

PLANNING COMMITTEE – 18th MARCH 2025

Reference Number: 24/01001/MFL

Application expiry: 24/03/25

Application Type: FULL

Proposal Description: Demolition of 50 existing bungalows, stopping up of highway and redevelopment with 69, 2 bedroomed bungalows, associated highways, drainage, attenuation, infrastructure and landscaping and use of adjacent land as a temporary compound during demolition and construction (Major Development/Affecting a public right of way)

At: The Bungalows, Stonebroom

For: Rykneld Homes Limited

Third Party Reps: None

Parish: Shirland and Higham

Ward: Shirland

Report Author: Graeme Cooper

Date of Report: February 2025

MAIN RECOMMENDATION: Grant permission, subject to conditions and legal agreement



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 This application has been brought to planning committee due to the strategic importance of the proposal and in the interest of transparency.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises 50 post war prefabricated bungalows arranged in a grid pattern. Existing properties whilst have generous front and rear gardens are clearly in need of renewal. They are single storey in nature and have a mono pitch roof style. 25 properties are only accessible on foot via a footway from the public highway. A number of properties on site have custom built ramps and handrails.
- 2.2 The wider street scene comprises Brierley Road which extends into the site from the east, which in turn connects into The Bungalows which extends west into two turning heads and south onto Cleveland Road. A bus stop is provided on The Bungalows outside No5. Another bus stop is provided on Brierley Road. A bus service (No55) runs along this route and serves South Normanton and Alfreton.
- 2.3 Also within the application site is a community hall which serves as a pre school and foodbank. The hall lies to the east of the application site and is served only by a narrow path which lies between No's 5 and 6 The Bungalows. The community hall is identified in the Shirland and Higham Neighbourhood Plan as a community facility providing pre-school/nursery services.
- 2.4 Site topography falls from west to east with the lowest point in the northeastern corner. The site perimeter includes a number of mature trees and open views into the countryside are available to the west and south western corner of the site.
- 2.5 The application site extends beyond the existing housing estate into an agricultural field to the west. The existing dwellings on site are within the Settlement Development Limit for Stonebroom with the land to the west being in open countryside for planning purposes. A public right of way (No14) extends from Birkinstyle Lane to the north, south along the western edge of the existing housing.

Proposal

- 2.6 This application seeks full planning permission to demolish 50 prefabricated bungalows and a community hall and replace them with 69, 2 bedroom bungalows. Each property will be provided with an allocated parking space. Three different house types are proposed. The scheme also includes 3 communal seating areas and an attenuation basin.

- 2.7 Included in the plans is a site compound which will be provided in the field to the west of the housing site. A temporary footpath diversion will be required for footpath 14 which runs along the western edge of the application site.
- 2.8 A proposed site plan can be seen in Figure 2 below. The compound is outlined to the west of the proposed housing and will be a temporary feature during construction works.



Figure 2: Proposed site plan

Amendments

- 2.12 Amended plans have been submitted to amend the boundary treatment, landscaping and refuse collection details.

3.0 Relevant Planning History (not the full site history)

- 3.1 24/01015/EIA | EIA Screening Opinion Request for proposed demolition of 50 existing bungalows, stopping up of highway and redevelopment with 69, 2 bedroom bungalows, associated highways, drainage, attenuation, infrastructure and landscaping and use of adjacent land as a temporary compound during demolition and construction (No EIA required)

4.0 Consultation Responses

4.1 **Ward Member** raised no comments.

4.2 **Parish Council** raised no comments.

4.3 Highways Authority

4.4 *Comments 08/01/25*

Highways Authority (HA) raised no objections to the site access arrangements and overall highway safety issues. A Stopping Up Order will be required and details of which should be clarified on a plan and submission made to the Department for Transport. An updated Swept path analysis for refuse vehicles and fire tender should be submitted illustrating the ability of the vehicles to pass parked cars. A minimal impact is expected on trip generation resulting from the proposed development and a CTMP should be conditioned on any approval. The applicant should also consider a connection from the development into public right of way 14 to the west.

4.5 *Comments 06/02/25*

The HA note the submitted details that seek to address the comments from 08/01/25. The HA consider that drawings DR-0003-B and DR-0002-B show that the internal layout is sufficient to accommodate these movements. It is noted that the amended planning layout drawing (SKPNE-BRS-PL-002-Rev A) now contains both forward visibility splays and pedestrian visibility splays for each driveway. These have been checked and are accepted. Both footway transitions and crossing points can be established at S38 design stage. It is considered that communal cycle parking may be a more suitable option for the proposed development given the expected end user, details of which can be addressed by way of condition. A final CTMP will be required and should be conditioned accordingly.

4.6 No objection raised subject to conditions relating to the approved plans, cycle parking and CTMP details.

4.7 **Councils Refuse Team** comment that all properties must have enough space for the storage of black, green and burgundy 240l bins. NEDDC operate an alternate week collection scheme where one week we collect the normal household waste in black bins and the other week we collect green waste from the green bins. There is also a fortnightly collection of the burgundy bin. The Council operate a kerbside collection, and access is required for an RCV which has a GVW of 32t with a 22.8m turning circle. Vehicle tracking should be submitted. Adequate off-street parking should be provided within the scheme. The refuse lorry will not cross private/blocked paved areas and a nominated collection point adjacent to the highway should be provided. A number of bin collection points are considered unnecessary on the proposal and a kerbside collection is favourable.

- 4.8 An amended refuse scheme (drawing SKPNE-BRS-PL-006 Rev C) has been submitted. The amended scheme has sought to remove bin collection points for every property, delete the use of a timber refuse shed and move some collection points closer to the highway. This amended scheme is considered acceptable to the Refuse Team.
- 4.9 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted Ecological Appraisal (PEA) (FPCR, November 2024), BNG Assessment (FPCR, December 2024) and the accompanying metric.
- 4.10 DWT note that the site is dominated by housing and the site includes land to the west. The majority of the site is of low ecological value and there is a low risk of encountering brown hare in the field. Almost all the onsite buildings were determined to display low bat roost potential and bat droppings were recorded on the exterior of one of the dwellings. The approach in dealing with bats is acceptable and no additional nocturnal surveys are required. A license will be required from Natural England. Nesting birds, hedgehogs, herptiles and brown hare can be safeguarded through seasonal restrictions to vegetation clearance and sensitive working methods secured via a CEMP: Biodiversity. Species enhancement can be incorporated into the new development, including nesting bricks, hedgehog gaps, bee bricks and other features can be controlled by way of condition.
- 4.11 With regards to BNG, the submitted assessments illustrate a net loss of 1.15 habitat units. The pasture field will need to be included in any assessment and this matter can be addressed post determination in a Gain Plan.
- 4.12 No objection is raised subject to conditions relating to bat mitigation, Construction Environmental Management Plan (CEMP:Biodiversity), Habitat Management and Monitoring Plan (HMMP), Species Enhancement Plan and the submission of a sensitive lighting scheme.
- 4.13 **Environmental Health Officer** raised no objection subject to conditions relating to land contamination, control of dust during demolition works and hours of construction. An informative relating to the control of dust is also recommended.
- 4.14 **The Coal Authority** raised no objection subject to conditions.
- 4.15 **County Archaeologist** comments that the buildings are post war prefab and timber framed, distinctive of the post war housing crisis. They only survive in dwindling numbers and a handful of well-preserved pre fabs are Grade II listed. On occasion in NE Derbyshire and Bolsover districts we have asked for heritage impact assessment and historic built heritage/oral history recording during re-development of prefab bungalow estates.
- 4.16 The officer has been unable to find any archive, photographic or historic sources in relation to the Stonebroom bungalows. On inspection, the dwellings seem to be a

hybrid construction with brick walls, flat timber/felted roofs with a very slight curved pitch, and timber/UPVC window bays and doors, however they are described in the applicant's design and access statement as being timber-framed. If they were originally prefabs of the immediate post-war period, it would appear that there have been substantial alterations at a later date; alternatively, they may have been built in this form at a later date than the typical post-war prefab estates.

- 4.17 On current evidence the officer is not inclined to view the estate as a non-designated heritage asset and to apply the policies at NPPF chapter 16. The officer does however suggest that a second opinion is sought from the Councils Conservation Officer. None of this need prevent the residents and developer coming together to assemble a photographic and oral history record of the estate before its demolition - should they wish to do so – and we would be happy to host any such record in Derbyshire Historic Environment Record.
- 4.18 **NEDDC Planning Policy and Environment Team – Conservation** comments that the site comprises 50 post war prefabricated bungalows dating back to circa 1947, laid out on a grid pattern. The buildings are set back from the road/footpaths with open lawns to the front and spacious back gardens. The buildings are of timber construction with later brick external facings and recent fenestrations and detailing. The external design of The Bungalows suggest they are Tarran Mark 4 prefabricated bungalows as the ones that were built in Killamarsh and Eckington.
- 4.19 The Bungalows at Stonebroom also form part of a large scheme of mid-20th century development on the southern side of Birkinstyle Lane, Stonebroom, see the housing laid out in crescents to the east of The Bungalows. Despite alteration, the Bungalows have a level of heritage significance because of their building type, particularly the unified design of the dwellings; and the layout of this post-war development. Additionally, the buildings were constructed as temporary buildings and as such are becoming rare building type. If Officers are minded to grant permission then it is requested that a condition requiring the submission of a Level 2 written scheme of investigation is submitted to and approved by the Local Planning Authority.
- 4.20 **NEDDC Planning Policy and Environment Team – Tree Officer (TO)** notes the application is accompanied by a comprehensive Tree Survey and Arboricultural Impact Assessment (AIA) prepared by FPCR Design and Environment, dated November 2024. The application is also supported by a site-wide landscaping proposal including tree planting.
- 4.21 The AIA identifies that it shall be necessary to remove one category A tree and two category B trees, alongside several category C individual trees and groups of trees, including some lengths of hedgerow. Although it is especially desirable to retain category A and category B trees wherever possible, the TO broad agreement with the conclusion of the AIA that the proposed planting of 55 heavy standard sized trees within the landscape plan should mitigate the proposed losses. Although most

of the proposed tree planting appears to be within the curtilage of individual plots, and their long-term retention shall largely rely upon the discretion of the new property owners once the dwellings are occupied, several new trees are proposed around the attenuation pond. These trees proposed around the attenuation pond are in a prominent roadside position at the entrance to the site and would not foreseeably conflict with the desires of the new occupants or site users. As such, at least some of these trees should realistically achieve maturity, whilst others proposed to be planted within domestic curtilages around the site may not.

- 4.22 The TO welcomes the proposed planting outside domestic curtilages and around the attenuation basin, but does have concern at the chosen species. The TO recommends looking towards species of trees which are both moderately tolerant of water logging and moderately tolerant of drought. Overall no objections are raised subject to a tree protection condition and the landscaping details being updated.
- 4.23 **NEDDC Parks Department** requested £19,231.61 of section 106 monies towards existing off-site provision with a 10-year maintenance fee of approximately £7,774.11. The nearest existing facility to the proposed development is Stonebroom Play Area, Birkinstyle Lane. Stonebroom Play Area is owned by Shirland & Higham Parish Council and maintained by Shirland & Higham Parish Council and includes a children's play area, outdoor gym facilities and a multi-use games area. This play area may benefit from additional / replacement equipment to increase the play value to local residents.
- 4.24 With regards to the proposed open space on site clarity is requested as to how these spaces will be managed and maintained. It is also recommended that tree protection measures be provided to protect existing trees.
- 4.25 **Derbyshire County Council – Lead Local Flood Authority (LLFA)** initially requested additional information relating to the discharge rate on site.
- 4.26 The **LLFA** reviewed the additional information submitted for this application, which was received on 18/12/2024. The LLFA has no objection subject to the conditions requiring additional infiltration tests being undertaken, the final surface water drainage scheme being submitted, demonstration that the proposed destination for surface water accords with the drainage hierarchy, and how additional surface water will be avoided during the construction phase.
- 4.27 **Environment Agency** notes that development falls within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency so no objections are raised.
- 4.28 **Severn Trent Water** raised no comments.

- 4.29 **Chesterfield Royal Hospital** requested up to £42,000 in S106 contributions but provided no evidence as to how this was calculated. [*Officer note: The proposal is for the demolition of 50 and construction of 69 new bungalows which will be affordable homes owned and operated by the Council which will not accommodate people who are not already accommodated within housing in NEDDC and as such within the catchment of the hospital. This is also only an increase of 19 units. As such Officers are of the view that this request is neither reasonable or meets the CIL guidance on financial contributions.*]
- 4.30 **Derbyshire Community Health Services NHS Trust** note the scheme includes a net gain of 19 bungalows, as such this development falls under our criteria for requesting S106.
- 4.31 **Derbyshire Constabulary** comments that the proposal is welcomed in providing a much-improved living environment for residents. The layout is considered practical within the constraints of the site. Boundaries are appropriately positioned and specified. The public seating areas are seen as an appropriate feature considering tenure. The central areas between plots 2-3 and 47-48 do introduce permeability through what would ideally be enclosed space, but given the wider movement routes and enclosure, it's considered that the hierarchy of space is suitable to context. There is some suggestion from other consultees of an opening of the peripheral site boundary close to the seated area between plots 17 and 18 to encourage walking. We would advise against this, in introducing a fundamental breach of territoriality through the centre of the development and compromising privacy for the seating area mentioned. The House type P2 bungalows have habitable rooms to the inner side and as a consequence no outlook from the side elevation, whereas the type P1 bungalows are oriented with living space to the outside and fenestrated sides. There are a number of plots with outward facing side elevations which are the P2 type, where swapping to the P1 would provide better overlooking of the street and seating areas. These are plots 1, 7, 17, 19, 23 and 54. There are a number of communal garden access routes which are enclosed with a gate marked with a star on the boundary plan, but there seems to be no indication as to what this signifies [*Officer note: Drawing SKPNE-BRS-PL-002 states that the * signifies that the gates will be fitted with a slam to lock with communal key access*]. Ideally such shared gating would be key lockable from both faces to enable practical and secure use for all. The plots affected are 11-13, 30 and 31, 35-38, 39 (single plot?) 40 and 41, 53-55, 56-58 and 62/63 (not starred).
- 4.32 **DCC Planning Policy (Infrastructure)** comment that Adult Social Care and Health fully support the proposals and no S106 contribution for education is requested by Childrens Services.
- 4.33 **NEDDC Housing Consultation** support the proposal as the site redevelopment will help meet the affordable housing need in this area and will increase number of affordable homes on this site.

- 4.34 **DCC Rights of Way Officer** confirms that Shirland and Higham Public Footpaths no. 13, 14 and 15 are potentially affected by the proposals. Consideration has clearly been given to the existence of FP 14 which runs approximately NNW to SSE through the site, to the west of the proposed bungalow buildings. The boundary treatment document states by the seating area that 'open railings allow views and to retain the vegetation boundary'. There is an opportunity here to improve the site permeability and access to FP 14 and the open countryside, via a gate or entrance that would open inwards to the seating area so as to not to obstruct the footpath. No objection is raised to the proposed development subject to the inclusion of a note on any decision.
- 4.35 The **Ramblers Association (RA)** note that the proposal has the potential to impact on Shirland and Higham FP 14, 13 and 15. However, having considered the information provided we can see no reason why the proposed development should have any long-term adverse effects on the aforementioned PRoW. The RA further note that the Design and Access Statement refers to a temporary diversion of, FP 14, we thus assume that the said RoW has been given due careful consideration. As a consequence, the RA would offer no objection to the proposed development as presented. The RA regret that direct access to FP 14 from the site is not given consideration. It is considered that a link to the footpath network from the seating area would be beneficial to encouraging walking as part of a healthy lifestyle.
- 4.36 **Peak And Northern Footpaths Society** raised no comments.
- 4.37 **British Horse Society** raised no comments.
- 4.38 **Chesterfield Cycle Campaign** raised no comments.
- 4.39 **NEDDC Structural Engineers** raised some general comments about the proposal and specific comments about the attenuation basin and site drainage. [*Officer note: The final details of the attenuation basin can be dealt with by way of condition on any decision.*]
- 4.40 **NEDDC Employment & Skills Officer** raised no objection subject to the inclusion of a condition to enhance and maximise employment and training opportunities.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of two site notices. The notices were placed adjacent to the application site on Brierley Road and Cleveland Road which expire on 20 January 2025.
- 5.2 No third-party representations have been received.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034

- 6.1 The following policies of the Local Plan (LP) are material to the determination of this application:

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS7	Development on Unallocated Land within Settlement with defined Settlement Development Limits
SS9	Development in the Countryside
LC2	Affordable Housing
LC4	Type and Mix of Housing
SDC2	Trees, Woodlands and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC9	Non-designated Local Heritage Assets
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
ID10	Open Space, Sports and recreation Facilities

Shirland and Higham Neighbourhood Plan 2022-2034

- 6.2 The following policies of the Shirland and Higham Neighbourhood Plan (S&HNP) are material to the determination of this application:

Policy 1	Sustainable Development
Policy 3	Protecting the Landscape Character
Policy 4	Protecting and Enhancing the Natural Environment
Policy 7	Achieving High Quality Design
Policy 9a	Housing Mix and Type
Policy 9b	Affordable Housing
Policy 10	Protecting or Enhancing the Provision of Community Facilities

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 The majority of the application site sits within the Settlement Development Limit for Stonebroom, with the construction compound sitting in the countryside.
- 7.2 Local Plan policy SS1 considers sustainable development in the District and indicates support in principle for development proposals that will create well designed places; protect and enhance the character, quality and setting of heritage assets; 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 Policy SS9 supports development where it falls into one or more of the listed categories. The proposed use of land outside the SDL does not fall into one of the listed categories, but it would represent a temporary use of land which will restore land back to its former use post development.
- 7.5 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.

Loss of Community Facility Considerations

- 7.6 The proposed scheme would redevelop land which currently includes a community hall. The hall is identified in the Shirland and Higham Neighbourhood Plan as a community facility providing pre-school/nursery facilities. A replacement community hall and foodbank has been granted permission previously (app ref 24/00642/FL).

This replacement building will be a larger facility located a short distance from the current hall and will include vehicular access and parking, which the current hall does not benefit from. Work is due to commence on these replacement facilities in the coming weeks and the planning permission remains extant.

- 7.7 LP policy ID5 states that proposals which would result in the loss of social infrastructure facilities will not be permitted unless: It can be shown that the facility is no longer needed, or that the service could be adequately provided in an alternative way, or elsewhere in an alternative location that is equally accessible by public transport, walking and cycling; or it can be demonstrated through a viability assessment that the current use is not economically viable and all reasonable efforts have been made to let or sell the facility for the current use over a 12 month period.
- 7.8 Policy 10 of the S&HNP seeks to protect or enhance the provision of community facilities. The community hall is not one of the listed essential community services, but is considered by Officers to be a community facility which provides pre-school/nursery services to local residents.
- 7.9 The applicant has confirmed that due to the redevelopment phasing of the application site, the community hall will need to be removed from site before the replacement hall is made available. The applicant has confirmed that they are in discussion with the pre-school/nursery to assist in provide interim facilities for a period of 2-3 months whilst the new hall is being constructed.
- 7.10 If permission is granted, there is likely to be a period of time where a community hall is not available to users of the pre-school/nursery, as such Officers are of the view that to protect the delivery of the new hall facilities a limit should be agreed as to the number of dwellings delivered on site before the new hall is first brought into use. Officers have agreed that no more than 4 dwellings shall be provided before the replacement facilities are brought into use and this can be controlled by way of legal agreement. In addition, the replacement facilities are to be run and operated by the Council and provide a much-improved facility with car parking and foodbank. As such the proposed development would accord with LP policy ID5 and S&HNP Policy 10.

Street Scene/Design/Landscape Considerations

- 7.11 Policy SS1 of the LP states that development proposals will “create well designed places that are accessible, durable, adaptable and enhance local distinctiveness”.
- 7.12 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, LP Policy SDC12 states that all new development should

be of high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they: Respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; 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; Make provision for private amenity space, storage and recycling facilities, and vehicle and cycle parking.

- 7.13 The application site currently consists of 50 post war prefabricated bungalows arranged in a grid pattern. Existing properties, whilst have generous front and rear gardens are clearly in need of renewal. They are single storey in nature with a flat roof. The wider street scene is a post war council house development, and the two developments form the Stonebroom Crescent Character Area as identified in the S&HNP.
- 7.14 The proposal can be split into two elements, one the housing and the other the construction compound which sits outside the settlement in open countryside. This section of the report will address the housing, with the next section covering the compound.
- 7.15 Prior to submission of this planning application, the proposal went through a design review process where the applicant engaged with officers to develop a more coherent scheme which was more in keeping with the surrounding street scene and ensured good design. Whilst Officers would have welcomed a reduction in numbers and a more varied development, the scheme before members of planning committee is one that has responded positively to the design review process.
- 7.16 The proposed redevelopment of the bungalows will consist of the demolition of 50 bungalows and construction of 69, 2 bedroom bungalows. Each property is provided with allocated parking and private garden. The wider scheme includes communal seating/garden areas and an attenuation basin.
- 7.17 Three different house types are proposed, as seen in Figure 3 below. Two house types have different variations of their finished materials. It is proposed to construct the dwellings from a mix of red and buff brick, with some including render detailing. Some units have blank elevations which will include projecting brick to add interest.





Figure 3: Example house types

- 7.18 Officers initially requested that some plots (1, 7, 17, 19, 23 and 54) which overlooked public areas be amended to include window openings to increase surveillance, however the applicant was reluctant to make this amendment and made a case that the feature brickwork was more appropriate in these locations. Officers consider that a handful of plots failing to include openings on their side elevation would not be so harmful to warrant refusal in design terms.
- 7.19 LP policy LC4 requires developments of more than 10 dwellings to provide 20% accessible and adaptable dwellings. These accessible and adaptable dwellings should meet requirement M4(2) of the Building Regulations 2015. The scheme is for 69 dwellings and 14 dwellings will meet M4(2) requirements, meaning that policy LC4 of the LP and policy 9a of the S&HNP would be adhered to.
- 7.20 A boundary treatment plan has been submitted illustrating 1.8m close boarded fencing, brick walling and metal hopped railings. Timber fencing is proposed to private gardens. Walling is proposed to more sensitive public facing gardens and hoop fencing is proposed in the areas of public realm. An amended plan has been submitted to ensure that any fencing along the west and southern boundaries of the site is not on the field side of an existing mature hedge.
- 7.21 Soft landscaping plans have been provided by the applicant illustrating a comprehensive scheme of planting, including native species and tree planting. An Arboricultural report has been submitted in support of the application and reports that a number of trees will need to be removed to accommodate the proposed development, including 1 cat A and 2 cat B trees along the western boundary of the site. Compensatory tree planting is included in the proposed landscaping plans. Street trees are provided along the primary route into the application site and pockets of tree planting is proposed elsewhere in the scheme.

- 7.22 The Councils Tree Officer raised no objection to the proposed development, but requested that the species of trees around the attenuation basin be amended to a more suitable tree species which is both moderately tolerant of water logging and moderately tolerant of drought. A tree protection condition is also recommended for inclusion on any decision.
- 7.23 Overall officers consider that the proposed development would provide suitable replacement on site planting to mitigate the loss of existing landscaping features. A condition requiring measures of tree and hedgerow protection should be submitted to and approved by the Local Planning Authority.
- 7.24 Three small landscaped and seating areas are proposed around the development along with access to a landscaped attenuation basin. These will be maintained by way of service level agreement with the Councils Parks team.
- 7.25 Officers note that the proposed development had an opportunity to provide a positive connection to the public right of way to the west of the application site. However, some concern was raised to this causing anti-social behaviour issues and that the neighbouring landowner wouldn't support such a connection. Whilst Officers would prefer a pedestrian connection to this footpath, as it would have potential health benefits to residents and improve connectivity, the concerns raised are also noted. As a result, Officers cannot require a connection across third party land.
- 7.26 In terms of sustainability, the proposed development includes air source heat pumps and EV charging points on the plans. Officers are also aware of the commitment to include solar panels, details of which are not included on the plans. As such Officers consider that a condition can be included on any decision requiring a final scheme of mitigating climate change be submitted.
- 7.27 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.

Impact of Compound

- 7.28 The proposal also includes a temporary construction compound which sits outside the Settlement Development Limit in open countryside. A temporary footpath diversion will be required for footpath 14 which currently runs along the western edge of the application site.
- 7.29 The land in question sits in the countryside which is identified in the S&HNP as a significant green gap. Policy 3 of the S&HNP seeks to protect these gaps and ensure development proposals do not adversely affect the undeveloped character of these areas. Development proposals must demonstrate how they take account of the contribution the Significant Green Gaps make to the wider character of the neighbourhood area through separation of settlements. Furthermore, key views

identified in the S&HNP should not be significantly adversely affected. Development proposals should also protect public rights of way.

- 7.30 Local Plan policy SDC3 states that “proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity.”
- 7.31 Public Right of Way 14 (PRoW14) runs along the western boundary of the proposed housing site and will need to be diverted to accommodate the construction compound.
- 7.32 Officers consider that the temporary use of the land as a compound is acceptable and would not be harmful to any key views identified in the S&HNP or on the character of the significant green gap in the long term. Furthermore, the long-term use of the public right of way will be retained.

Heritage Considerations

- 7.33 The application site comprises 50 post war prefabricated bungalows dating back to circa 1947, laid out on a grid pattern. The buildings are set back from the road/footpaths with open lawns to the front and spacious back gardens. The buildings are of timber construction with later brick external facings and recent fenestrations and detailing. The external design of The Bungalows suggest they are Tarran Mark 4 prefabricated bungalows as the ones that were built in Killamarsh and Eckington.
- 7.34 The Bungalows at Stonebroom also form part of a large scheme of mid-20th century development on the southern side of Birkinstyle Lane, Stonebroom, see the housing laid out in crescents to the east of The Bungalows. Despite alteration, the Bungalows have a level of heritage significance because of their building type, particularly the unified design of the dwellings; and the layout of this post-war development. Additionally, the buildings were constructed as temporary buildings and as such are becoming rare building type. If Officers are minded to grant permission then it is requested that a condition requiring the submission of a Level 2 written scheme of investigation is submitted to and approved by the Local Planning Authority.
- 7.35 Local Plan policy SDC9 considers non designated heritage assets and states that Proposals for development that affect a non-designated local heritage asset will be permitted provided that they positively sustain or enhance the significance of the asset, its features, character and setting. Proposals involving the loss of or harm to, a local heritage asset will be subject to a balanced assessment taking account of the significance of the asset and the scale of the harm or loss.

- 7.36 The NPPF at paragraph 212 states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 7.37 The County Council Archaeologist the dwellings seem to be a hybrid construction with brick walls, flat timber/felted roofs with a very slight curved pitch, and timber/UPVC window bays and doors, however they are described in the applicant’s design and access statement as being timber-framed. On current evidence the officer is not inclined to view the estate as a non-designated heritage asset and to apply the policies at NPPF chapter 16. Further advice should be sought from the Council’s Conservation Officer.
- 7.38 The Council’s Conservation Officer considers that the Bungalows have a level of heritage significance because of their building type, particularly the unified design of the dwellings; and the layout of this post-war development. Additionally, the buildings were constructed as temporary buildings and as such are becoming rare building type. A Written Scheme of Investigation (WSI) for recording the history of the site has been submitted to and agreed by Officers. As such no objection is raised subject to a condition requiring adherence to the submitted WSI.
- 7.39 Whilst the original bungalows are of some historic interest, they are considered not to be so significant as to be considered a non-designated heritage asset. As such, Officers consider they have a level of heritage significance which should be recorded accordingly in line with the submitted WSI.

Privacy and Amenity Considerations

- 7.40 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.
- 7.41 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.
- 7.42 The properties most likely to be affected by the proposed housing development are those to the east on Brierley Road, Cleveland Road and Birkinstyle Avenue.
- 7.43 Properties on Birkinstyle Lane to the north may be impacted by the site construction compound which would be approximately 70m away, with the boundary of properties approx. 55m away.

- 7.44 The Council's Successful Places Planning Guidance sets out minimum separation distances required for new development in the interest of maintaining privacy and amenity to existing and future residents. Officers note that the proposed development consists entirely of single storey bungalows, whilst the neighbouring properties are two storey in scale. Overall, Officers consider that the layout to be acceptable in separation terms and would therefore not result in an adverse impact on the residential amenity of those neighbouring properties.
- 7.45 Comings and goings associated with the proposed development would be marginally increased from the existing development. Furthermore, the former community hall would be replaced by a number of bungalows and their associated gardens and parking areas. Officers consider that the changes proposed would not be demonstrably more harmful than the current arrangement, an assessment corroborated by the lack of objection from the Environmental Health Officer.
- 7.46 The proposed dwellings would be 2 bedroom bungalows. The Council's Successful Places Interim Planning Guidance requires 2 bed dwellings to be provided with 50sqm of private amenity space. Several of the proposed dwellings include gardens which will not accord with this guidance (less than 10sqm below required 50sqm), however Officers consider that this would not represent a sound reason to refuse the proposed development, given the extent of the deficit and the fact that three pocket parks are proposed across the site along with seating around the site.
- 7.47 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

- 7.48 The proposed development is for the replacement of 50 dwelling with 69 2 bed bungalows. Each property is provided with a single parking space, and 7 visitor parking spaces are provided across the site. The proposed layout includes a primary road with 2m footway and three areas of secondary roads which have no footway.
- 4.41 The Highways Authority (HA) have been consulted and consider the internal layout to be acceptable, capable of accommodating vehicle movements. Adequate visibility splays have been provided and details relating to footway transitions and crossing points can be established at the S38 stage [*Officer note: This is a Highways Authority process, separate from the responsibilities of the Local Planning Authority*]. A communal cycle storage and Construction & Traffic Management Plan (CTMP) solution can be found and controlled by way of condition. As such no objection is raised subject to conditions relating to approved plans, cycle parking and CTMP details.

4.42 An amended refuse collection scheme has been submitted with the application. It is intended for all roads through the scheme to be adopted by Derbyshire County Council (DCC) and as such the Council's refuse vehicle will enter these spaces to collect refuse bins.

7.49 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

7.50 The site falls in Flood Zone 1 with the lowest probability of flooding. A small section of the primary road entering the application site is identified as being at low risk from surface water flooding.

7.51 A Flood Risk Assessment has been prepared by PJS Engineers dated 17/09/24. The report demonstrates that the proposed development is not at significant flood risk, and mitigation measures are recommended to address any residual risk. The assessment includes details of a proposed drainage strategy.

7.52 The Lead Local Flood Authority (LLFA) raised no objections subject to conditions.

7.53 The Environment Agency raised no objection to the proposal.

7.54 The Council's Drainage Engineer raised comments in relation to the attenuation basin which are matters that can be addressed at the final design stage (to be controlled by condition).

7.55 Severn Trent Water Authority raised no comments.

7.56 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

7.57 A Coal Mining Risk Assessment prepared and Phase II Site Appraisal have been submitted by GRM. The reports conclude that the site is at a moderate risk for geotechnical hazards and low risk for contamination hazards. Further ground investigations are recommended before development commences on site.

7.58 The Council's Environmental Health Officer (EHO) raised no objection subject to conditions relating to land contamination, control of dust during demolition works and hours of construction.

- 7.59 The Coal Authority raised no objection to the proposed development subject to conditions.
- 7.60 Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.61 An Ecological Appraisal (PEA) (FPCR, November 2024), BNG Assessment (FPCR, December 2024) and accompanying metric have been submitted as part of the application. An updated metric and Technical Note have been submitted considering the impact of development on the adjoining field which will be used during the construction phase.
- 7.62 DWT raised no objection to the proposal subject to conditions relating to bat mitigation, Construction Environmental Management Plan (CEMP:Biodiversity), Habitat Management and Monitoring Plan (HMMP), Species Enhancement Plan and the submission of a sensitive lighting scheme. DWT also note that the updated metric submission should be amended as the field is of 'moderate' condition, not 'poor'. DWT also reiterate their comment that any off-site Biodiversity Net Gain (BNG) should be secured by way of legal agreement. The applicant has confirmed that they intend to deal with the deficit of BNG on site via acquisition of units through a habitat bank negating the need for such a legal agreement.
- 7.63 With regards to BNG, the proposed development illustrates a net loss of BNG. The requirements of BNG are that a 10% gain is provided. The applicant has confirmed in writing that they intend to purchase off site units to compensate the proposed development. This matter can be addressed post development and would be controlled by way of standard condition on any decision.
- 7.64 Based on above, Officers consider that, subject to conditions, the proposed development would protect and enhance biodiversity.

Other Considerations

- 7.65 DCC fully support the proposal and no S106 contribution for education is requested by Children's Services.
- 7.66 Derbyshire Community Health requested no S106 contributions for health, but Chesterfield Royal Hospital have requested £42,000. Officers are of the view that this request is neither reasonable nor meets the CIL guidance on financial contributions. As such Officers consider that this request would not represent suitable measures to mitigate the impacts of development and be contrary to policy ID1 of the LP.

- 7.67 The Council's Street Scene (Parks) Team have requested a financial contribution towards enhancing off site play areas along with a ten year maintenance fund. As discussed above, the proposed development provides areas of public open space which includes planting and seating. Furthermore, the scheme is for elderly residents and as such a contribution for play space and youth facilities is not required by policy ID10 of the Local Plan. The management and maintenance of the open space within the site can be controlled by way of service level agreement (management and maintenance agreement) and can be secured by condition.
- 7.68 The Employment and Skills Officer raised no objection to the proposal subject to inclusion of a condition to enhance and maximise employment and training opportunities.
- 7.69 The Council's Housing Team support the proposal as the site redevelopment will help meet the affordable housing need in this area and will increase number of affordable homes on this site.

8.0 Summary and Conclusion

- 8.1 The proposed housing development is entirely contained within the Settlement Development Limit where new residential development is acceptable in principle.
- 8.2 The compound proposed lies outside the settlement, within open countryside. However this would be a temporary use of the land and is considered acceptable, subject to a condition requiring it being returned to agricultural land on the completion of the construction phase of the development.
- 8.3 It is proposed that the scheme will be entirely affordable housing and increase the housing stock managed by Rykneld Homes. No compensatory contributions via Section 106 agreement are considered necessary to mitigate the impact of the proposed development.
- 8.4 The proposed development would protect the privacy and amenity of existing occupiers and create a good quality of privacy and amenity for future occupants.
- 8.5 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.
- 8.6 A legal agreement to ensure the provision of the new community hall will be required to ensure compliance with policy ID5 of the Local Plan. The legal agreement will allow the demolition of the existing community hall and the dwellings that currently occupy the land included within phase 1 of the scheme and the occupation of no more than 4 of the replacement dwellings before the new community building on the adjacent site is first brought into use.

- 8.7 Technical matters relating to site drainage, land stability, land contamination, sustainability, employment and skills, recording the history of the site and ecology/biodiversity can be addressed by suitably worded conditions.
- 8.8 Overall, Officers conclude that the development would accord 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. 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** subject to the following conditions and legal agreement tying the progress of this development to the delivery of the new community hall granted planning permission under ref. 24/00642/FL, with the final wording of the conditions and legal agreement delegated to the Planning Manager (Development Management):-

Conditions

No	Condition	Reason	PCA*
1.	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.	N/A
2.	<p>The development hereby approved shall be carried out in accordance with the details shown on drawing numbers unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures:</p> <ul style="list-style-type: none"> • SKPNE-BRS-PL-001 (Location Plan) • SKPNE-BRS-PL-002 Rev E (Planning Layout) • 7557.01 Rev B (Landscape Proposal Sheet 1 of 2) • 7557.02 Rev B (Landscape Proposal Sheet 2 of 2) • SKPNE-BRS-PL-003 C (Boundary Treatment Plan) • SKPNE-BRS-PL-006 C (Bin Collection Strategy) • SKPNE-BRS-PL-004 Rev C (Materials Distribution Plan) • SKPNE-BRS-PL-005 Rev C (Car Parking Strategy) • SKPNE-BRS-PL-007 (Phased Construction Plan) • SKPNE-BRS-PL 20 (2B3P2 Bungalow Type, Red) • SKPNE-BRS-PL 21 (2B3P2 Bungalow Type, Buff) 	For Clarity and avoidance of doubt	N/A

	<ul style="list-style-type: none"> • SKPNE-BRS-PL 22 (2B3P1 Bungalow Type, Brick & Render) • SKPNE-BRS-PL 23 (2B3P1 Bungalow Type, Brick) • SKPNE-BRS-PL 24 (2B3P2 Plot 65) 		
	Land Contamination		
3.	<p>Before the commencement of the development (excluding demolition works) hereby approved:</p> <p>The site investigation strategy as identified in the Desk Study report Ref P10636 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.</p> <p>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.</p> <p>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</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	Y
4.	<p>No dwellings hereby approved shall be occupied in each phase as defined on plan SKPNE-BRS-PL-007 (Phased Construction Plan) until:</p> <p>a) The approved remediation works required by condition 3 above have been carried out in full in compliance with the approved methodology and best practice for that phase.</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	N

	<p>b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref P10636 submitted with the application and through the process described in condition 3 above for that phase.</p> <p>c) Upon completion of the remediation works required by condition 3 above for all phases 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.</p>		
5.	<p>Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods, shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The construction shall be undertaken in accordance with the approved scheme.</p>	In the interest of the amenity of neighbouring residents.	Y
6.	<p>Construction works works (including any works of demolition) 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 public/bank holidays.</p>	In the interest of the amenity of neighbouring residents.	Y

	Coal Mining Legacy		
7.	<p>No development shall commence (EXCLUDING DEMOLITION) until;</p> <p>a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by coal mining legacy and;</p> <p>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 safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p>	<p>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 187, 196 and 197 of the National Planning Policy Framework.</p>	Y
8.	<p>Prior to the occupation of the 1st dwelling in each phase of the development, a signed statement or declaration prepared by a suitably competent person confirming that phase of 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.</p>	<p>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</p>	N

		stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework.	
	Highways		
9.	The Development hereby approved shall not occupied until the access, parking and turning facilities have been provided as shown on Drawing SKPNE-BRS-PL-002-Rev E so to enable the occupiers of the associated dwellings to access and park vehicles associated with their occupation of that dwelling.	To ensure conformity with submitted details.	N
10.	No dwelling hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage areas hereby approved shall be maintained for this purpose thereafter.	To promote sustainable travel and healthy communities.	N
11.	<p>Prior to commencement of the development hereby permitted, a final 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:</p> <ul style="list-style-type: none"> • 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; • Arrangements to receive abnormal loads or unusually large vehicles; • A detailed road condition survey in line with guidance set out in the UKPMS User Manual: Chapter 7 – Coarse Visual Inspection (CVI). 	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.	Y

	<ul style="list-style-type: none"> Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. 		
	Biodiversity		
12.	<p>Demolition of the onsite buildings shall not take place until an appropriate bat licence has been obtained. Confirmation of this shall be submitted to the LPA. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Ecological Appraisal (PEA) (FPCR, November 2024) and amended as necessary based on any correspondence with Natural England or updated surveys. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. Where monitoring works are required, a copy of the results will be submitted to the LPA within 3 months of completion of the surveys</p>	In the interest of protecting nocturnal mammals from harm resulting from development.	Y
13.	<p>No development shall take place (including demolition, ground works, vegetation clearance and compound set-up) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to nesting birds, herptiles, hedgehogs and brown hare. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. 	In the interest of protecting habitats and species during the course of the development.	Y

	The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.		
14.	<p>A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain</p>	In the interest of managing and monitoring habitats throughout the course of the development.	Y
15.	<p>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:</p> <ul style="list-style-type: none"> • universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022. • bat boxes in line with the approved bespoke bat mitigation. • insect bricks in 30% dwellings and / or towers in public open space. • fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens where practical. <p>A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.</p>	In the interest of providing species enhancements measures.	N

16.	<p>Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to minimise lightspill to bat roost features and sensitive habitats, to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.</p>	In the interest of protecting nocturnal mammals and in the interest of protecting neighbouring residential properties from lightspill.	N
	Development		
17.	<p>Notwithstanding the submitted details, no development shall take place until details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.</p>	In the interests of the appearance of the area.	Y
18.	<p>Before development commences above damp proof course, a scheme for the delivery and future management and maintenance of all on site open space, including a landscape management plan and a timetable for implementation relative to the completion of dwellings hereby permitted. The open space shall be implemented as approved, and shall be maintained in accordance with the approved scheme thereafter.</p>	In the interest of delivering and maintaining public open space.	Y
19.	<p>Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. b) Details of construction within the RPA or that may 	Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with NEDDC Policy SDC2:	

	<p>impact on the retained trees.</p> <ul style="list-style-type: none"> c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. d) a specification for scaffolding and ground protection within tree protection zones. e) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. f) Boundary treatments within the RPA. <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>	Trees, Woodland and Hedgerows and pursuant to section 197 of the Town and Country Planning Act 1990.	
20.	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.	In the interest of the appearance of the area.	N
21.	The development hereby approved shall be implemented with a minimum of 14 accessible and adaptable dwellings meeting requirement M4(2) of the Building Regulations 2015 or any subsequent government standard. The accessible and adaptable dwellings shall be retained as such for the lifetime of the development.	To provide accessible and adaptable homes in accordance with policy LC4 of the North East Derbyshire Local Plan and policy 9a of the Shirland and Higham Neighbourhood Plan.	
	Drainage		
22.	The site shall be developed with separate systems of drainage for foul and surface water on and off site.	In the interest of satisfactory and sustainable drainage.	N
23.	No development (excluding demolition works) shall take place until a detailed design and associated management and maintenance plan of the surface water	To ensure that the proposed development does not increase flood	Y

	<p>drainage for the site, in accordance with the principles outlined within:</p> <p>a. PJS Consulting Engineers. (17/09/2024). Flood Risk Assessment. PJS24-0104-DOC-0001. Issue C</p> <p>b. GRM. (November 2024). Phase II Site Appraisal Report. GRM/P10636/PIISAR.2/RevA.</p> <p>Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team</p> <p>c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),</p> <p>have been submitted to and approved in writing by the Local Planning Authority.</p>	<p>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.</p>	
24.	<p>No development (excluding demolition works) 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.</p>	<p>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:</p> <p>I. into the ground (infiltration);</p> <p>II. to a surface water body;</p> <p>III. to a surface water sewer, highway drain, or another drainage system;</p> <p>IV. to a combined sewer.</p>	Y
25.	<p>Prior to commencement of the development (excluding demolition works), the applicant shall submit for approval to the Local Planning Authority 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,</p>	<p>To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent</p>	Y

	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.	land/properties or occupied properties within the development.	
	Sustainable Development		
26.	Before works commence above damp-proof course, a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of renewable energy (solar panels, EV charging points and Air Source Heat Pumps) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for mitigating climate change shall be implemented as approved prior to the first use of each dwelling and retained as such thereafter.	In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy.	N
	Employment and Skills		
27.	No development shall commence until a scheme to enhance and maximise employment and training opportunities during the construction period of the development, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be operated in accordance with the approved details.	To enhance employment, training and skills within the community in line with the Council's Working Communities Strategy.	Y
	Conservation		
28.	No development, including demolition, shall commence on site until the site investigation, post investigation analysis and reporting (including digital archive deposition) has been completed in accordance with the Written Scheme of Investigation (WSI) prepared by RPS, dated February 2025.	In the interest of recording the history of the site, all in accordance with policy SDC9 of the North East Derbyshire Local Plan.	N
	*PCA = Pre Commencement Agreement		

Informatives:

- a) DISCON
- b) NMA
- c) Provision of bins
- d) BNG standard condition

- e) The assessment of construction dust should include a risk assessment based upon the principles outlined in the IAQM guidance document 'Guidance on the assessment of dust from demolition and construction'.
- f) High Risk Coal Note
- g) **Ground Investigations**
Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property will result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
- h) **Shallow Coal Seams**
In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.
- i) **Works within the highway** - The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement

- a. A Monitoring Fee
- b. Approving the highway details
- c. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- j) **Traffic Regulation Order (TRO)**
You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales

for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

k) Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- a. Drafting the Agreement
- b. Set up costs
- c. Approving the highway details
- d. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

l) Impact on the Highway Network during Construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction

(and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

m) Stopping Up Order

You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247, 248 or 257 of the Town and Country Planning Act 1990. Contact the National Transport Casework team.

n) Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

- o) Constructors should give utmost consideration to their impact on neighbours and the public Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

- p) The applicant should note the advisory/informative notes provided by the LLFA in the letter dated 26th February 2025.