing in areas of the District which are not “high value areas” as is the case in respect of this site.
- 7.13 Affordable housing is defined as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with the definitions contained in Annex 2; Glossary of the NPPF.
- 7.14 The applicant is willing to accept that 20% of the housing on site is delivered as affordable housing. This can be controlled in any S106 agreement or by way of condition.

Design/Street Scene/Landscape Considerations

- 7.15 Policy SS1 of the LP states that development proposals will “*create well designed places that are accessible, durable, adaptable and enhance local distinctiveness*” and policy SS9 does not support new housing of this nature in the countryside, further it states that “*in all cases, where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.*”
- 7.16 Local Plan policies and the NPPF consider that the design and layout of new housing development should be considered in the context of the

immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development. Specifically, Local Plan policy SDC12 seeks to ensure new development meets the highest standards of urban and architectural design, positively contributing to the quality of the local environment.

- 7.17 An indicative layout (See Figure 3 below) has been submitted along with detailed house type drawings. Concern was raised at the layout being unacceptable in design terms with a poor entrance which is dominated by car parking, houses backing onto the countryside to the south and footpath to the west is not considered to be a layout which can be supported. As such the layout is not being considered at this time and is purely indicative to illustrate that the site is capable of accommodating 30 dwellings.
- 7.18 The application site is located off Pasture Lane, which is a rough track which doubles as a public right of way. Pasture Lane leads onto High Street, the main road through the village. The character of properties in this location is mixed, with single and two storey properties. The prevailing character is red brick with some rendered properties. Traditional terrace and cottage properties are dotted along High Street.
- 7.19 It is proposed that any dwellings would be constructed from red brick and grey tiles, which would be in keeping with the character of the surrounding area.



Figure 3: Indicative layout for 30 units

- 7.20 Some concern has been raised by local residents that the proposed scheme will result in the loss of an important open space. Officers note that the site is not a public open space and is allocated for housing in the Local Plan.
- 7.21 Officers consider that a scheme could be prepared as part of any future reserved matters or full submission which could respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.

Privacy and Amenity Considerations

- 7.22 Local Plan policy SDC12 includes a requirement for new development to *“Protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts”* and to create open space which is overlooked and development which is inclusive to all.
- 7.23 The Council’s Successful Places Planning Guidance provides guidance on separation distances, gardens sizes and the general layout of development to avoid loss of privacy for existing and future residents.

- 7.24 The properties most likely to be impacted by the proposed development would be those immediately adjacent to the application site, these being properties on High Street to the north. As such the final layout of the proposed development will be considered at the reserved matters stage.
- 7.25 The proposal will lead to an increase in vehicular movements along Pasture Lane and onto High Street. Pasture Lane doubles as a public right of way and serves other properties and smallholdings to the south east. Any construction phase would be temporary and activity on site can be controlled by an hours of operation condition. The nature of the junction at Pasture Lane onto High Street will result in vehicles exiting onto High Street shining lights towards properties opposite. Whilst increasing disturbance to neighbours opposite it is not considered that this would be unduly harmful.
- 7.26 The Council's Environmental Health Officer (EHO) raised no objection to the proposed development subject to conditions limiting the hours of operation on site and the control of dust on site during the construction phase.
- 7.27 In view of the above, Officers consider that there is no reason why up to 30 dwellings cannot be accommodated on the site without giving rise to any loss of privacy and amenity. However it is noted that these details would be considered at the reserved matters stage and can be adequately controlled and assessed then.

Highway Safety Considerations

- 7.28 The application site is located off Pasture Lane, which is a rough track which currently serves a number of smallholdings, equestrian and individual dwellings. Pasture Lane doubles as a right of way and has a steep gradient leading onto High Street. Figure 4 below illustrates the view from the Pasture Lane entrance onto High Street.



Figure 4: View from Pasture Lane onto High Street

- 7.29 The proposed plan (seen in Figure 5 below) illustrate the stretch of Pasture Lane to the proposed development being upgraded and provided with suitable exit visibility onto High Street.

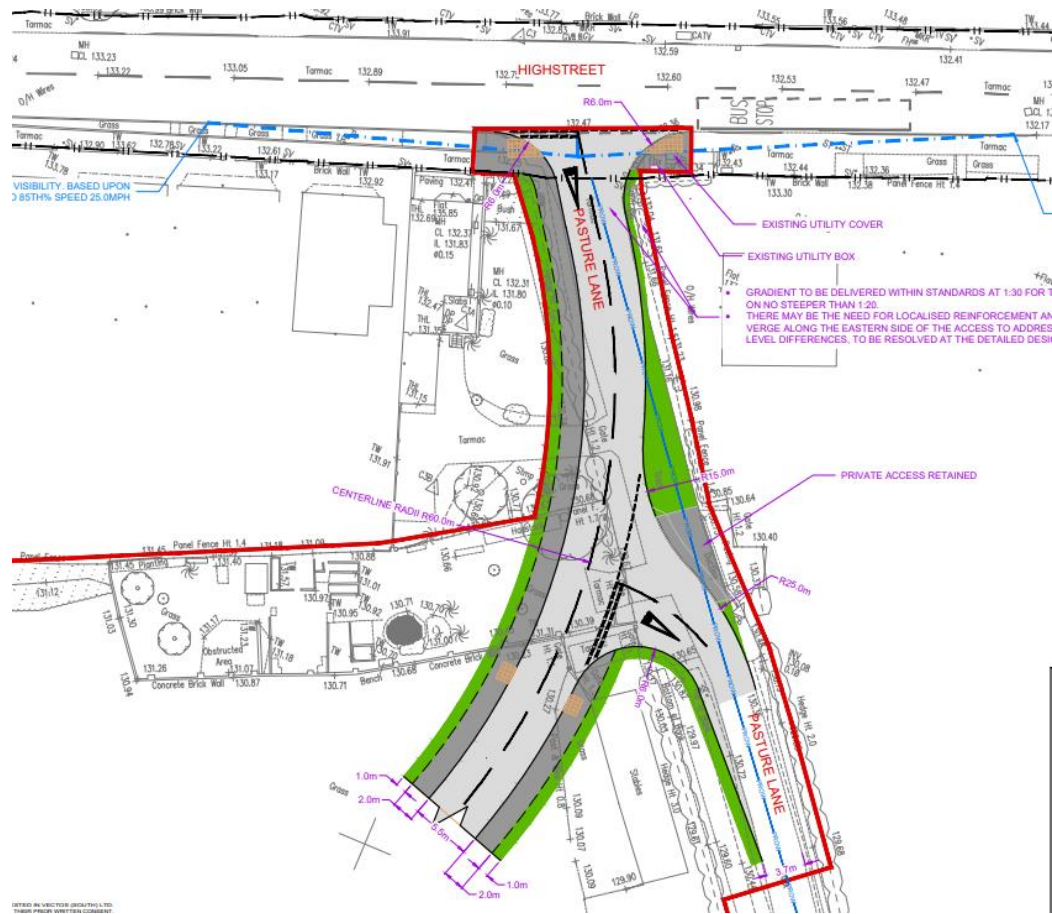


Figure 5: Extract of access arrangements

- 7.27 Pasture Lane, as seen below in Figure 6 below, is currently a rough track which will be upgraded to a width of 5.5m as seen in Figure 5 above and provided with a footpath on one side. Plans have been submitted illustrating that adequate turning can be provided to enter and exit larger vehicles into and out of the site onto High Street.



Figure 6: View along Pasture Lane towards High Street

- 7.30 The Highways Authority (HA) note that the application is in outline with only access details being considered at this stage. The internal arrangements of the development will be considered at the reserved matters stage.
- 7.31 Previous planning approvals (app ref 17/00566/OL) are noted by the HA and this proposal is relatively unchanged from that scheme previously consented. Overall the HA are satisfied that the information submitted as part of the application process relating to accident data, bus stop, parking and swept path analysis have been resolved, and the Highway Authority has no further comments.
- 7.32 The Highway Authority, in its response, raised issues of widening Pasture Lane and requested the provision of 2no 2m wide footway on either side of the access road. This matter was discussed with the DCC Implementation Team, and on reflection DCC are happy to accept 1no 2m footway on the western side of the access road as per drawing 226660-PD05 contained in the Transport Statement.
- 7.33 The HA has also sought advice from the Implementation Section in light of the applicant's response on the RSA and Road Adoption matters, and the Implementation Section has no further comments to provide. It should be

noted that RSA 2 will be required at the detailed design/reserved matters stage, and this can be included as Informative on any decision.

- 7.34 Initially the HA raised concern at the emerging visibility splays from Pasture Lane onto High Street which is obscured by parked vehicles and street furniture. The applicant has recommended that a Traffic Regulation Order (TRO) be agreed as part of the S106 process, along with appropriate signage and lining relating to parking restriction as required to address this issue. This approach is accepted by the HA subject to a £4,000 contribution towards the TRO being agreed as part of the S106 process.
- 7.35 Objections have been received from residents primarily raising concern with the proposed access from Pasture Lane onto High Street being unsafe with inadequate visibility sightlines. There is also concern at increased risk of conflict with other highway users along Pasture Lane.
- 7.36 Officers note the above comments and have to weigh the comments of the highways authority with the concerns raised by residents. Officers are of the view that subject to conditions and a potential TRO along High Street the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

Public Footpath Considerations

- 7.37 Local Plan policy ID8 seeks to protect all existing Greenways throughout the District. Development proposals will be expected to maintained or improve the permeability of the built environment and access to the countryside for all users. The proposal should not result in the deterioration of the public right of way network.
- 7.38 Pasture Lane doubles as a public right of way, as seen in Figure 7 below. Furthermore a public footpath runs along the western boundary of the site.
- 7.39 The proposed development involves improvements to the entrance to Pasture Lane which will improve the surfacing and provide a designated footpath on one side, as seen in Figure 5 above.

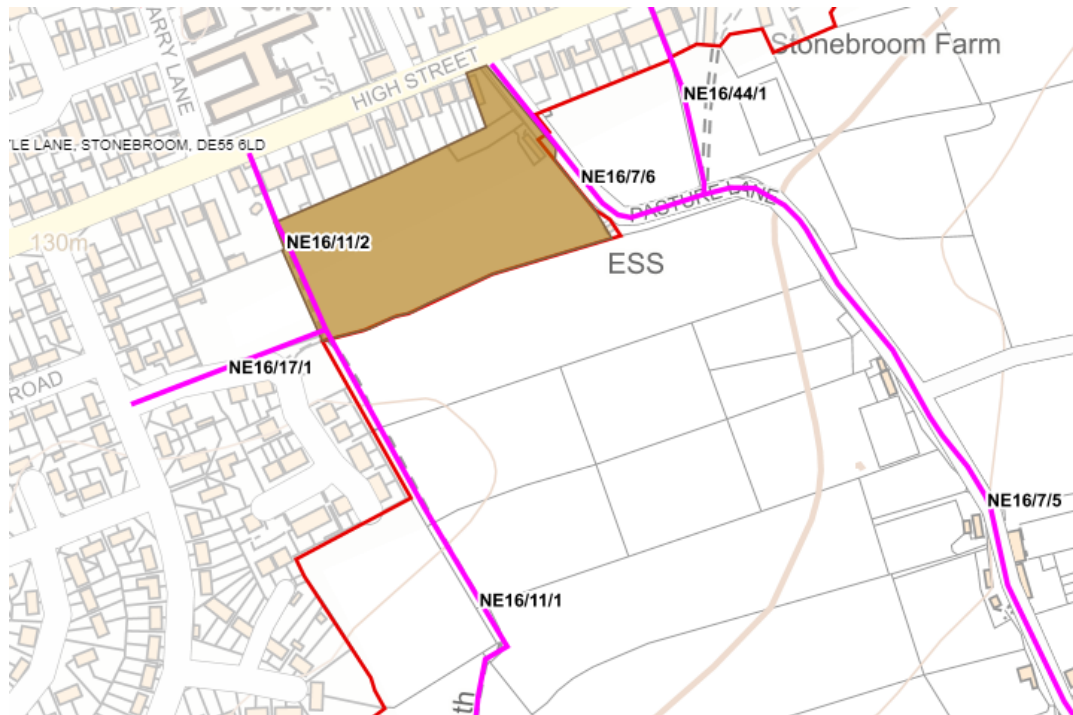


Figure 7: Local footpath network

- 7.40 Any reserved matters scheme will have to ensure that the footpath along the western boundary of the site is not negatively impacted and that the proposed development has a positive interaction with its alignment.
- 7.41 No objection has been received from the HA or any of the footpaths societies and as such it is concluded that the proposed development will maintain or improve the permeability of the built environment and access to the countryside for all users.

Drainage Considerations

- 7.42 The site falls in Flood Zone 1 with the lowest probability of flooding. A small section of the eastern part of the site is identified as at low risk of surface water flooding.
- 7.43 A Flood Risk Statement and Surface Water Management Report, prepared by Flo Consulting Engineers dated February 2023 has been submitted with the application.
- 7.44 The Lead Local Flood Authority (LLFA) raised no objections to the proposed development, subject to conditions.
- 7.45 Yorkshire Water raised no comments as it is not within their operational boundary. Severn Trent Water Authority raised no comments.
- 7.46 The Council's Drainage Engineer raised no comments.

- 7.47 Concerns have been raised by local residents in relation to the site already regularly flooding with water and there being concern surface water may flow onto Pasture Lane and onto neighbouring gardens. There were also concerns about the attenuation basin being unsafe.
- 7.48 No objection has been received from any statutory consultee and as such officers are of the view that the proposed development can be adequately drained and will not adversely affect the local environment, amenity or public health.

Land Contamination/Land Stability Considerations

- 7.49 A CON29M Non Residential Mining Report has been submitted, dated 13 March 2017 to accompany the application.
- 7.50 The Council's Environmental Health Officer (EHO) has raised no objections to the proposal subject to conditions covering air quality and hours of operation during the construction phase. No comments were received in relation to land contamination.
- 7.51 The Coal Authority (CA) reviewed the submitted details and confirmed that part of the application site falls within the defined Development High Risk Area. No objection is made by the CA subject to the inclusion of an informative note being included on any decision.
- 7.52 Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.53 A revised Preliminary Ecological Appraisal (PEA), Biological Impact Assessment and DEFRA Metric 3.1 has been submitted to accompany the application.
- 7.54 DWT considered the submitted reports and considered that a Reptile Mitigation Strategy was required setting out methods for site clearance, including best practice for the removal of the on-site pond. It will also advise on habitat creation.
- 7.55 The Biological Impact Assessment comprises details of the biodiversity net gain assessment undertaken on site. Recommendations have been made as to how good quality landscaping within the current proposed indicative layout could be achieved. No detailed plans are available at this outline stage and this will need to be finalised at the reserved matters stage.

- 7.56 As a result of the conclusions of the submitted report and the comments of DWT, Officers conclude that, subject to conditions, the proposed development would provide a net gain for biodiversity. Furthermore, development would not have an adverse impact on any formally protected species. Whilst some commentary is made by DWT in relation to hedgerow retention, tree planting and enhancing grassland on site the scheme is in outline with all matters other than access reserved. No objection or concern has been raised by DWT as to whether the site can achieve a net gain for biodiversity.
- 7.57 Concern is raised at the impact of the proposed development on important habitats, wildlife and be detrimental to a wildlife corridor. Officers note that the site is a paddock and the proposed development will be required to make a biodiversity net gain and no objection has been raised by DWT as to the importance of the site for wildlife.
- 7.58 In view of the above, officers are minded to conclude that a future reserved matters scheme can overcome the concerns outlined by DWT and subject to conditions there would be no technical ecological reasons to refuse the outline application.

Other Considerations

- 7.59 The Council's Economic Development Unit, Employment and Skills Officer requested that a training and employment condition be included in any decision. The Council has a Working Communities Strategy which seeks to enhance employment, training and skills within the community. As such Officers consider that this condition should be included in any decision.
- 7.60 No reference is made in the proposed development to the provision of alternative methods of energy generation. Officers consider that these matters can be considered at the reserved matters stage and controlled if necessary by way of condition.
- 7.61 Concern is raised to the presence of Japanese Knotweed on site. Left untreated this could extend into neighbouring residents gardens, as such developing the site would offer an opportunity to control its spread and would clearly be a benefit to the site. No comments have been received from the Council's EHO or DWT to the control of knotweed and, as such, officers are of the view that a note be included on any decision reminding the developer of their responsibility to deal with any on site Japanese Knotweed infestation.

8.0 Summary and Conclusion

- 8.1 The application site is an allocated site within the Local Plan which is expected to support residential development of approximately 35 dwellings. This weighs heavily in the planning balance.
- 8.2 The proposal will make contributions towards education, a TRO on High Street, health contributions at Chesterfield Royal Hospital and recreation and open space enhancements.
- 8.3 20% of housing on site will be affordable housing which is in accordance with policy LC2 of the Local Plan.
- 8.4 Matters relating to design, including the provision of sustainable energy generation, and the impact on the privacy and amenity of neighbouring residents and land uses will be considered at any future reserved matter stage.
- 8.5 The proposed development includes details of how access arrangements will be provided to the site from High Street along Pasture Lane. No objection has been raised by DCC Highways Authority, subject to a potential TRO along High Street, and as such officers have no reason to conclude that the proposed development would lead to an unacceptable impact on highway safety or the residual cumulative impact on the wider road network being severe.
- 8.6 Footpaths adjacent to the site and along Pasture Lane can be safeguarded and, where necessary, enhanced as a result of the proposed development. Officers therefore consider that the proposal offers an opportunity to safeguard and enhance the footpaths in this location.
- 8.7 Technical matters such as site drainage, land stability, land contamination, Japanese Knotweed and ecology can be addressed by suitably worded conditions or informative notes.
- 8.8 Overall, Officers conclude that the development is in accordance with the policies (and land allocation) contained in the Local Plan. The application should be determined in accord with it unless material matters suggest otherwise.
- 8.9 No evidence has been brought forward to counter the technical advice of consultees and all technical matters can be addressed by way of condition.
- 8.10 Accordingly, there are not considered any matters to outweigh the predominance of the Development Plan and so the proposal is recommended for approval subject to the prior completion of a legal agreement and conditions.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED** subject to the prior agreement of **S106 Agreement to include the issues as set out above and to provide for 20% affordable housing**, with the final wording of the conditions and section 106 agreement delegated to the Planning Manager (Development Management):-

Conditions

- 1) Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.

[Reason: To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990.]

- 2) Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is started.

[Reason: The application is in outline only and not accompanied by detailed plans.]

- 3) Unless otherwise required by any condition contained in this decision notice the development hereby permitted shall be carried out in accordance with the details shown in the following plans:

- 226660-PD05 (Proposed Site Access (Pasture Lane) General Arrangement and Visibility Splay
- A1L (Location Plan)

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

Affordable Housing

- 4) Before development commences, a scheme for the provision of 20% affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in full in accordance with the approved scheme and shall meet the definition of affordable housing in the Glossary of the National Planning

Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. Detailed breakdown of the tenure of all the units (by plot number);
- ii. The arrangements for managing the affordable housing units by the RSL;
- iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

[Reason: To comply with policy LC3 of the North East Derbyshire Local Plan.]

Construction Details

- 5) Before development commences, details of the existing ground levels, proposed finished floor levels of the extension and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[Reason: In the interest of the character and appearance of the site and the surrounding scenic countryside setting.]

Landscaping

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

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

Employment

- 7) Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the

Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

[Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan and in the interest of the overarching aims of the Council.]

Public Art

- 8) Before above ground work commences, a scheme for the provision of public art on the site including a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter.

[Reason: In the interests of providing public art.]

Climate Change

- 9) The details to be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters shall include a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy, policies SS1 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework.]

Environmental Health

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

[Reason: in the interest of the amenity of neighbouring residents and air quality.]

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

and 07.30 to 13:00 on Saturdays. There shall be no work undertaken on site or deliveries to the site on Sundays or bank/public holidays.

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

Land Contamination

- 12) If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment (given any previous desk study, site investigation and/or remediation work), works shall cease and remediation proposals for the material shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the remediation works shall be implemented in full and works recommenced.

[Reason: To protect the environment and address any contamination issues.]

Ecology

- 13) Prior to the commencement of works (including clearance of grassland, refugia piles, hedgerow and scrub, groundworks or the introduction of machinery / materials to site) a Reptile Mitigation Strategy shall be submitted to the LPA to safeguard slow worm, grass snake and common amphibians, along with any other reptiles or amphibians encountered. This shall include reasonable avoidance measures and seasonal timings for habitat clearance. It shall specifically include a protocol for removal of the existing onsite pond. Instructions will be provided in the event any individuals are discovered. The Strategy shall also outline habitat creation onsite and detail opportunities for enhancements for reptiles. The Reptile Mitigation Strategy shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.

[Reason: In the interest of protecting reptiles. All in the interests of policy SDC4 of the North East Derbyshire Local Plan.]

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

[Reason: In the interest of protecting nesting birds. All in the interests of policy SDC4 of the North East Derbyshire Local Plan.]

15) A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post-development. Proposals shall achieve a net biodiversity gain and an up-to-date DEFRA metric shall be submitted with the final site layout and landscaping, for written agreement by the LPA. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- k) Detailed specifications for open water habitats to provide biodiversity benefits.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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

Drainage

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

- a. Flood Risk Statement and Surface Water Management Report, Issue Date: 28th February 2023, Revision C prepared by Mr Mark Symonds “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”;
- b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),

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

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

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

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

18) The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line

with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

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

- 19) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

[Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.]

Highway Safety

- 20) Before any other operations are commenced (excluding demolition/site clearance) a temporary access for construction purposes shall be formed 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 free from any impediment to its designated use.
- 21) Before any other operations are commenced, a construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The agreed plan/statement shall be adhered to throughout the construction period. The construction method statement shall provide information about the storage of plant and materials, wheel washing facility, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles during the construction period.
- 22) Before any other operations are commenced excluding conditions 1 and 2, a new permanent vehicular access shall be created to in accordance with the application drawing 226660-PD05, laid out,

constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

- 23) Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority.
- 24) The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking, loading and unloading, 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.
- 25) No part of the development shall be occupied until details of arrangements of the storage of refuse bins and collection of waste 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 facilities retained for their designated purposes at all times thereafter.
- 26) Prior to any works exceeding demolition and site clearance, construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- 27) Before any other operations are commenced excluding conditions 20 and 21 above, the internal layout/internal design of the roads needs to be agreed as part of a subsequent Reserved Matters applications. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage proposal, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross-corner visibility, forward visibility, pedestrian visibility etc. should be provided, all in accordance with

current guidance in a manner be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

[Reasons: In the interest of highway safety, all in accordance with Policies ID3 of the North East Derbyshire Local Plan.]

Informatives:

- a) DISCON
- b) NMA
- c) LLFA Advisory/Informative Notes. As per letter dated 12 April 2023.
- d) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority.

SUDs

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

- e) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent

assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- f) Japanese Knotweed – The applicant should note that if invasive non-native plants are found on the development site, you must stop them from spreading and causing a nuisance or damage to other land or property. If you do not, you could be responsible for any damage they cause and may be prosecuted. For further information on this matter please visit <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>. Contact the Environment Agency if you want to:
- find out when you need a waste licence to dispose of waste;
 - complain about waste producers passing Japanese knotweed waste to waste carriers without telling them what it is.

For General enquiries contact:
National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY

Email enquiries@environment-agency.gov.uk

Telephone 03708 506 506 (Monday to Friday, 8am to 6pm.)

- g) Ecological support - Please Derbyshire Wildlife Trust planning pages at <https://www.derbyshirewildlifetrust.org.uk/planning> for ecological advice on submitting a planning application, finding an ecological consultant and information on mitigation and enhancement.
- h) The application site is affected by a Public Right of Way (Footpath 07 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information

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

- i) Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing development.implementation@derbyshire.gov.uk in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- j) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing development.implementation@derbyshire.gov.uk in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- k) Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
- l) Pursuant to Section 163 of the Highways Act 1980, where the site curtilages slopes down towards the public highway/new estate street, measures shall be taken to ensure that surface water run-off from

within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

- m) Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- n) Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
- o) The footpaths must remain open, unobstructed and on their precise legal alignment.
 - There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
 - There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.
 - The footpath width needs to be maintained at 2 metres. Any fencing needs to be installed outside of 1 metre from the precise centre of the legal line of the path.
 - As the proposals would result in additional vehicular traffic using the lane down which FP No. 7 runs, there is an increased risk to path users. The Rights of Way Section requires more information regarding any measures that the applicant intends to put in place to mitigate those risks.
 - Private rights must not derogate the public right to the footpath. Vehicles must give way to the public when using the right of way.
 - Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
 - Finally, I would request that consideration is given to funding being provided to improve the paths linking to and surrounding the development which will receive increased use on completion of the development.
- p) The applicant should note the comments of the Councils Tree Officer dated 16 November 2022, particularly the officer recommends that to safeguard existing trees and hedges around the perimeter of the site,

any future reserved matters application includes the following in accordance with BS5837:2012:

1. Tree survey to identify the quantity and value of existing trees and hedgerows including calculated RPAs
2. Tree retention/removal plan (finalised) which clearly shows which trees are to be retained and which trees are proposed removed.
3. Retained trees and RPAs shown on proposed layout
4. Strategic hard and soft landscape design, including species and location of any new tree planting
5. Arboricultural impact assessment evaluating the extent of impact of the proposal on the existing trees
6. Tree Protection Plan superimposed on a layout plan indicating the precise location of protective barriers and specification of temporary protective barriers
7. Arboricultural method statement – heads of terms
8. Details for all special engineering within RPA and other relevant construction details

- q) The applicant should note that Derbyshire County Council (DCC) operate the Digital Derbyshire Programme which helps provide access to high speed broadband services for residential and business users. You are encouraged to make enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable. More information on how to incorporate broadband services as part of the design of new development is available by following the link below: <https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>.
- r) Provision of bins