

## PLANNING COMMITTEE – 14<sup>th</sup> May 2024

**Reference Number:** 23/00189/FL

**Application expiry:** 17/05/24

**Application Type:** Full

**Proposal Description:** Residential development of former DCC Highways storage depot to erect 5 detached two storey dwellings and creation of new access (Amended Plans)

**At:** Highways Storage Lane, Chesterfield Road, Grassmoor

**For:** DC Homes Limited

**Third Party Reps:** 5 objections

**Parish:** Grassmoor, Hasland & Winsick

**Ward:** Grassmoor

**Report Author:** Graeme Cooper

**Date of Report:** April 2024

**MAIN RECOMMENDATION:** Grant permission, subject to conditions

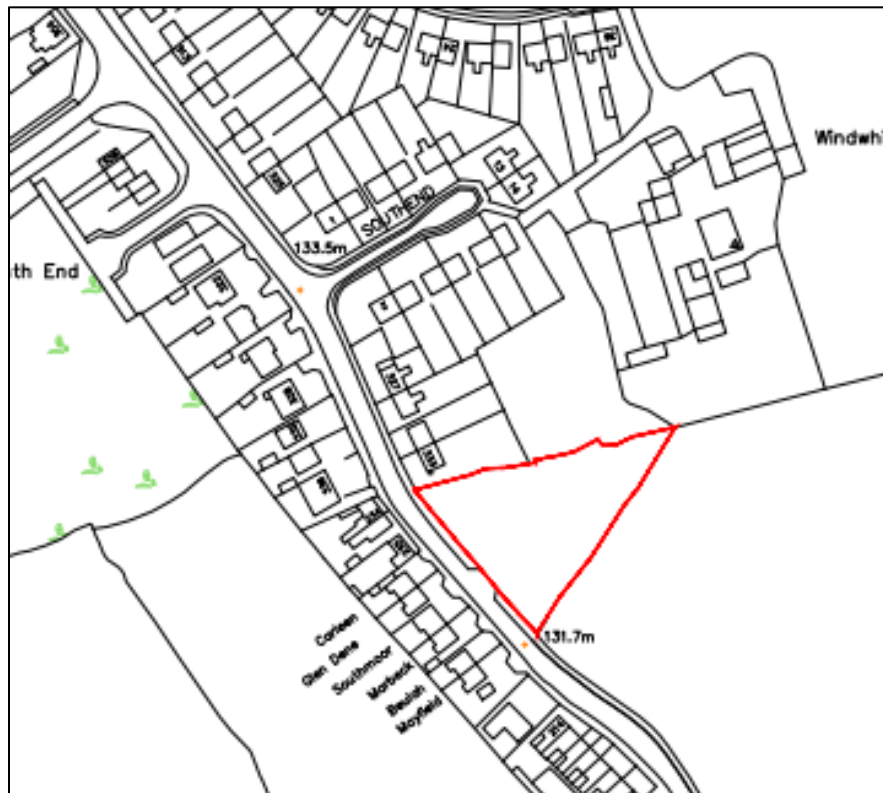


Figure 1: Location plan, with site edged in red

## **1.0 Reason for Report**

- 1.1 Cllr Cupit requested that this application be considered by Planning Committee due to concerns regarding the potential highways issues in this area along with the scale and density of the proposals.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site is a triangular shaped site fronting onto Chesterfield Road. Its previous use was a Highways Storage Depot for Derbyshire County Council (DCC). The site has been disused for some time and had become overgrown, but has now been cleared of nearly all vegetation, with the exception of some trees along the eastern boundary and fronting Chesterfield Road.
- 2.2 The site rises from Chesterfield Road into the north east corner. Properties to the north sit adjacent to the application site and the northern boundary is a mix of low brick wall and timber fencing. To the east are open agricultural fields, with the boundary made up of a hedgerow and self-set trees. Opposite the site are existing properties fronting Chesterfield Road.
- 2.3 The site is within the Settlement Development Limit of Grassmoor.

### **Proposal**

- 2.4 This application is for 5 large detached dwellings fronting onto Chesterfield Road. Initial proposals illustrated 5 large dwellings, with one fronting Chesterfield Road and the others backing onto countryside to the south.
- 2.5 A Design and Access Statement, Coal Mining Risk Assessment, Flood Risk Assessment and Biodiversity Reports have been submitted for consideration.

### **Amendments**

- 2.6 Following concerns raised by Officers to the overall layout, design of the proposed dwellings and impact on highway safety amended plans were submitted for consideration.
- 2.7 An amended scheme was submitted which included 4 detached properties fronting directly onto Chesterfield Road, with access to the rear of the site taken from the southern corner of the site. A further dwelling is proposed to the rear of the site and parking for all properties is formed around a turning

area. 2 visitor spaces are proposed parallel to the site access. Pedestrian access to the properties fronting Chesterfield Road would be provided.

- 2.8 Following additional comments from the Highways Authority a further amended plan, drawing PL\_01 Rev F was submitted to ensure that the visibility splays from the site were included in the applicant's land ownership. The latest amended layout can be seen in Figure 2 below.



Figure 2: Extract of proposed site layout (taken from drawing PL\_01 Rev F)

### 3.0 Relevant Planning History (not the full site history)

- 3.1 20/00198/OL - Application with all matters reserved for outline permission to construct eight houses (Withdrawn)

### 4.0 Consultation Responses

- 4.1 **Parish Council** wish to object to this application on the following grounds:

“The land itself and North Wingfield Road adjacent to the proposed development are areas that are prone to flooding and the development will

only make this issue worse in the future. The highways access to the site is on to a busy main road and the Parish Council consider given its position, that this would be dangerous and unsafe.”

- 4.2 The **Parish Council** were re-consulted on amended plans and made the following objection:

*“The Parish Council wishes to object to the above application on the following grounds:*

*The site is on a busy main road and also on a bend where visibility is poor. The Parish Council is concerned that there would be a high risk of a serious accident should the application be approved.*

*The stretch of road adjacent to the site is prone to flooding. The Parish Council is concerned that the development will only make this problem worse and potentially put houses on the opposite side of the road in danger of being flooded. As mentioned above, the site is on a main road and if more standing water is on the road, this increases the risk of serious accidents.”*

- 4.3 **Ward Member** Cllr Cupit raised concern regarding the potential highways issues in this area along with the scale and density of the proposals. It is requested that the application be considered by planning committee.

- 4.4 **Highways Authority** (HA) raised the following comments to the original and amended scheme.

*Comments 18/04/23*

The Proposed Site Plan illustrates the creation of new vehicular access via North Wingfield Road, which is subject to a 30mph speed limit. Drawing No. PL\_01 Rev A demonstrates an access width of 5m which is in accordance with the Delivering Streets and Places Design Guide (DSPDG) for a development of this scale.

The applicant has attempted to demonstrate vehicular visibility splays of 2.4m x 43m on the proposed site plan. However these have been drawn incorrectly and therefore a revised plan should be submitted which demonstrates vehicular visibility splays at a setback distance of 2.4m (measured along the centre-line of the access) back from the near edge of the carriageway to a point offset a maximum of 1m into the carriageway.

Additionally an independent Stage 1 Road Safety Assessment (RSA) with a designers response should also be submitted.

The HA have reviewed parking provision on Drawing No. PL\_01 Rev A and it is currently unclear how many parking spaces are allocated to each

dwelling in particular for plots 2/3. Considering the proposed development is for five 4-bed dwellings, in accordance with Part 4 of the DSPDG each dwelling should have a minimum of three parking spaces. Minimum parking size dimensions of 2.4m x 5.5m, with an additional 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, 1m if bounded on both sides.

Consequently, until the above is addressed the HA is unable to determine if the development proposal is acceptable in highway terms.

4.5 *Comments 19/09/23*

The HA note the revised access position, which is illustrated on the Proposed Site Plan. Drawing No. PL\_01 Rev D demonstrates an access width of 4.75m, which is in accordance with the Delivering Streets and Places Design Guide (DSPDG) for a development of this scale. The applicant has illustrated vehicular visibility splays of 2.4m x 43m on the proposed site plan. However the visibility splay to the south appears to be impeded by third party land as shown on the image (taken from proposed site plan) on the right. Additionally an independent Stage 1 Road Safety Assessment (RSA) has been submitted, which has also raised the visibility splay to the South as a problem. The applicant is advised visibility splays must remain within the applicant's land and highway land; they cannot encroach into third party land. As such the applicant may wish to shift the access further North to achieve the required visibility splays. Given the quantum of development the proposed parking is acceptable and in accordance with the Delivering Streets and Places Design Guide (DSPDG). The HA is satisfied that the site affords sufficient turning facilities in order to enable vehicles to enter and exit the site in a forward gear. An updated site plan is therefore requested.

4.6 *Comments 02/11/23*

Requested updated plans indicating the visibility splay from the site being included in land under the applicants control.

4.7 *Comments 30/01/24*

Following the submission of additional information the HA notes that the applicant has illustrated vehicular visibility splays of 2.4m x 43m on the proposed site plan (Rev F), which are in accordance with the Delivering Streets and Places Design Guide (DSPDG). As such the HA has no objection to the proposed development subject to conditions relating to the provision of access, parking and turning in line with the approved plans, adequate vehicle and pedestrian visibility splays being provided onto Chesterfield Road, and a condition requiring the submission of a construction management plan before development commences.

- 4.8 **Environmental Health (EHO)** raised no objection subject to conditions covering land contamination and hours of construction due to proximity to existing residential development.
- 4.9 **The Coal Authority** raised no objection subject to the imposition of conditions relating to past coal mining activity.
- 4.10 **Derbyshire Wildlife Trust (DWT)**  
*Comments 31/05/23*  
DWT advise that a Preliminary Ecological Appraisal (PEA) should be completed to provide up to date information about the site, including the habitats and species it supports. The field survey work should be undertaken by a suitably qualified and experienced ecologist and be supported by a desk study, which includes obtaining existing records from the local record centre. The format and content of the ecology report should follow current guidelines (CIEEM, 2019 and British Standard BS:42020: 2013). To be sufficient for planning purposes, the report should provide an assessment of impacts, along with details of agreed mitigation and compensation measures (not recommendations). It should also provide details of enhancement opportunities and explain how the development will result in a measurable net gain for biodiversity, in line with guidance within the NPPF 2021. We would be happy to comment on the ecological survey report once it has been produced.
- 4.11 *Comments 16/08/23*  
DWT reviewed the submitted PEA, prepared by Elite Ecology dated March 2023. The report confirms the site was cleared since the 2019 survey which found the site to be of a low value habitat. DWT would typically advise that the baseline for biodiversity net gain is calculated using the previous data, in this case, we do not have an objection to using the current baseline. A metric should be completed for the site to demonstrate that a gain can be achieved, in line with local and national policy.
- 4.12 The PEA makes contradicting statements about suitability for reptiles and whether further survey is necessary. We believe that the recommendation for survey may be an error from when the site supported more suitable habitats. We do not consider that reptile presence/absence survey is necessary but rather recommend that a best practice approach is taken to removal of the brush pile and any other habitat features. This can be secured via condition, along with species enhancements.
- 4.13 *Comments 10/04/24*  
DWT reviewed the submitted Small Sites Metric, Biodiversity Impact Assessment (BIA) and BNG Statement. It is noted a net loss of 0.3 habitat units is predicted. DWT also note that additional wildlife features will be provided within the proposal.

- 4.14 The BIA sets out the options to secure the additional units required to achieve a gain and states that two are currently being explored (these are assessed in more detail below). Given that there is a reasonable level of confidence that a net gain can be achieved, DWT consider it acceptable to secure this via a suitably worded condition. Any offsite gain will have to be secured by way of a legal agreement. Given the limited extent of onsite gains, a detailed Landscape Plan including management prescriptions would be suitable and subject to conditions relating to BNG provision, nesting birds, site clearance methods and species enhancement DWT have no objection to the proposal.
- 4.15 **NEDDC Streetscene** raised no comments.
- 4.16 **Lead Local Flood Authority (LLFA)** initially noted that the proposal is a minor application and as such no formal comments are made. However a number of advisory/informative notes are recommended for inclusion on any decision issued by the LPA. However given the site specific conditions further comments were requested.
- 4.17 *Comments 12/04/24*  
The LLFA reviewed the submitted details and raised a number of questions relating to the FRA, proposed outfall from site, the expected surface water discharge rate, existing surface water discharge rate, clarity on the drainage calculations and if there will be an increase in the impermeable area on site.
- 4.18 Following the submission of additional drainage information on 23/04/24 the LLFA were reconsulted and raised no objection to the proposed development subject to conditions.
- 4.19 **Yorkshire Water Authority (YWA)** raised no comments.
- 4.20 **Council's Drainage Engineer** was consulted on the proposed development and understands the concerns regarding flooding to this area but realistically the development will be reducing the amount of surface water runoff onto the highway and the issue with highway flooding isn't the applicants to deal with. The officer reiterates the comments of the LLFA and as long as the developer demonstrates the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753<sup>1</sup> we have no reason to object.
- 4.21 **Forward Planning and Development Team** raised no comments.

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<sup>1</sup> [The SuDS Manual \(unisd.org\)](https://www.unisd.org/)

4.22 **Derbyshire Swift Conservation Project** note that the submitted Preliminary Ecological Appraisal (PEA) omits any recommendation for biodiversity enhancements in the form of integrated nest bricks despite best-practice guidance stating that ecological enhancement for declining urban bird species should take the form of Swift bricks integrated into the façade.

4.23 Integrated nest bricks are preferable to external nest boxes as they become a permanent feature of the building, require zero maintenance, are aesthetically integrated with the design of the building, are less vulnerable to vandalism and have better thermal regulation with future climate change in mind. Additionally, such bricks are considered a universal nest brick for urban bird species, including red-listed species such as Common Swift, House Sparrow, House Martin, and Starling.

## 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 Chesterfield Road which expired on 7<sup>th</sup> April 2023. The application was on the weekly list which expired on 10<sup>th</sup> April. Amended plans were submitted and consultees re-consulted for 14 days. This consultation period ended on 12<sup>th</sup> July 2023.

5.2 Five objections have been received from a single resident making the following comments objecting to the proposed development:

- Negative impact on the mature trees
- Site cleared having detrimental impact on ecological features
- Negative impact of proposal on wildlife
- Water run-off onto Chesterfield Road could cause localised flooding
- Standing water on Chesterfield Road is a regular occurrence
- New home owners could be stranded if flooding occurs again
- Proposed development would make flooding issues on Chesterfield Road even worse
- Chesterfield Road in this location is a chicane and potentially unsafe for vehicles exiting the site
- Poor visibility onto Chesterfield Road from the site
- Further housing in Grassmoor unnecessary
- Scheme does not include any affordable housing [*Officer note: there is no requirement contained in National and Local planning policies requiring development of this scale to provide affordable housing*]
- Strain on local amenities, such as doctors and schools.



## **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
- SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
- LC4 Type and Mix of Housing
- SDC2 Trees, Woodlands and Hedgerows
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making
- SDC14 Land potentially affected by Contamination or Instability
- ID3 Sustainable Travel

### **National Planning Policy Framework (NPPF)**

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

### **Other Material Planning Considerations**

6.3 Successful Places Interim Planning Guidance, adopted December 2013.

## **7.0 Planning Issues**

### **Principle of Development**

7.1 The application site is a former County Council Depot within the Settlement Development Limit of Grassmoor.

7.2 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.

- 7.3 Local Plan policy SS7 states that all development proposals on sites within Settlement Development Limits that are not allocated in the Local Plan or in a Neighbourhood Plan, will be permitted, provided that the proposed development:
- a. Is appropriate in scale, design and location to the character and function of the settlement; and
  - b. Does not result in the loss of a valued facility or service unless it can be demonstrated that it is no longer viable, or is not the subject of a Community Right to Bid; and
  - c. Is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and
  - d. Accords with other policies of the Plan.
- 7.4 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.

### **Design/Street Scene/Landscape Considerations**

- 7.5 Policy SS1 of the LP states that development proposals will “*create well designed places that are accessible, durable, adaptable and enhance local distinctiveness*”.
- 7.6 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.
- 7.7 The application site is located in the Settlement Development Limit for Grassmoor and is a former county highways depot and has become overgrown. Existing residential development sits to the north west and south west of the site.
- 7.8 The immediate street scene in this location is a mix of detached houses and bungalows to the west, semi-detached properties to the north west and hipped roofed semi-detached properties opposite. To the south east is also a row of terraced properties. There is also a mix of red brick and rendered properties.
- 7.9 The latest amended layout as seen in Figure 2 above illustrates 5 dwellings on a triangular shaped site on the edge of Grassmoor. The proposed

dwellings will be 3, 4 and 5 bed, two storey dwellings. A red brick finish, with soldier course detailing and grey roof tile is illustrated, details of which can be controlled by condition.

- 7.10 Access is taken from Chesterfield Road and will serve all 5 dwellings, with parking provided to the rear of the site. 4 properties will front onto Chesterfield Road and have a pedestrian access only. Figure 3 below illustrates the proposed street scene view from Chesterfield Road.



STREET SCENE ELEVATION SCALE: 1:100

Figure 3: Proposed street scene view

- 7.11 The site slopes from the rear down to Chesterfield Road, with properties on a new development to the north positioned in an elevated position to this site. An indicative levels plan (see Figure 4 below) has been submitted showing the changes in levels across the site. Full levels details will need to be submitted to and approved by the Local Planning Authority, this can be controlled by way of condition.



Figure 4: Indicative site levels

- 7.12 The submitted plans illustrate a low brick boundary wall fronting Chesterfield Road and a feature wall, brick piers and infill timber to the side of the access road into the site. A 1.8m high timber fencing will frame the rear gardens of the properties. No specific boundary treatment details have been submitted between the application site and No.333 to the north, and as such full boundary treatment details will need to be submitted at a later date. This matter can be addressed by way of condition.
- 7.13 Landscaping details submitted with the application are limited to the retention of trees and hedgerow along the south eastern boundary of the site. A single tree fronting the site will have to be removed to accommodate the development. It is considered that there is sufficient space within the site to accommodate some native landscaping, details of which can be controlled by condition.

- 7.14 Access into the site is by a private tarmac drive which leads to a turning point and a number of parking spaces, including two parallel parking spaces on the access road. The submitted details are unclear how these will be surfaced and as such it is considered necessary to require these details are controlled by a condition.
- 7.15 Overall officers consider that, subject to conditions, the proposed development would be of a design and layout which would be in keeping with the surrounding street scene.

### **Privacy and Amenity Considerations**

- 7.16 The nearest residential properties are those to the north and opposite the site on Chesterfield Road.
- 7.17 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.
- 7.18 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.
- 7.19 The proposal is now for 5 detached dwellings, with 4 fronting onto Chesterfield Road and the other set to the rear of the site. All dwellings will be accessed via a single point of access in the southern corner of the site. Parking is provided to the rear of the site, with properties fronting Chesterfield Road having a direct pedestrian access.
- 7.20 No.333 Chesterfield Road sits to the north west of the site, sits side onto the application site and has a blank side elevation. The primary view from this property is onto Chesterfield Road and to the east into their own private rear garden. The boundary between this property and the application site is made up of a low brick wall and will need enhancing. No details have been submitted but these details can be covered by way of condition. The separation between the proposed development and No.333 is considered acceptable. The proposed dwelling in this position has one side facing ground floor window which will serve a utility room. Rear facing upper floor windows will have angled views into the far extent of the garden to No.333 and back towards No.27 and 29 Farmhouse Way. The properties on Farmhouse Way are in excess of 21m away and as such it is considered by officers that this relationship would be acceptable.

- 7.21 The other properties to the north of the application site which could be impacted by the proposed development are numbers 27 and 29 Farmhouse Way. These properties are set up higher than the application site. The proposed dwelling which would be sited to the rear of the application site includes no upper floor side facing windows which would face towards these properties. Furthermore rear facing windows proposed in the dwelling to the rear of the site would face into its own rear garden. Any elevated views from upper floor windows would face into a front parking area associated with numbers 25 and 27, officers consider this relationship acceptable.
- 7.22 The proposed dwellings fronting Chesterfield Road will be set back approx. 24m from properties opposite, which accords with the separation distances contained in the Council's Successful Places Interim Planning Guidance.
- 7.23 The proposed access onto Chesterfield Road is located in a similar position to the existing access. Properties opposite are likely to have some disturbance from the comings and goings of vehicles into the application site, however given the scale of development officers do not consider that this would be harmful.
- 7.24 Internally, the proposed development includes a row of 4 dwellings fronting Chesterfield Road and another to the rear of the site, these are set approx. 26m apart. Due to the levels on site the dwelling to the rear of the site will be in an elevated position compared to those fronting the site, however the minimum separation distance being 21m as set out in the Council's Successful Places Interim Planning Guidance. As such, it is considered that the layout to be acceptable in privacy and amenity terms.
- 7.25 The proposed dwellings are a mix of 3, 4 and 5 bedroom properties. The Council's Successful Places Interim Planning Guidance requires 3 bed dwellings to be provided with 70sqm of private amenity space and 4+ bedroom dwellings with 90sqm. 4 properties appear to comfortably meet this guidance, with a single dwelling having approx. 80sqm of private outdoor amenity space. Whilst this falls just marginally short of the required 90sqm, officers note that not all residents desire large gardens and it is not considered a strong enough reason to refuse the proposed development on this matter alone.
- 7.26 In view of the above, Officers consider that the proposed development would protect the privacy and amenity of existing occupiers and create a good quality of privacy and amenity for future occupants.

## Highway Safety Considerations

- 7.27 The proposal is for 5 dwellings with a single point of access from Chesterfield Road. Within the site 14 car park spaces are proposed and the dwelling to the rear of the site will have an integral garage measuring 3m x 5.5m. Two additional informal parallel parking spaces are provided adjacent to the access road and a turning area is also provided within the site to allow vehicles to turn around and exit the site in a forward gear. No information is provided as to how refuse bins will be presented, but this matter can be addressed by way of condition.
- 7.28 Officers note the concerns of residents regarding the nature of Chesterfield Road in this location and the visibility from the application site.
- 7.29 The Highways Authority (HA) have noted the latest amended plans and that vehicular visibility splays of 2.4m x 43m are now achievable onto Chesterfield Road in line with the Delivering Streets and Places Design Guide (DSPDG). Subject to conditions, no objection is raised to the proposed development.
- 7.30 Officers note the above comments and have to weigh the comments of the HA with the concerns raised by residents. The applicant has confirmed safe visibility splays from the site can be achieved and Officers are of the view that an acceptable refuse collection scheme can be controlled by way of condition.
- 7.31 Overall officers conclude that, subject to conditions, 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.

## Drainage Considerations

- 7.32 The site falls in Flood Zone 1 with the lowest probability of flooding. A small area to the south of the application site is identified as at low risk of surface water flooding.
- 7.33 Guidance on Gov.uk<sup>2</sup> confirms the site is in Flood Zone 1 and part of the site frontage is at a low risk of surface water flooding (see Figure 5 below). Based on the site being at risk in the southern corner from surface water flooding and the proposed development would change its vulnerability classification it is considered that a Flood Risk Assessment (FRA) is required.

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<sup>2</sup> [Flood risk information for this location - Flood map for planning - GOV.UK \(flood-map-for-planning.service.gov.uk\)](https://www.gov.uk/guidance/flood-risk-information-for-planning)



Figure 5: Extent of low risk of surface water flooding on Chesterfield Road

- 7.34 A FRA, prepared by Botham’s Architectural Design has been submitted and considers potential flood risk on and adjacent to the site. The FRA accepts the risk of historical surface water flood risk on Chesterfield Road. The proposed development will be designed to control surface water and limit surface water running off the site. The FRA concludes that the proposed development, subject to a carefully designed surface water drainage scheme, will not create additional flood risk within or adjacent to the application site.
- 7.35 Officers note the objections raised stating that water run-off from the site enters Chesterfield Road and are aware of footage of flooding on the highway from 2007 and more recently from October 20<sup>th</sup> 2023. Notwithstanding this, Officers do not consider that this is evidence that flood risk is likely to be exacerbated by the proposed development.
- 7.36 The LLFA note that the highway to the southwest of the site has between a 3.3% and 1% chance of surface water flooding during any year under the current conditions on the site. Therefore surface water flooding will very likely occur on the highway to the southwest of the site whether the proposal proceeds or not. The LLFA conclude that surface water generated by the proposed development will be capable of being captured in the sustainable drainage system and released at controlled rate. As a result, the LLFA have no objection to the proposed development, subject to conditions.
- 7.37 The Councils Drainage Engineer commented that they understand concerns with regards to localised flooding on Chesterfield Road, but they were of the view that the proposed development is more likely to reduce the amount of surface water runoff onto the highway and the issue with highway flooding isn’t the applicants to deal with. They have no objection to the proposal.

- 7.38 Yorkshire Water raised no comments.
- 7.39 No objection has been received from any statutory consultee and as such Officers are of the view that, subject to conditions, the proposed development can be adequately drained and will not adversely affect the local environment, amenity or public health.

### **Land Contamination/Land Stability Considerations**

- 7.40 A Coal Mining Risk Assessment has been submitted, prepared by GRM Development Solutions Ltd dated 31st January 2020. The report sets out risks within the site from coal mine workings. No land contamination reports have been submitted with the application.
- 7.41 The Coal Authority reviewed the submitted details and raised no objection to the proposed development subject to conditions relating to the developer undertaking intrusive site investigations prior to work commencing on site.
- 7.42 The Councils EHO raised no objection to the proposal subject to conditions covering land contamination and construction working hours.
- 7.43 Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

### **Ecological Considerations**

- 7.44 A Preliminary Ecological Appraisal (PEA) prepared by Elite Ecology, dated March 2023 has been submitted for consideration. The report makes a number of recommendations about habitats, trees and wildlife corridors. It recommends that if no works commence within 6 months of the date of the report a badger survey be undertaken. No removal of trees or hedgerows should be undertaken during nesting season and no artificial lighting should be shone onto the surrounding trees. Hedgehog gaps should be provided. Site enhancements for birds, bats, flora and invertebrates should be considered. It is important that biodiversity Net Gain needs to be ensured within the scheme of works.
- 7.45 A Biodiversity Impact Assessment, prepared by Futures Ecology dated March 2024 has been submitted and states that the proposal would result in a loss in habitat biodiversity on site as such 3 potential recommendations have been outlined by the ecologist to make up 0.5 habitat units to ensure a net gain resulting from the proposed development. These options include utilising off site land under the applicant's control, biodiversity credit purchase from a third party habitat bank or secure credits from the



governments statutory biodiversity credits. This can be secured by condition at this stage and then by legal agreement at a later stage.

- 7.46 DWT initially commented on the submitted PEA and recommended that the recommendations made in the report can be controlled by way of condition but required a BNG assessment be undertaken for the site.
- 7.47 Following the submission of a Small Sites Metric, Biodiversity Impact Assessment (BIA) and BNG Statement, DWT were reconsulted. They note that a net loss of 0.3 habitat units (20.96%) is predicted and that additional wildlife features will be provided within the proposal.
- 7.48 DWT note that the submitted BIA outlines 3 options for off site habitat mitigation as described above. DWT understand that there is capacity for Wild Solutions can provide the required units. Given that there is a reasonable level of confidence that a net gain can be achieved, DWT consider it acceptable to secure this via a suitably worded condition. Any offsite gain will have to be secured by way of a legal agreement. Given the limited extent of onsite gains, a detailed Landscape Plan including management prescriptions would be suitable and subject to conditions relating to BNG provision, nesting birds, site clearance methods and species enhancement DWT have no objection to the proposal.
- 7.49 The Derbyshire Swift Conservation Project notes that the PEA omits any recommendation for biodiversity enhancement in the form of integrated nest bricks despite best-practice guidance stating that ecological enhancement for declining urban bird species should take the form of Swift bricks integrated into the façade. A condition to cover this request can be included in any decision issued by the LPA.
- 7.50 Based on above, officers consider that, subject to conditions, the proposed development would protect and enhance biodiversity.

### **Other Considerations**

- 7.51 No reference is made in the proposed development to the provision of mitigating climate change. Officers consider that this matter can be controlled by way of condition on any decision.

## **8.0 Summary and Conclusion**

- 8.1 The application site is within the Settlement Development Limits for Grassmoor where new residential development is acceptable in principle.

- 8.2 The proposal for 5 dwellings would complement the site and the surrounding street scene and offer a scheme of development that would respect the countryside edge in this location.
- 8.3 The proposed development would protect the privacy and amenity of existing occupiers and create a good quality of privacy and amenity for future occupants.
- 8.4 In highway safety terms, officers conclude that, subject to conditions 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.
- 8.5 Technical matters such as site drainage, land stability, land contamination and ecology/biodiversity can be addressed by suitably worded conditions or informative notes.
- 8.6 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.
- 8.7 Accordingly, there are not considered to be any matters to outweigh the Development Plan and so the proposal is recommended for approval subject to conditions.

## **9.0 Recommendation**

- 9.1 That planning permission is **CONDITIONALLY APPROVED** with the final wording of the conditions delegated to the Planning Manager (Development Management):-

### **Conditions**

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

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

- 2) 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:
  - PL\_01 Rev F (Amended Site Plan)
  - PL\_02 Rev A (Amended Site Location Plan)

- PL\_03 Rev C (Amended House Type 1)
- PL\_04 Rev C (Amended House Type 3)
- PL\_06 Rev A (Amended House Type 2 - Rear plot)

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

### **Construction Details**

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

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

- 4) Before above ground work starts, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 5) Before above ground work starts, a plan illustrating the position, design and materials of hard landscaping in shared public areas (including driveway, turning area and parking areas) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any dwelling and shall be retained as approved thereafter.

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

### **Landscaping**

- 6) Before above ground work starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,

- b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- c) a schedule of proposed native plant species, size and density and planting locations and
- d) an implementation programme.

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

- 7) 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.]*

### **Boundary Treatments**

- 8) Notwithstanding any submitted details, before above ground work starts 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 approved scheme shall be implemented in full prior to the occupation of each dwelling and shall be retained as approved thereafter.

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

### **Climate Change**

- 9) Before above ground work starts, 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.

*[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) 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 and the amenity of neighbouring residents.]*

## **Land Contamination**

- 11) Development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until;

a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

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

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

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

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

12) Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

13) No dwellings hereby approved shall be occupied until:

a. The approved remediation works required by condition 12 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, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 11(b) to 12 above and satisfy condition 13(a) above.

c. Upon completion of the remediation works required by conditions 12 and 13(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.

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

### **Land Stability**

- 14) No development shall commence until;
- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*[Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.]*

- 15) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*[Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and*

*stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.]*

## **Drainage**

- 16) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

*[Reason: In the interests of the satisfactory drainage of the site.]*

- 17) 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.

*[Reason: In the interests of the satisfactory drainage of the site.]*

- 18) 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. Haigh Huddleston & Associates. April 2024. *Proposed Development off Chesterfield Road, Grassmoor*. E07/1624/MH/PW/8179.
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"
- 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.]*

- 19) 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 56 Reference ID: 7-056-20220825 of the planning practice guidance.

*[Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the*



*hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:*

- I. into the ground (infiltration);*
- II. to a surface water body;*
- III. to a surface water sewer, highway drain, or another drainage system;*
- IV. to a combined sewer.]*

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

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

### **Highway Safety**

21) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing no. PL\_01 Rev F titled proposed site plan.

*[Reason: To ensure conformity with submitted details.]*

22) The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

*[Reason: In the interests of highway safety.]*

23) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access.

These splays shall thereafter be permanently kept free of all obstructions to visibility over 1m in height above the adjoining ground level.

*[Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.]*

24) Prior to commencement of the development hereby permitted, details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure
- satisfactory access and movement for existing occupiers of neighbouring properties during
- construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;

*[Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.]*

25) Prior to commencement of the development hereby permitted, details for the storage of refuse bins and collection of waste from the site, including any bin presentation areas, 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 the designated purposes at all times thereafter.

*[Reason: To ensure that each property is provided with adequate bin collection arrangements clear of the public highway.]*

### **Ecology**

26) Prior to commencement of development, a strategy for achieving the required biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall deliver the number of units specified in the Small Sites Metric submitted as part of the application (dated 20th February 2024). Sufficient information shall be provided with regards to habitat creation/enhancement prescriptions and 30 year objectives for management and monitoring. A schedule for submitting monitoring reports to the Local Planning Authority shall also be included.

The approved strategy shall be implemented in full and in accordance with the approved details and shall be retained in that manner thereafter.

*[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.]*

- 27) No tree, scrub or hedgerow 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.]*

- 28) Prior to the commencement of works (including clearance of habitats and refugia piles) a Method Statement for Site Clearance shall be submitted to the Local Planning Authority to safeguard common reptiles and amphibians. This shall include reasonable avoidance measures, seasonal timings and instructions in the event animals are discovered. The Method Statement 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 wildlife during site clearance works. All in the interests of policies SDC2 and SDC4 of the North East Derbyshire Local Plan.]*

- 29) The Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
  - integrated bat boxes in at least 2x dwellings.

- insect bricks in at least 2x dwellings and / or towers in public open space.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

*[Reason: In the interest of enhancing biodiversity, all in the interest of policy SDC4 of the North East Derbyshire Local Plan.]*