

PLANNING COMMITTEE – 30 September 2025

REFERENCE NUMBER: 23/00877/FL Application Expiry Date: 3rd October 2025
Application Type: Full Planning Permission

Proposal Description: Full application for the erection of 180 dwellings including formation of access and associated landscaping and infrastructure (Major Development)

At: Land North of Spindle Drive and East of Deerlands Road
Wingerworth

For: Mr David Sheinman - Rippon Homes Ltd
Third Party Reps: 155 **Parish:** Wingerworth
Ward Name: Wingerworth Ward

Author of Report: Case Officer Alice Lockett **Date of Report:** 18/09/2025

MAIN RECOMMENDATION: **APPROVE** subject to legal agreement and conditions.



Figure 1 Location Plan

1.0 REASON FOR THE REPORT

- 1.1 The Planning Manager considers that the scale of the application, the strategic level of development proposed and the site's location outside the settlement development limits of Wingerworth require this application being considered, and determined, by the Planning Committee.
- 1.2 The application has also been called into Planning Committee by Cllr Baker for the following reasons: I have significant concerns about this development and would recommend it is dealt with through the Planning Committee, Reasons: That the proposal should be judged against the Local Plan and the Neighbourhood Plan. Just to keep adding more and more houses in Wingerworth without any uprating of the infrastructure, school places or other service provisions, seems to make no sense to me. Surface water run-off will be a major issue both during any site preparation, construction, and use of the site. Sadly, surface water run off was not dealt with properly at the Ankerbold Road development in Tupton and as a result there was flooding.
- 1.3 In August 2025 Cllr Barker added: Despite, the revisions, I still have concerns about the suitability this development in terms of its housing density and its effect of the local infrastructure, such as schools, doctors' surgeries and traffic generation.

2.0 PROPOSAL AND BACKGROUND

- 2.1 The application site (see Figure 2 below) comprises two fields located to the east of Hockley Lane and the north of Spindle Drive which leads eastwards from Deerlands Road at Wingerworth. The site would be accessed via and from Spindle Drive.



Figure 2 photo taken from land to the north of the site, looking south west over the site towards Deerlands Road and Spindle Drive

- 2.2 The application site is approximately 7ha of pasture with associated hedgerows. A tributary of Tricket Brook runs in the ditch to the south of the site, forming the boundary with the public open space associated with the existing Spindle Drive development. This brook joins Tricket/Red Lead Mill Brook close to the southeast corner of the site. This area of land is located within flood zone 2 (of 3), however, no built development is proposed in this area, although an attenuation pond is intended to be constructed here.
- 2.3 The site is located outside the settlement development limits (SDL) for Wingerworth and so in the countryside for planning purposes. It is also located within a secondary Area of Multiple Environmental Sensitivity (AMES) comprising the most sensitive areas of landscape in North East Derbyshire (Para 8.18 of the Local Plan).
- 2.4 The site was granted outline planning permission for residential development in 2018 (ref: NED/17/00268/OL) (the application was allowed on appeal) with the reserved matters being approved in 2020 (ref; NED/20/00409/RM). The permission was not implemented as required and so the applicant is seeking consent once again for a duplicate of the previously approved scheme.

3.0 RELEVANT PLANNING HISTORY

17/00268/OL	Refused (Appeal Allowed)	Outline application (with all matters except access and scale reserved) for a residential development of up to 180 houses, public open space, landscaping, highway and drainage works and associated infrastructure with
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		access taken from Deerlands Road (Major Development)(Departure from Development Plan)
17/00278/EIA	No EIA required	Screening opinion for 180 dwellings
20/00409/RM	Conditionally Approved	Reserved Matters application for 180 dwellings, including details of Layout, Appearance and Landscaping, pursuant to outline planning permission 17/00268/OL (Major Development / Departure from Development Plan) (Amended Plans/Additional information)

4.0 CONSULTATION RESPONSE

Wingerworth Parish Council

4.1 Object to the above application for the following reasons:

- (i) The application site lies outside of the Wingerworth settlement boundary. The Parish Council does not support additional allocations that are not identified in the Local Plan. This application, therefore, is contrary to Local Plan Policy LC1
- (ii) The Parish Council feels that Wingerworth has had more than its share of development in recent years. Further such development is unsustainable and contrary to Local Plan Policy SS1.
- (iii) The application is contrary to Policy W2 in the Wingerworth Neighbourhood Plan as it would have an adverse impact on the local community, existing infrastructure and highway network.
- (iv) The plans do not show the provision of bungalows within the types proposed. This is not reflective of the housing need in Wingerworth nor the requirements of older and disabled people. This is also contrary to Policy W4 in the Wingerworth Neighbourhood Plan.
- (v) This is a greenfield site in the open countryside which is contrary to Local Plan Policy SS9. The site should be protected along with local wildlife and natural habitats.
- (vi) Development on this scale would put further pressure on our local medical services and schools which are already overstretched.
- (vii) The local highway network is already severely congested and beyond capacity. Traffic volumes along the A61 and Derby Road regularly result in long queues and congestion. Further development in the area would only exacerbate this.
- (viii) The above point is of significant concern as the roads to and from Chesterfield Royal Hospital are often at a standstill, which make access problematic for emergency services and those needing urgent medical attention.
- (ix) The Parish Council has concerns over vehicular access to the site which lies on a bend where visibility will be limited.

- (x) The applicants propose to build a bridge over the brook to access the site but does not provide any detail about the type of bridge or its construction.
- (xi) There is a large attenuation pond proposed on the site which will require a vast amount of work and funding to ensure it is regularly cleaned and maintained. The Parish Council questions who will be responsible for maintaining the pond and monitoring its condition.
- (xii) The application refers to a storage tank underneath the attenuation pond which will release water run-off into the brook. The Parish Council is concerned that if this could lead to localised flooding if not managed properly. We trust that the above comments are helpful and will be taken into consideration.

DCC Highways

- 4.2 Derbyshire County Council has no objection subject to conditions and financial obligations.

Environmental Health

- 4.3 No objection to the proposals in principle, subject to conditions re: spread of airborne dust during construction, construction work hours, phase 1 contaminated land assessment, remediation and validation as appropriate.

NEDDC Housing

- 4.4 The 2024 Housing needs assessment identifies an annual provision of 290 affordable rent units and 66 affordable home ownership (AHO) units to satisfy demand in North East Derbyshire, for Wingerworth this represents 30 affordable rent units and 5 AHO units per annum.
- 4.5 The proposal for 40 percent of the units on this site to be for affordable housing would help to address the affordable housing need in the District. There is a demand for 2 and 3 bedroom houses and also for 2 bedroom bungalows and 1 bedroom accommodation. Due to the small amount of affordable housing in the area and the low number of Council owned properties, the preference would be for the properties to be offered as affordable rent tenure, including a smaller percentage being offered for affordable home ownership tenure.
- 4.6 In September 2025 the housing officer confirmed that – from a Housing Strategy perspective – the proposal for the number of affordable units on this site – for:
- 75% Social Rent
 - 25% affordable rent

Is acceptable and helps to meet the affordable housing need in this area. The proposed property types also meet the affordable housing need.

- 4.7 The properties should be owned and managed by a Registered Provider or Housing Association, who have existing properties in the area, and nominations for the properties, should be allocated through the Council's Choice Move system.

Peak And Northern Footpaths Society

- 4.8 No comments received.

The Ramblers Association

- 4.9 Wingerworth FP 2, runs approximately north south on the western edge of the application site. Since no physical changes to the route or surface of the path are proposed there is no objection to the development as presented.
- 4.10 Express concern that a large tract of natural green land is to be lost to this proposed development. This area forms part of a "one-kilometre-wide belt of green land" at the edge of a major housing estate and it forms a buffer between the estate and the A61.

DCC Rights of Way Inspector

- 4.11 Wingerworth Public Footpath No. 2 runs adjacent to the western boundary of the development site, along Hockley Lane. There is no objection to the proposals as the route will be ultimately unaffected by the proposed works.
- 4.12 The connection from the site to footpath 2 is welcomed.
- 4.13 Consideration should be given to funding being provided to improve the paths surrounding the development, in particular Footpath 2, which will receive increased use on completion of the development.

Chesterfield Cycle Campaign

- 4.14 This development is unlikely to have many residents using sustainable methods of transport and will inevitably add to the congestion on local roads.
- 4.15 Cycling provision is minimal with the only references being a link onto Hockley Lane at the northwestern edge of the site but with no details of the width of this short section of shared path. To comply with LTN 1/20 this needs to be minimum 3m wide.

- 4.16 Reference is also made to cycling along Deerlands Road (30mph limit). This road probably forms a link between the development site and Deer Park Primary School but due to the amount of traffic on this road at school times it is very unlikely any parents will allow their child to cycle along here probably resulting in additional car traffic.
- 4.17 Older secondary school children will probably attend Tupton Secondary and are also unlikely to cycle because there is no direct access out of the site to the A61. There is a poorly maintained shared path alongside the A61 (less than 3m wide) but then no cycle provision from the A61 to Tupton school.
- 4.18 Reference is also made to the existing cycle infrastructure particularly the north south route through the Avenue site (east of the development site). There is a link route towards Wingerworth which crosses the A61 but requires cyclists to use a set of steps adjacent to the Hunloke Arms (recently built by a developer). Due to gradients, not being continuous and a very poor cycling surface on the north south route this is unlikely to attract commuting cyclists.
- 4.19 Conclude that the development does not comply with Active Travel England's Standing Advice para 2.12 'Moreover, all new or improved cycle routes need to be fully accessible. Cycling infrastructure should be provided on-site, while this and any new or improved off-site infrastructure to destinations such as schools, local centres, employment centres, railway stations and the existing cycling network should conform to the five Core Design Principles (coherent, direct, safe, comfortable and attractive), separation requirements (Figure 4.1) and geometry requirements required by LTN 1/20' and so object to the application.

British Horse Society

- 4.20 No comments received.

Environment Agency

- 4.21 Make no comment as the development falls within flood zone 1 and there are no fluvial flood risk concerns associated with the site.

Yorkshire Water Services Ltd

- 4.22 No objection subject to conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

Derbyshire Wildlife Trust

- 4.23 I have reviewed the latest BNG Assessment produced by RPS Group August 2025. The full amended metric does not appear to be available for download, so the following comments are based on the information presented in the BNG Assessment only.
- 4.24 The assessment has addressed our previous concerns regarding the treatment of tall herb vegetation around the margins of the modified grassland. The tall herb vegetation supports a more diverse mix of species that are not characteristic of modified grasslands and provide foraging and nesting resources for invertebrates and other animals. It is noted that the assessment has now recorded the tall herb vegetation as other neutral grassland, and we agree that this classification better reflects the value of the habitat. I also note that the Flowering Lawn mix will be used in the establishment and creation of grassland in public open space.
- 4.25 The latest BNG assessment has resulted in changes to the net gain calculation, and the development is now predicted to deliver the following:
- Area habitats +2.16%
 - Hedgerows +11.12%
 - Watercourses -9.14%
- 4.26 The net gain for habitats has decreased but remains a positive net gain. The net gain in hedgerows remains similar to previous assessments. There continues to be a net loss of watercourse units due to the impact of bridge construction on a small stream and its banks.
- 4.27 In addition, the BNG assessment recognises that the Trading rules for the metric have not been met 'due to the loss of woodland, scrub and grassland on site which cannot be replaced on a like-for like basis within the site's greenspaces'.
- 4.28 A significant element of the BNG strategy at the site is focused on the planting of 100 medium semi-mature trees into public open space. This accounts for almost 60% of the post development biodiversity units delivered by habitat creation and enhancement. Other neutral grassland and vegetated gardens account for 17% and vegetated garden another 16%.
- 4.29 Key habitat losses not addressed by the BNG proposals include the loss of almost 1 ha of scrub (various types) and a smaller loss of broadleaved woodland (0.06 ha).

Conclusions

- 4.30 It is noted that the application was originally submitted prior to mandatory 10% net gain and therefore a 10% net gain is not required for habitats, hedgerows and watercourses. However, in accordance with the NPPF and

Local Plan policies biodiversity remains a significant issue and measurable net gains should ideally be secured.

- 4.31 It is disappointing that the loss of woodland and scrub and to some extent grasslands have not been fully addressed in line with the Trading rules of the biodiversity metric. Whilst there is some flexibility due to the pre-mandatory nature of the application it would be preferable to see scrub creation included either on-site or off-site.
- 4.32 With regard to watercourses the BNG Assessment has acknowledged in section 3.3.2 that a further BNG assessment will be needed once the details for the bridge construction are known, and that this assessment will need to be submitted to the Council to accompany the final bridge design. A condition is advisable requiring that a strategy for achieving a net gain for the watercourse is submitted prior to commencement of the development. If a net gain cannot be achieved on-site details for off-site compensation should be provided.

Derbyshire Swift Conservation Project

- 4.33 We request that a condition is imposed to secure 180 internal swift nest bricks (1 brick per dwelling).

NEDDC Drainage

- 4.34 No comments received.

Derbyshire Constabulary

- 4.35 The submission detail is identical in most respects to that of consented application 20/00409, which was subject to a series of consultations and responses, leading to the final design. As such, there are no further comments to add for this application.

NEDDC Parks

- 4.36 The proposed development comprises of 12 one bed dwellings, 38 two bed dwellings, 89 three dwellings and 41 four bed dwellings (as per the drawing 'Planning Layout' dated August 2025). This could attract an estimated £197,027.84 of Section 106 monies towards existing off-site provision with a 10-year maintenance fee of approximately £83,203.67, or an estimated £256,283.88 of section 106 monies towards new off-site provision with a 10 year maintenance fee of approximately £108,227.14. These estimates are based on the last available update (April 2025) to Appendix D of the council's Local Plan

- 4.37 The above the figures for new off-site provision are provided given that the plan indicates the developer is still proposing a new on-site play area, and this figure will assist in giving an idea of the value of provision that may be expected on the development site.
- 4.38 The nearest existing facilities to the proposed development is Deer Park Play Area. Deer Park Play Area is owned and maintained by Wingerworth Parish Council. This play area, or other nearby play areas, may benefit from additional / replacement equipment to increase the play value to local residents. However, considering the size of this development, we might seek provision of on-site facilities in the form of Local Area for Play (LAP), and Locally Equipped Area for Play (LEAP), along with contribution to a Multi-Use Games Area (MUGA)
- 4.39 Request further consultation on the proposed provision and layout for the play area, particularly if the play area is proposed to be adopted by the Council. If the on-site play area is proposed to be adopted by the Council, this would attract the appropriate maintenance fees.
- 4.40 With regards the proposed on-site play area(s), consideration should be given to inclusivity for disabled users. In addition to the play equipment, ancillary items (i.e. fencing, bins, benches etc) should be considered. Ideally any play areas would be separated by fencing, with a minimum two entrances, not in the direct vicinity of any pond, and not in a position overhung or overshadowed by trees.
- 4.41 Suggest metal equipment, but with regards any wooden equipment it should have metal feet. Ground conditions should be taken into account.
- 4.42 If the play area is proposed to be maintained by a Management Company, there should be clear signage and contact details provided.
- 4.43 Further to the comments provided in November 2023, with regards the proposed on-site play area(s), consideration be given to inclusivity for disabled and S.E.N. users, and designs should pay attention to Make Space for Girls
- 4.44 It is unclear from the information provided as to how these areas would be managed/maintained and whether there is any public open space proposed to be passed to the District Council. If there is a proposal for open space, and if this is to be adopted by NEDDC, then this would be subject to the appropriate maintenance fee contained within Table 1 of Appendix D of the Council's Local Plan.

- 4.45 If the public open space(s) is to be adopted by NEDDC, then my comments would also include:
- We would recommend that biodiversity be considered, including areas 'No Mow', wildflower or naturalised areas in keeping with the site and locality.
 - We would ask for details with regards the depths and gradients of the attenuation ponds, to assess the suitability/accessibility for maintenance.
 - We would seek assurance that the access would be appropriate and of suitable standard for the necessary maintenance equipment/vehicles.
 - We would request clarification as to the ownership of any boundary hedgerows or fencing between the open space(s) and neighbouring property/private land.

NEDDC Streetscene

- 4.46 Access is required for an RCV which has a GVW of 32t with a 22.8m turning circle, allowances should be made in the construction of highways for this vehicle and the need to consider its manoeuvrability.
- 4.47 There must be adequate off-street parking to allow full access for refuse collection vehicles, obstructions may lead to missed collections.
- 4.48 The Council will not access or cross any block paved, gravelled or any other un-adopted areas. Any properties located beyond these areas will have to present their bins at a nominated collection point.
- 4.49 The developer has included the locations of the proposed bin collection points on the planning layout. These are acceptable but the developer should ensure that they are large enough for all households to present their bins.
- 4.50 The developer may propose an alternative solution to ensure that the private/un-adopted road in question is of a suitable construction and is approved and signed off by the highway authority. This will be of a satisfactory standard to ensure that damage will not be incurred to vehicles and/or the road surface.

Derbyshire County Council - Flood Risk Team

- 4.51 No objections in principle Conditions Recommended

The Coal Authority

- 4.52 No objection to the proposed development subject to conditions.

DCC Planning (Infrastructure)

- 4.53 The impact of the proposed development on school places requires mitigation.
- 4.54 The County Council requests (education) financial contributions as follows:
- £ 830,722.40 to expand Hunloke Park Primary School or alternatively be used towards the proposed new primary school at The Avenue, the planned site of which is within the Hunloke Park Primary School.
 - £ 139,754.64 towards SEND places
- 4.55 The developer should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.
- 4.56 No capital improvements to Wingerworth Library are required.
- 4.57 In this instance a stock only contribution of 12,684.96 is sought and is calculated as follows:
- 180 dwellings x 2.3 (average household size) = 414 people
 - 414 people x 1.532 (stock level per person) = 634 stock items
 - 634 (stock items) x £20 (cost per stock item) = **£12,684.96** (i.e. £70.47 per dwelling).
- 4.58 As affordable housing in this district is a key priority, support the provision of 40% affordable dwellings. Raise concern that not all dwellings meet national space standards, particularly the Loxley type dwelling which states it meets M4(2) standards: at 757 square feet but falls short of the 1001 square feet suggested by the national space standards.
- 4.59 Note that bungalows are to be omitted. Request a redesign of the 'Hudson' type dwelling so that half the units are on ground level only, effectively creating 'stacked' bungalows. (*Officer comment- this is dealt with by provision of bungalows in the revised drawings*)
- 4.60 The density of the development would be lowered by the omission of the bungalows but request that the original density is retained and that any dwellings not meeting the national space standards are increased to do so to create a development which is 'safe, inclusive and accessible and which promotes health and well-being, with high standards of amenity and flexibility for existing and future users.'
- 4.61 Seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee requested is the cumulative number of triggers to be monitored for County Council obligations x £154.

NEDDC Employment and Skills Officer

- 4.62 No objections raised subject to the imposition of a condition for a scheme to enhance and maximise employment and training opportunities during the construction stage (and post construction stage) of the project.

County Archaeologist

- 4.63 The proposed development area lies some 350m to the south-west of pre-historic, Roman and early medieval (Anglo-Saxon) occupation at Hanging Banks, Wingerworth and is adjacent, to the south, of the former walled gardens of Wingerworth Hall. The site is on a south facing slope (from 110m to 98m aOD) overlooking the Redleadmill brook. Previous geophysical survey has proven inconclusive, it reflected various signal types ascribed to different origins and excluded the potential for buried archaeology on the site.
- 4.64 The Heritage Statement accompanying the application was produced in 2017 and so is out of date, its accompanying figures do not accurately reflect the proposed development area in relation to the current land-use or the historic mapping as the images are presented back to front. In the first instance the figures for the HS should be amended and the document re-submitted to this office. (*Officer comment: A revised HS was submitted on 15th November 2023*)
- 4.65 In terms of below ground archaeology, given the context of the site, there is the potential for hitherto unknown archaeology to be present and should you be minded to grant planning permission this potential should be addressed in Archaeology conditions.

Severn Trent Water Ltd

- 4.66 No comments received.

Derbyshire Community Health Services NHS Trust

- 4.67 Financial contribution of £162,000.00 is requested to enhance Wingerworth Medical Centre.

Chesterfield Royal Hospital NHS Foundation Trust

- 4.68 Section 106 request of £393,000.

Active Travel

- 4.69 Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

5.0 REPRESENTATIONS

- 5.1 Number of original neighbour notifications: **235**

Total number of comments received: **157**

Number of General Comments: **2**

Number of Objection Comments: **155**

Number of Support Comments: **0**

- 5.2 The raised comments are summarised as follows:

(i) The site is not allocated, and it does not meet criteria to build on land outside the Settlement Development Limits (does not meet policies SS1, SS9, LC1 and LC3). The Council has an up-to-date Local Plan and a 5-year housing supply. Building should be on brownfield sites.

(ii) Affordable housing need is already met in Wingerworth

(iii) No biodiversity survey submitted. Concern regarding impact on trees and biodiversity of the site including:

- Impact on nesting owls
- Bats, slow worms and deer

(iv) Concern re capacity of infrastructure including:

- Roads (congestion on surrounding roads)
- schools (including pupil spaces and parking) both primary schools are full.
- medical services including spaces at the local surgery and lack of dentist places.
- Sewage and water network (sewerage capacity on Deerlands Road)
- transport network, including public transport as there are poor bus services.

(v) Too many houses are proposed

(vi) Drains at Deerlands Road already overflowing.

(vii) The sewerage capacity is not sufficient so the proposal will fail to meet SDC11.

(viii) There is no provision for improvements to local infrastructure

(ix) Impact on the character of the area:

- Wingerworth has had its share of new development and the cumulative effect is a step too far.
- Development will replace a much enjoyed green space.
- The site is separated from the built form of Wingerworth by Hockley Lane and Trickett brook.

- Wingerworth will lose its village “feel”.
- Wingerworth is characterised by greenspaces, and this will result in the loss of one of those spaces.
- The development will result in sprawl.
- Loss of Public Open Space.
- Loss of green fields around Wingerworth that separate it from surrounding villages.
- The proposal will disrupt the tranquillity of our community.
- The proposal will harm the character of the countryside and fail to meet the requirements of SDC3.

(x) House types

The planning statement says there will be more bungalows, but this doesn't seem to be the case.

The mix of homes in the scheme is inappropriate, the area needs bungalows not 3,4 and 5 bed houses.

Proposed development is not affordable for local young people.

(xi) The site is not sustainable

- There are insufficient shopping areas in Wingerworth.
- Facilities are not within walking distance.
- No local employment resulting in a community which congests the highways.
- Access to the site for people with limited mobility will be challenging as public transport links too far away.
- Distance to the bus stops is not realistic
- Accessing cycle routes is not straightforward.
- Walking distances to services are not of “desirable” length.

(Officer comment: This issue was discussed by the inspector in respect of the 2018 appeal)

(x) Flooding

- Flood Risk will be increased as the site is a valuable sink for water.
- Surface water flooding

(xi) No net zero targets such as solar panels etc, buildings should be fossil fuel free with heat pumps etc.

(xi) Highways

- Single bridge road into the site will be risky.
- Pollution caused by increased traffic.
- More traffic will make the highway dangerous.
- There will be a further safety risk to pedestrians particularly children and the elderly.
- There have already been car accidents around the school- police have been attending schools at closing times.
- There is a blind bend on Deerlands which will be very unsafe with the proposed volume of traffic.
- Spindle Drive is not wide enough, refuse vehicles and rescue vehicles will not be able to access the site.

- (xi) There are Coal mining risks.
- (xiii) Light and noise pollution
- (xiv) There will be disruption due to building works, where will construction workers park etc, there will be damage to roads caused by construction traffic, there is concern about using Nethermoor Road for construction traffic.
- (xv) There will be disruption of building works which will affect the health and wellbeing of surrounding neighbours.
- (xvi) There will be light and noise pollution from the construction.
- (xvii) Development is for developer profit and council revenue.
- (xviii) There has not been enough consultation with the local community.
- (xix) Land on Spindle Drive is not being maintained
- (xx) Council taxes are high because Wingerworth is a beautiful area.
- (xxi) Development will affect property prices.
- (xxii) Impact on BT infrastructure.
- (xxiii) Increased flood risk lowers values of our homes/increases insurance premiums
- (xxiv) Rippon are taking advantage of a national shortage of housing which is not reflected in this area.
- (xxv) Road line of sight issues caused by illegally parked vehicles.
- (xxvi) Documents are too complicated to be understood by the public.
- (xxvii) Already had damage and disruption caused by Hockley Lane development.
- (xxviii) Views will be lost.

6.0 RELEVANT POLICY AND STRATEGIC CONTEXT

- 6.1 The Development Plan comprises the **Wingerworth Neighbourhood Plan (NP)** and the **North East Derbyshire Local Plan (LP)**. The most relevant policies in this case are as follows:

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

SS1 Sustainable Development
 SS2 Spatial Strategy and the Distribution of Development
 SS9 Development in the Countryside
 WC4 Retail Hierarchy and Town Centre Uses
 WC5 Visitor Tourism Development
 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
 ID4 New Social Infrastructure

Wingerworth Neighbourhood Plan

W1: Wingerworth settlement development limit
W2 Development in the Countryside
W11 Heritage Assets
W12 Design Principles
W13 Biodiversity
W14 Trees and Hedgerows
W15 Important Views and Vistas
W17 Highway safety
W19 Enhancement of footpaths, cycle ways and bridleways

Other relevant policy documents include the Council's design guidance set out in "Successful Places". The National Planning Policy Framework (NPPF) has also been taken into account.

7.0 PLANNING ISSUES

2018 Appeal context

- 7.1 Residential development on the site was approved (at appeal) in 2018 under a certain set of circumstances present at that time. The development has, however, not been implemented in accord with the consent granted. It is, therefore, no longer extant.
- 7.2 At the appeal the inspector addressed the sustainability of the site:
- 7.3 He considered that "Wingerworth is a large village with a number of local amenities, including primary schools, public houses, places of worship, convenience stores and a number of other shops. There are several formal and informal public open spaces"¹.
- 7.4 When looking at public transport he noted that "there are bus stops around one minute's walk from the entrance to the site. I appreciate that it would take some while to walk from the furthest part of the site to the bus stop, but the distance is not such as would be likely to put many people off using the bus. Once at the stop, there are two services, providing around three services an hour, to Wingerworth, Chesterfield and Clay Cross. Interchange facilities to other destinations and other modes of transport are present especially in Chesterfield"².
- 7.5 With regard to walking and cycling he noted that "only three amenities fall within a 1 km walk, but the great majority of the remainder are within 2 kms. I agree with the Council's argument that accessibility must be considered against the situation on the ground, including gradient, as opposed to two

¹ Appeal Decision APP/R1038/W/17/3192255 para 36

² Appeal Decision APP/R1038/W/17/3192255 para 39

dimensional plan form. From what I saw on site some of the routes are sufficiently steep or poorly surfaced as to put some people off walking or cycling. In particular the route north up Hockley Lane is potentially unattractive in inclement weather, or for those with children, or the infirm. However alternative routes exist the shortest of which is only around 150m longer, and offer easier walking or cycling routes”³.

- 7.6 Overall, the inspector concluded that the location “is sustainable and the proposal offers genuine choices of transport modes and complies with the relevant policies”⁴

Changes to present day policy context

- 7.7 Since the appeal was determined the Council has adopted the current Local Plan. This does not allocate the site for housing or development. In May 2025, the Council’s published housing land supply position is 5.34 years as such it is considered that the Plan is up to date and that the Council can demonstrate a 5 year supply of housing sites at the point of writing this report. However, as acknowledged by the Council in published monitoring reports, the trajectory of the supply is downward, at the same time as the housing requirement under the new standard method is set to increase.
- 7.8 Notwithstanding the above, since the application was originally to be brought to committee (September 2024) with the recommendation for refusal, there has been a change in national policy (namely the revision to the way in which housing need is calculated) which will result in the Council losing its 5 year supply when the Local Plan is 5 years old in November 2026.
- 7.9 There has also been an update to key local evidence around housing need, including affordable housing. The updated Housing Needs Assessment was published in October 2024 and identifies a need for further affordable housing within Wingerworth of 35 per annum (discussed in more detail later in this report).
- 7.10 There is capacity for circa 360 additional dwellings on the Avenue allocation, over and above what has been built out or proposed on planning applications awaiting decision. To be policy compliant, 72 of those dwellings would be affordable, equating to just over 2 years’ worth of identified local need. All of the other allocations in Wingerworth have a planning permission in place and so there are no further sites to be able to meet the local need beyond the 2-year period. As such, there is no pipeline of sites available to meet the additional needs for affordable housing in Wingerworth.

³ Appeal Decision APP/R1038/W/17/3192255 para 40

⁴ Appeal Decision APP/R1038/W/17/3192255 para 74

- 7.11 There were technical considerations that led officers to publish a report recommending refusal of this application in September 2024. However, post publication of that report, the applicant made a request to engage in a way that had not happened prior to the publication of the report and committed to working with officers to resolve those technical issues.
- 7.12 Officers then faced a judgement call in respect of how that request was handled. One option was to persist with the recommendation and seek to defend the case at appeal. It would have been possible for the applicant to submit information at the appeal that would have overcome the technical issues (as they have done in the intervening period) and then the case would have turned on whether the fact that the Council can demonstrate a five year supply, would have been significant enough to outweigh the benefits of delivering housing that (certainly in the case of the affordable housing) is meeting an unmet need. A key consideration is that such a case was not made successfully in 2018, when the Council **could demonstrate** a five year housing land supply.
- 7.13 It would not be appropriate for officers to suggest that the appeal would have certainly been allowed as we cannot know that. What we do know is that the 2018 appeal Inspector determined this to be a sustainable location for development and that the harm to the landscape was not sufficient to warrant refusal. Given the similarities between the 2018 appeal scheme and this application, officers are of the strong opinion that the same conclusion would likely have been reached on those matters, had this current application been refused and appealed.
- 7.14 Having received communication from the applicant that they wanted to engage to resolve the technical issues, officers also had to consider the potential change in national planning policy that was signalled by the government consultation which was issued a matter of weeks before the publication of the September 2024 report. The consultation suggested a change to the way in which housing need was calculated in a way that largely came to pass through the publication of the updated National Planning Policy Framework in December 2024.
- 7.15 The key changes that have been negotiated since September 2024:
- a) The 40% affordable housing to be a mixture of 75% social rent and 25% affordable rent and to a revised mix of sizes – this meets an identified need within the Parish, as set out later in this report;
 - b) The applicant has provided the Biodiversity Net Gain (BNG) information to address the concerns that the Derbyshire Wildlife Trust had and has gone further to commit to a 10% BNG commitment, despite that not being

an obligation on them as this application was submitted prior to the requirements of the Environment Act coming into force;

- c) Design and layout changes: to limit the impact on the Wingerworth Hall Walled Garden Non-designated Heritage Asset; to incorporate more on site BNG and deliver some street trees. Changes to the house types to deliver a better mix of affordable housing, more bungalows and more M4(2) compliant dwellings.
- d) A commitment to commence the development within 1 year of the date if the planning permission being issued, as opposed to the 'standard' 3 years, so that the scheme starts to deliver housing that can contribute to the overall supply more quickly

7.16 The planning merits of these changes and how they affect the planning balance are discussed in detail in this report. These changes, the context of the appeal decision (which identified this site as a sustainable location for development), the limited pipeline of sites left to meet the identified ongoing need for affordable housing in Wingerworth, are key considerations in the determination of this application has led officers to the recommendation of approval that is made in this report.

Principle of Development

7.17 The application site is located outside the SDL for Wingerworth (as set out in the Development Plan) and is therefore within the countryside for planning purposes. It is also within a secondary Area of Multiple Environmental Sensitivity (AMES).

7.18 The site is otherwise not allocated in the LP and LP policy SS1 states that in order to contribute to sustainable development, development proposal will meet development needs within defined settlements or other allocated areas whilst policy SS2 sets out that, whilst concentrating new housing on settlements such as Wingerworth, land outside SDLs will be treated as countryside where development will only be permitted in accord with policies SS1 and SS9.

7.19 Paragraph 82 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 83 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

7.20 Policy SS9 of the LP supports development proposals in countryside locations outside the Settlement Development Limits where it can be demonstrated to fall within one or more of the following categories:

- a. It involves a replacement building for the same use and is not significantly larger than the building it replaces;
- b. It involves the re-use of buildings and accords with policy SDC1;
- c. It is necessary for the efficient or viable operation of agriculture, horticulture, forestry and other appropriate land based businesses, including the diversification of activities on an existing farm unit;
- d. It involves small scale employment uses related to local farming, forestry, recreation, or tourism;
- e. It involves new visitor accommodation, or extensions to existing visitor accommodation in accordance with Policies WC5 & WC6;
- f. It involves the change of use, re-use, limited infilling or redevelopment of vacant, derelict or previously developed land which would not have a greater impact on the character of the countryside than the existing development;
- g. It involves the use for a Traveller Site in accordance with Policy LC9;
- h. It involves the provision, expansion, or improvement of social infrastructure and accords with policy ID4, or relates to a development which has a demonstrable community and/or social benefit;
- or i. It is in accordance with the policies of an adopted Neighbourhood Plan.

- 7.21 Additionally, LP policy LC3 supports development proposals for affordable housing which would be contrary to Policy SS9 (Development in the Countryside) in certain circumstances.
- 7.22 LP policy SDC3 in respect of Landscape Character only supports proposals for development 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. Development proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES), or any successor document(s), and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character type.
- 7.23 Policy SDC12 requires that all new development should be of a high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted if they (inter alia): Respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; Include boundary treatments and landscaping which are well designed and create strong physical features which provide visual and functional separation from the site's surroundings. Where appropriate, effective landscape buffers will be required which create appropriate transition between urban and rural environments; Maintain or enhance important existing site features of landscape, ecological, heritage or amenity value as integral elements of the design.

- 7.24 Policy WC2 of the Wingerworth Neighbourhood Plan (NP) states that land outside the SDL will be treated as countryside where development proposals will be carefully controlled and limited to that which is appropriate in a rural location or supports thriving rural communities within it.
- 7.25 The SDL for Wingerworth follows the western and southern boundaries of the site. It, therefore, falls outside the settlement limits and is located within the countryside for planning purposes (see Figure 3 below).



Figure 3 Photo taken from land to the north of the site looking west towards the boundary with the settlement formed by Hockley Lane

- 7.26 Policies SS1, SS2 and SS9 of the LP only support housing development in the countryside where it makes use of previously developed land (in certain circumstances) or it is an affordable housing exception site.
- 7.27 In this case, the site comprises paddocks that intervene between the settlement and woodland to the east. It is not previously developed and so the principle of housing development in this location is contrary to the policies of the Local Plan.
- 7.28 Even if the site was considered to be Previously Development Land (PDL), as the site is currently undeveloped, the construction of housing on it would have a greater impact on the countryside and so it would fail the test set out in policy SS9 (1) (f).
- 7.29 Whilst the proposal proposes 40% affordable housing, this does not meet the thresholds set out in policy LC3 to secure development outside SDLs for affordable housing (i.e. this proposal cannot be considered a 'rural exception site.').

- 7.30 As a consequence, the proposal does not meet the requirements of policies SS1, SS2 and SS9 of the LP or policy WC2 of the NP and as such it is concluded that the principal of development on this site is not supported by planning policy.

Landscape and Design

- 7.31 The Inspector, in respect of the 2018 appeal concluded that the site is not a valued landscape in terms of the NPPF and the introduction of built form into the countryside beyond the settlement edge would cause limited harm to the character and appearance of the area and would therefore conflict with the relevant development plan policies. Since then, the LP has been adopted which refers to the Derbyshire Landscape Character Assessment (DLCA) and AMES.
- 7.32 Policy SDC3 supports proposals 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 and that development proposal should be informed by, and be sympathetic to, the DLCA and the AMES
- 7.33 The application site is located within the 'Wooded Farmlands' landscape character type of the Derbyshire Peak Fringe and Lower Derwent landscape character area. Key characteristics of this landscape type include: (i) undulating, intermediate landform, with gentle slopes; (ii) poorly draining soils over mudstone with localised sandstone and coal seams, (iii) scattered ancient woodlands and scattered hedgerow trees locally dense in places; (iv) small to medium irregular fields enclosed by mixed species hedgerows; (v) curving lanes with irregular verges; and scattered sandstone farmsteads and occasional hamlets'. The document describes the built environment in this landscape type as, 'The majority of historic buildings are constructed of local sandstone, roofed with Welsh or stone slates. Farmsteads and groups of cottages are dispersed throughout the landscape. The presence of coal in the area and the expansion of Chesterfield have contributed to widespread development of red brick housing. Of special interest is the development at Wingerworth, on the site of a former country house park, reflecting its former boundaries.'
- 7.34 As a collection of gentle sloping fields with hedgerow boundaries, the application site is a good example of the type of landform described. As discussed below, it is also considered to form the setting to a non-designated historic asset, Wingerworth Hall walled garden, and as such comprises a feature of existing value within the secondary AMES.



Figure 4 view into the site from Spindle Drive

7.35 The proposed layout, which broadly mirrors that previously approved, displays some characteristics of good design in that it is outward facing to its west, south and east sides [but backs onto the countryside with gardens and close boarded fencing on the northern boundary], follows a broadly block structure, has a set back from Hockley Lane and links the open spaces within it, the house types are proposed to be finished in a variety of red bricks with brick and render detailing, the larger more prominent dwellings on the southern boundary will have sandstone corbel, heads and sills and form an entrance to the site, there is interesting open space throughout, and the prominent trees are celebrated. In addition, the dwellings along the northern boundary, whilst not bungalows, are smaller in scale to reflect the elevated part of the site.

7.36 The Council's Landscape Architects have suggested that of the trees identified for removal:

- T78-B2 could be retained with minor adjustments to the attenuation basin. It is noted the outline approval sketch layout in the DAS appears to show the attenuation basin further way from the southern boundary of trees.
- G5 2nr A2 trees could be retained with minor realignment of the footpaths.
- G7 2nr trees we assume are removed to facilitate highways requirements, which may be due to statutory layout requirements, though this should be tested and made clear. It is noted the outline approval sketch layout in the DAS appears to show the hammerhead turn further way from G7.
- G4- C2 3nr Quercus Robur could be retained with the adjustment of the LEAP and associated access footpath. Note the LEAP does not have to be formed in a rectangle. It is noted the outline approval sketch layout in the DAS shows an indicative area of LEAP pulled away from these trees.

- 7.37 In addition, it is considered that there are opportunities to better design the public open space in the site to make more of trees and deliver more onsite biodiversity gains.
- 7.38 The applicant has not addressed these concerns in the revised drawings, however other design changes will reduce the impact on the landscape- in particular the use of bungalows in the north eastern corner which will reduce the prominence of that area of the site from wider views.
- 7.39 Overall, the design is considered to be an improvement over that previously permission and it does offer some positive elements overall therefore it is considered that the inspector's assessment of limited landscape harm still applies, and as such the proposal 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, as required by LP policy SDC3.

Heritage Impact

- 7.40 There are several sites within the setting of the application site that have entries on the Derbyshire Historic Environment Record (HER) and are shown on the map inserted below (Figure 5).
- 7.41 These include the walled garden of former Wingerworth Hall, off Hockley Lane, Wingerworth. (To the north-east boundary of the site) (map ref 1), The Garden House to the former Wingerworth Hall, (north-east of the site) (map ref 2), the Iron forge/red lead mill (site of), Hanging Banks, Wingerworth (east of the site) (map ref 3), findspot of Mesolithic flint flakes. (South-east of the site) (map ref 4), Wingerworth Park (site of), and (map ref 5) Bloomery (site of), Wingerworth Lido (West of the site) (map ref 6).

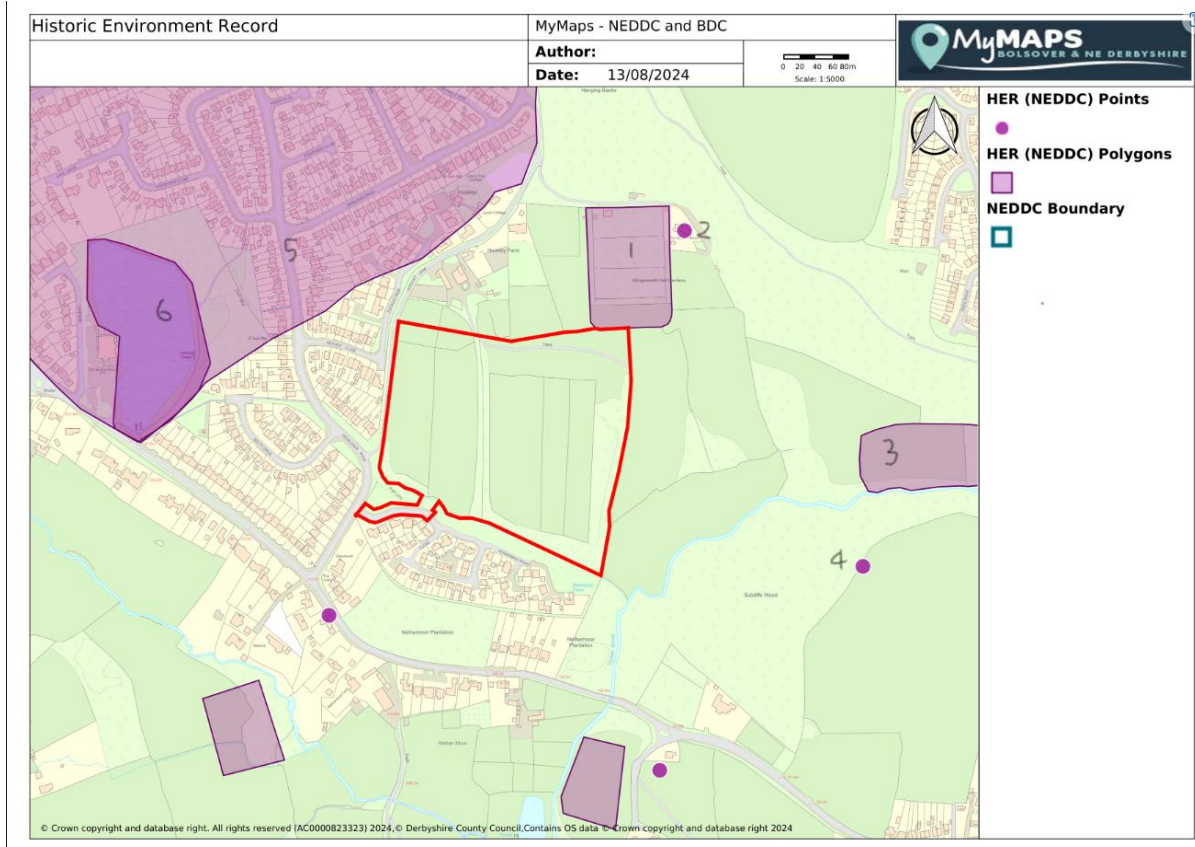


Figure 5 map Showing Historic Environment Records mentioned in the list above.

- 7.42 The walled kitchen garden to the former Wingerworth Hall is situated north-east of the application site (see Figure 6 below). The impact on the walled garden was not assessed as part of the 2018 application as it was added to the Heritage Environment Record in 2023.
- 7.43 It has aesthetic (architectural and artistic) value because of its planned design (form), materials and detailing and formed part of the landscaped grounds to the important country house of Wingerworth Hall.
- 7.44 The walled garden has group value along with the surviving historic structures that formed part of the grounds to, and were associated with, Wingerworth Hall. Several of these structures are listed buildings and include 238 and 240, Longedge Lane, the entrance gate-piers and attached walls adjacent to nos. 35 and 37 New Road, No. 1 Hockley Lane, the two western wings to the former Wingerworth Hall, and the pair of gate piers and linking wall to the west of Estate House.
- 7.45 The historical value of the walled garden is also derived from its age (its footprint is depicted on an 1835 map, and it may have earlier origins) and because of its association with the Hunloke family (past owners of the estate).

- 7.46 The Planning Practice Guidance: Historic Environment (para.39) defines a non-designated heritage asset as, 'buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.'
- 7.47 Historic England's Good Practice Advice in Planning: Managing Significance in Decision-Taking in the Historic Environment (2015) explains, 'Non-designated heritage assets include those that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application.'
- 7.48 Taking all this advice in the round, Officers are of the opinion that the historic walled kitchen garden, built as part of the Wingerworth Hall Estate, is a non-designated heritage asset because of the sum of the heritage values given above. The HER mapping records the asset abutting the northern edge of the study site, although the site visit and the historic map evidence reviewed below confirm that the southern side of the walled garden itself actually lies around 30m north of the study site boundary, with the intervening area originally forming a small orchard – but now cleared.
- 7.49 The land south of the walled kitchen gardens, formerly used as an orchard and closest to the application site, is likely to have been associated with the walled garden. This means that this parcel of land has historical association with the non-designated heritage asset and the grounds to the former Wingerworth Hall. Additionally, this area of land forms the immediate setting to the south side of the walled garden – a non-designated heritage asset.



Figure 6 Historic map (left) showing the Walled Garden, centre and comparison with current aerial photograph (right)

- 7.50 Although the application site might not contribute to the heritage significance of the former Wingerworth Hall parkland, the north-eastern section of the application site is within the setting of a historic walled kitchen garden (a non-designated heritage asset).
- 7.51 Since the application was withdrawn from committee in 2024, the applicant has worked with officers to reduce the impact of the development on the walled garden. Bungalows are now proposed in the north east corner and the boundary between domestic curtilages can be controlled through the boundary condition. As such it is considered that whilst there will be an impact on the setting of the NDHA, the harm is limited.

Impact on Amenity of existing and future occupiers

- 7.52 Due to the location of the site well away from residences on Spindle Drive and Hockley Lane, the proposed layout will not result in overlooking or impact light to windows of existing properties.
- 7.53 The layout of homes meets the requirements of successful places for 21m between rear facing elevations, ensuring that there is adequate space between dwellings to maintain privacy. In some cases the garden sizes are slightly smaller than recommended by Successful Places and in the case of the Hudson House type there are shared gardens. However given the proximity of public open space on and off the site and the wider countryside, it is considered that these issues would not be sufficient to warrant a recommendation for refusal.

Affordable Housing

- 7.54 The proposal includes provision for 40% of the units to be for affordable housing. This represents 72 dwellings (of those proposed) and mirrors that proposed by the 2018 scheme on which the appointed Inspector attached significant weight.
- 7.55 Since the application was withdrawn from committee in 2024 the applicant has committed to delivering all 72 properties as (75% as social rent units, 25% Affordable rent (20% below market rents). The social rent units would be managed by a registered provider.
- 7.56 The applicant has also updated the affordable housing mix to provide greater variety of house types as such they will deliver a total of 12no 1-bed, 26no 2-bed and 34no 3-bed.

**AFFORDABLE: 40%
Rent**



RH Ref.	Sales Name	House Type	Storey	No.
L3	Leyburn	3 Bed House	2	14
3S6	*Loxley V1	3 Bed House	2	11
3S6	*Loxley V2	3 Bed House	1.5	9
L2	Langley V1	2 Bed House	2	17
L2	Langley V2	2 Bed House	1.5	4
2S1++	Laxton	2 Bed House	2	5
1BT	Hudson	1 Bed House	2	12
SUB TOTAL:				72

Figure 7 Table showing mix of affordable housing

7.57 20 of the affordable homes are also M42 Compliant.

7.58 The latest Housing Needs Assessment (HNA) (2024) shows that there remains a high demand for social housing in North East Derbyshire as a whole with 359 affordable homes required each year, comprising 291 Affordable/Social Rented Homes and 68 AHO. Within Wingerworth there is a need for 35 affordable homes each year 30 of which should be for Affordable/Social Rented Homes. The HNA indicates that seeking provision of around 75% of rented affordable housing as social rent can be justified. This would appear to particularly apply to Wingerworth, given the evidence of current tenure mix. Wingerworth sees the highest proportion of owner occupiers (90.3%) and lowest social rented (4.8%) within the district, private rented is also low (4.9%). .

In terms of size/mix the HNA recommends the following mix for the District:	General Needs Rented	Housing for Older People
1-bedroom	25%	30%
2-bedrooms	40%	70%
3-bedrooms	25%	
4+-bedrooms	10%	

7.59 The scheme will deliver 72 dwellings as 75% of these being social rent and 25% Affordable Rent, over half of these will be 1 and 2 bed dwellings which are most required in the area. Overall, therefore it is considered that the percentage of social rented accommodation within the proposed scheme carries significant weight in favour of the development.

Flood Risk

7.60 The flood map for planning has been updated since the application was first submitted, however the far southeast corner of the site is still located within flood zone 2 (FZ2) with the remainder being within Flood Zone 1 (FZ1) (see Figure 7 below). However, no physical residential development is proposed in FZ2. As such, it is considered that a sequential test is not necessary.



Figure 7: Map showing extent of Flood Zones 2 and 3 on the site.

7.61 Due to the size of the site a flood risk assessment was required and was submitted. The Local Lead Flood Authority commented and requested further information, particularly regarding the management of water through the culvert under the access.

7.62 The applicant has since provided the required information and has agreed to access the site using a bridge rather than culvert, the design of which can be secured by condition. As such the LLFA now have no objection to the proposal, subject to their conditions, and as such it meets the requirements of LP policy SDC11 and the requirements of the NPPF.

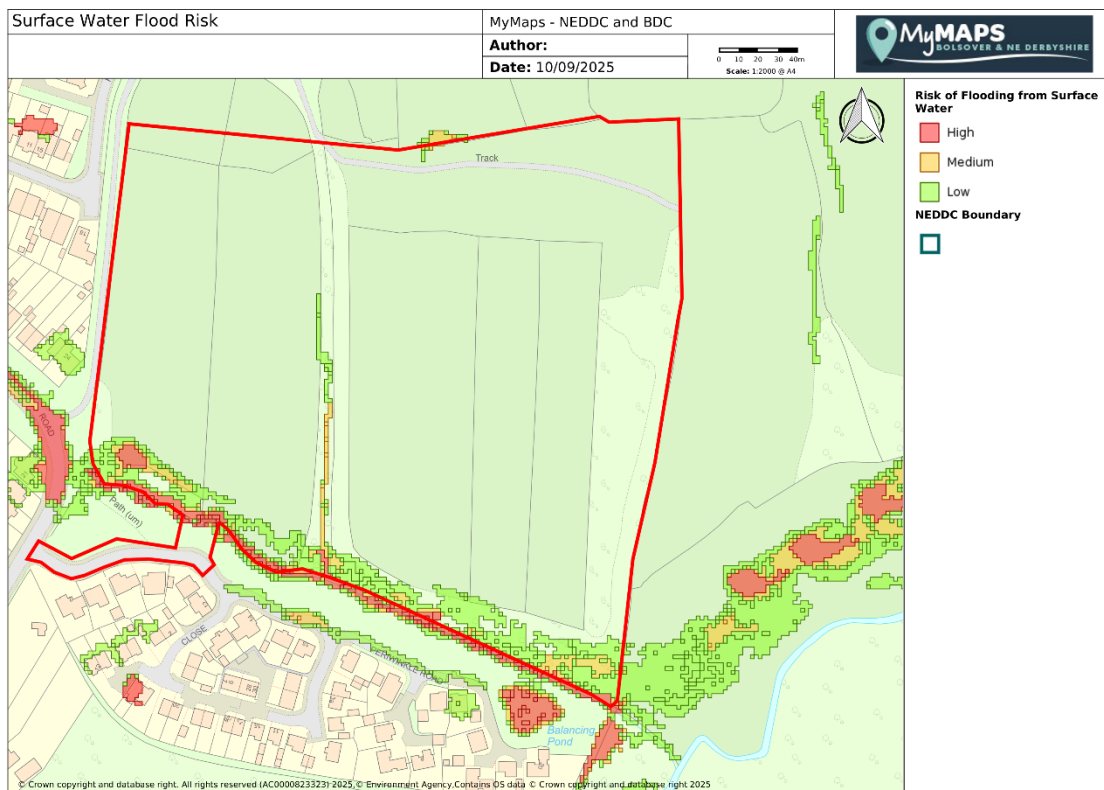


Figure 8 Plan showing the high, medium and low risk of surface water flooding.

Coal Mining Risk

7.63 The development site is in an area which is at high risk from coal mining legacy. The Coal Authority has confirmed that intrusive investigations will be required before development begins but that these could be secured by condition if permission was granted.

Biodiversity

7.64 The application was submitted before the introduction of the statutory 10% Biodiversity Net Gain (BNG) requirements. However, an actual net gain in biodiversity is required under paragraph 180(d) of the NPPF and policy SDC4 of the LP.

7.65 The submitted revised BNG metric and revised landscaping scheme shows that the proposal will deliver an onsite gain of +2.16% habitat units, +11.12% of hedgerow units but a -9.14 loss of watercourse units. It is one of the 10 principals of BNG that compensation should be ecologically equivalent in type, amount and condition⁵. So, it is usually expected that loss of one type (watercourses) cannot be offset by an increase in another (hedgerows)

⁵ [Biodiversity Net Gain: Good practice principles for development © CIEEM, CIRIA, IEMA, 2016](#)

- 7.66 The site and the adjacent land to the east has been submitted in the 2025 call for sites for housing and Biodiversity Net Gain. This suggests that a larger gain could be delivered on an adjacent site. The site to the east was not originally included in this planning application.
- 7.67 However, following discussion with officers the applicant is proposing the delivery of a 10% gain in habitat units either on site, or the adjacent land within their ownership, immediately east of the application site (outlined in blue on the submitted plan). It is only if the 10% net gain cannot be delivered on this land that sites further afield would be considered as locations for offsetting. Delivery of BNG units to offset a shortfall on site could be secured within the S106 agreement.
- 7.68 The applicant has also indicated that they would seek to deliver a gain in watercourse units but it is not possible to assess how much gain is required or how it will be delivered until the bridge has been designed. Provision of the water course units can be secured by condition which would reflect the above hierarchy i.e. on site as the first preference, then on adjacent site (blue line land) and lastly offsite, with full justification required before the next stage of the hierarchy is considered.
- 7.69 Due to the date the application was submitted the applicant only has to deliver a gain in BNG- as such the commitment to deliver 11.2% on site Hedgerow gains, 10% habitat gain as a mixture of on-site and on the adjacent site and a gain in watercourse units (though a hierarchy of onsite/ in the blue line land and off site as a last resort), is considered to weigh significantly in favour of the application.

Planning Obligations

- 7.70 In the submitted Planning Statement the applicant states that in addition to the provision of 40% affordable housing discussed above, they are willing to re-enter into a legal agreement similar to that concluded in respect of the outline application in 2017 to deliver full infrastructure mitigation (as determined by the relevant statutory consultees).
- 7.71 The Planning Obligation requests that have been received in this case are as follows:

	TOTAL	£2,332,501.02	£2,248,218.51		
Organisation		amount			
DCC	Hunloke park primary	£830,722.40	£830,722.40	yes	
DCC	SEND	£139,754.64	£139,754.64	yes	
DCC	libraries	£12,684.96	£12,684.96	yes	
DCC	monitoring fees	£154x cumulative number of triggers to be monitored			
CRH	total	£392,624.00	£392,624.00	yes	
DCHS	total	£162,000.00	£162,000.00	yes	
Parks have requested either	new play provision of value	£256,283.88		yes	
	maintenance if adopted by NEDDC	£108,227.14		yes	
or					
	Improvement of existing play provision		£197,024.84	yes	
	maintenance		£83,203.67	yes	
Formal sports sites (Policy ID10)	rugby provision capital	£4,841.00	£4,841.00	yes	
	rugby provision lifecycle	£8,960.00	£8,960.00	yes	
	3G at Tupton School	£10,687.00	£10,687.00	yes	
	3G lifecycle costs	£3,110.00	£3,110.00	yes	
	Changing rooms at deer park (football)	£25,464.00	£25,464.00	yes	
	changing rooms at deer park (cricket)	£28,817.00	£28,817.00	yes	
NEDDC	monitoring fees for NEDDC obligations	£154x cumulative number of triggers to be monitored			
DCC Highways	£1900/dwelling for A61 improvements	£342,000.0000	£342,000.0000		
	travel plan monitoring fees 1265pa x5 ye	£6,325.0000	£6,325.0000		

Figure 9: Table to show Planning Obligation requests.

- 7.72 The headings are broadly similar to those outlined in 2017 however the figures have changed (by time). In addition, since the application was first submitted the numbers of children entering secondary school has been revised down and the County Council are no longer requesting a contribution towards provision at Tupton Hall School. The applicant has entered into the S106 agreement process with the council's legal team.
- 7.73 The planning obligations include £162000 towards additional patient capacity at Wingerworth Surgery and £392624 in mitigation of impacts of additional capacity on Chesterfield Royal Hospital.
- 7.74 With reference to the request from NEDDC Parks for play provision, a variety of figures depending on whether the applicant contributes towards enhancements of existing off-site provision or delivers an on-site play area have been provided. The submitted plans show an on site LEAP, but the level of equipment to be provided should be of an equivalent of approximately £256,000. If this is to be transferred to the council for maintenance a further contribution of approximately £108,000 would be required. This matter could be addressed through the section 106 mechanism and so be delivered.
- 7.75 In addition to the above, the Highway Authority has requested a contribution of £1900 per dwelling plus monitoring fees for enhancement to cycle and walking facilities, and traffic management measures to improve connectivity between the site and Wingerworth and the wider surrounding area. This will enable the mitigation of the impacts of the development on highway capacity, discussed in the next section of this report.

- 7.76 As the applicant has indicated a willingness to meet these requirements, it is considered that the social mitigation package could be secured as required for education, libraries, health, open space provision and highways.

Highways

- 7.77 It is proposed that the access to this Phase 2 development will be via the existing Spindle drive access. A spur will provide a single (bridged) access road over the stream to the south of the current application site.
- 7.78 An additional pedestrian and cycle access will be provided onto Hockley Lane, approximately 120m north of the intersection with Deerlands Road, providing a more direct connection for facilities located to the north of the site.
- 7.79 The access has been designed to accommodate refuse and emergency service vehicles. A swept path analysis demonstrates that both the access into Phase 2 and the minor arm into Phase 1 sufficiently accommodate all movements. The swept path analysis drawing 2072-04 rev E is contained within Appendix B of the Transport Assessment.
- 7.80 The road layout maintains the street hierarchy that was previously granted consent. It comprises a central spine road looping around the centre of the Site with secondary and tertiary roads accessed from it. Parking for vehicles within the site are generally consistent with the previous consented planning application
- 7.81 The recent five-year Personal Injury Collision (PIC) data from Crashmap indicates a single, minor collision near the roundabout between Nethermoor Road and the A61. Given the low incidence of accidents in the area, there are no existing highway safety concerns likely to be worsened by the proposed development.
- 7.82 The LHA have reviewed the Transport Assessment and the TA Addendum. The site has previously been allowed at appeal (July 2018) and whilst subsequently the permission has expired; the LHA have reviewed the trip rates and agree the trip rates remain relevant and can be used as part of this new application. The capacity assessments have demonstrated that the junctions within the vicinity of the site are anticipated to continue to operate within capacity for the full development scenario.
- 7.83 The Local Highway Authority (LHA) have reviewed the submitted Travel Plan in support of the application detailing how the development will encourage sustainable travel to the site and measures are to be taken to achieve the objectives of the Travel Plan. The Travel Plan will be reviewed annually and updated accordingly. Thereafter the Travel Plan will be reviewed annually

for a period of 5 years. A fee for the monitoring of this travel plan would be included in a Section 106 Agreement should planning permission be granted.

- 7.84 The Highway impacts were considered at the 2018 appeal and were considered not to be harmful.
- 7.85 The Highway Authority have no objections to the current scheme subject to conditions and financial obligations to secure appropriate mitigation (see above).
- 7.86 As such, notwithstanding the comments made, it is concluded that there is no evidence to show that the proposed scheme would impact adversely on highway safety or that the impact on the highway network would be severe, the test set out in the NPPF.

Other Matters

- 7.87 There is discussion expressing concerns that the site is unsustainable. However, (as discussed above) in the appeal determined in 2018 the inspector concluded that the site was within an acceptable distance from shops and other facilities. Officers do not consider there is any reason to defer from that conclusion.
- 7.88 There is no suggestion that the development would cause unacceptable light and noise pollution due to its close proximity to a built-up area.
- 7.89 There would be disturbance caused during any building operations. However, a condition restricting the hours that the site can be developed could be imposed on any approval granted as could conditions to control matters such as noise and or dust.
- 7.90 There is no evidence to suggest that the new houses would unacceptably impact on the amenity of existing house owners due to the distance between the proposed and existing development which far exceed the parameters set out in the guidance document "Successful Places".
- 7.91 Issues of profit, consultation, the maintenance of other land, Council tax levels, property prices, BT infrastructure, house values, illegally parked vehicles and views are not matters material to the determination of planning applications.

8.0 SUMMARY AND CONCLUSIONS

- 8.1 The application seeks consent for 180 dwellings. With a few amendments to improve it, the layout broadly mirrors a scheme that was approved in 2018/20.
- 8.2 As discussed in the main body of this report, the site is located outside the SDL within the countryside where new development is strictly controlled. In view of these matters, the proposal fails to comply with the policy requirements of LP policies SS1, SS2 and SS9 and therefore the principle of development is not accepted.
- 8.3 The council published a 5.34 year housing supply in May 2025 and the Local Plan is less than 5 years old and is therefore up to date. As such the policy context carries significant weight against the proposal and the 'tilted balance' as set out in the national planning policy framework does not apply.
- 8.4 However, given the change in national policy, the Council will not be able to demonstrate a 5 year supply in November 2026 when the Local Plan is 5 years old and the current trajectory indicates that there may well be a challenge before that date. Within the context of this site, as identified previously, the updated evidence is that there is a need for 35 affordable dwellings per annum in Wingerworth and only sufficient land allocated to meet just over 2 years worth of that demand. There is clear evidence therefore of a local housing need that exceeds the allocations in the current Local Plan.
- 8.5 The 2018 appeal identified this site as a sustainable location (despite not be an allocation at that time either) where the landscape harm of a very similar scheme was considered to be limited. These are also factors that need to be given significant weight in the decision making process because there is little evidence to suggest that these factors have changed in relation to this scheme. It is also the case that the 2018 appeal decision was made at a point in time where the Council could demonstrate a five year supply of housing land and so the 'tilted balance' did not apply at that point either.
- 8.6 That being the case, any successful appeal would have to identify different elements of harm arising from the fact that the site is beyond the settlement development limit. Officers consider that a 'generic' harm in this regard would not outweigh the substantial benefits of 40% affordable housing provision which, in this revised scheme, reflects an identified local need, as well as the provision of market housing in a sustainable location, against a trajectory of declining housing land supply. The fact that the pipeline within the existing Local Plan is running short now means that new sites will need to come forward in Wingerworth to meet that need. This is a consideration worthy of significant weight in the assessment of this application.

- 8.7 Officers wish to be clear that the above assessment applies to this application and this site. Whilst the housing trajectory issue is one that is District wide, as the Council currently has a 5 year housing land supply and the tilted balance in national policy does not apply, the conclusions of the 2018 appeal (when a five year supply could also be demonstrated), when combined with the lack of allocated sites to meet the identified need further affordable housing in Wingerworth, the downward nature of the housing delivery trajectory and the other positive aspects of this scheme (including 10% BNG and 40% affordable housing provision) have tipped the balance in favour of a recommendation for approval in this case. Those circumstances will not necessarily apply on other sites.
- 8.8 The applicant has also committed to the commencement of development more quickly than would be the 'norm' and so these benefits would be realised sooner, helping to contribute to the supply of new housing in sustainable locations in the district.
- 8.9 It is considered that the proposal will cause limited harm to the local landscape (a secondary AMES) and limited harm the setting of the Wingerworth Hall walled garden, a non-designated heritage asset. This carries limited weight against the proposal.
- 8.10 The applicant has committed to deliver 40% affordable housing delivered as a mix of 75% social rent and 25% affordable rent units. They have amended the layout to provide a good mix of 1,2 and 3 bed affordable homes. The commitment to this number of affordable rent carries significant weight in favour of the proposal.
- 8.11 The onsite BNG gains alongside a commitment to 10% gain in habitat and hedgerow units on or adjacent to the site also carries significant weight in favour of the proposal
- 8.12 There are no technical matters which contribute to the harm. The technical matters are neutral in the balance as it has been found that there are no substantive highway objections, flood risk objections or amenity considerations of substance. The full social mitigation package [it is understood] would be met in full and so this is also a neutral factor merely offsetting the impact the development would have on the local infrastructure.
- 8.13 In conclusion, therefore, it is considered that the benefits of the proposal, namely the 40% affordable housing (75% as Social Rent, 25% as affordable rent) and the BNG offer on balance outweigh the cumulative impact of the policy harm to the countryside, the heritage asset and the landscape.
- 8.14 Overall therefore, significant weight should be given to the conflict with the strategic policies of the Local Plan of the Local Plan that relate to housing

delivery. The degree of that weight does however have to be tempered by the fact that this site has been identified by the Planning Inspectorate as a sustainable location, which is the key overall factor in determining where development should take place and also that the strategy as set out in the Local Plan will not meet the identified local need for affordable housing within Wingerworth.

- 8.15 The proposal is therefore considered to represent a sustainable form of development, subject to the imposition of the recommended conditions and securing the mitigation outlined in the main body of this report via a Section 106 Agreement.
- 8.16 In conducting the balancing act, the weight to be given to the benefits of the scheme is considered to be more substantial given the issues identified in paragraphs 8.10 and 8.11 above. Namely, the provision of affordable housing and a 10% Biodiversity Net Gain either on site or, if further enhancement is required, immediately adjacent to the site, before land further afield is considered (both to be secured via the Section 106 Agreement).
- 8.17 In concluding the balancing exercise, officers consider that the evidence indicates that the benefits of the proposal do significantly and demonstrably outweigh the benefits and that the proposal, as amended and within the context of the changes to national planning policy since September 2024, represents a sustainable form of development.
- 8.18 As a consequence of the issues outlined above it is recommended that the application be approved.

9.0 RECOMMENDATION

Approval subject to a legal agreement (securing the financial contributions detailed in the main body of this report) and the following conditions (with any additional conditions/necessary amendments to the list below being delegated to the Planning Manager to resolve prior to the issuing of the planning permission):

No	Condition	Reason	Pre-com agreement	Request ed by
1.	Commencement of the development hereby permitted shall begin no later than 12 months of the date of this permission.	To comply with the provision of Section 91 (as amended) of	N/A	PO

		the Town and Country Planning Act 1990.		
2.	<p>The development hereby approved shall be carried out in accordance with the details shown on drawing numbers:</p> <p>BMK23207-RPS-23-00-DR-A-0021 REV 01 LOCATION PLAN WITH BLUE LINE</p> <p>BMK23207-RPS-23-00-DR-A-0003_P09 PLANNING LAYOUT 12 Sep 2025</p> <p>BMK23207-RPS-23-00-DR-A-0004_P05 COLOURED PLANNING LAYOUT 12 Sep 2025</p> <p>ELL/21008/RH/L/700 VEHICLE TRACKING 11 Sep 2025 (in relation to vehicle tracking only)</p> <p>MK23207-RPS-23-ZZ-DR-A-0012_P01_4D30 ARLINGTON V2_FLOOR PLANS & ELEVATION 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0013_P02_4D30 ARLINGTON V1_FLOOR PLANS & ELEVATION. 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0014_P03_3S212 VESHAM M4(2)_FLOOR PLANS & ELEVATION 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0015_P01_1BT HUDSON_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0016_P02_3D8 CRANMORE_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0017_P01_3D6 FOXTON_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0018_P01_3D6 FOXTON V2_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0019_P01_4D48 KEMPSEY V1_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0021_P01_4D32 KINGSTON V2 M4(2)_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p>	For Clarity and avoidance of doubt	N/A	PO

<p>BMK23207-RPS-23-ZZ-DR-A-0022_P01_2S4 LANGLEY V1_FLOOR PLANS & ELEVATIONS. 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0023_P01_3S8 LEYBURN_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0024_P01_2S1 ++ LAXTON_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0025_P01_3S6 LOXLEY V1 M4(2)_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0026_P01_4D50 NEWTON V1_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0027_P02_3S24 PENNYMORE V1_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0028_P01_3S27 ROMSEY V1 M4(2)_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0029_P01_3S27 ROMSEY V2 M4(2)_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0030_P02_4D52 DOVEDALE V1_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0033_P01_4D36S WINDSOR V1_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0034_P01_4D36S WINDSOR V2_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0035_P02_4D36S WINDSOR V3_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0047_P01_2S4 LANGLEY V2_FLOOR</p>			
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<p>PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0048_P01_3S6 LOXLEY V2 M4(2)_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0049_P02_4D50 NEWTON V2_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0050_P01_4D50 NEWTON V3_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0051_P01_3S24 PENNYMORE V2_FLOOR PLANS & ELEVATION. 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0052_P01_3S24 PENNYMORE V3_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0053_P01_4D36S WINDSOR V4_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-23-ZZ-DR-A-0054_P02_4D36S WINDSOR V5_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-25-ZZ-DR-A-0055_P01 HARDWICK 2BB_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>BMK23207-RPS-25-ZZ-DR-A-0056_P02 CHATSWORTH 2B3P_FLOOR PLANS & ELEVATIONS 19 Aug 2025</p> <p>710 REV P01 TREE RETENTION/REMOVAL PLAN FIGURE 710 15 Aug 2025</p> <p>711 REV P01 TREE RETENTION/REMOVAL PLAN FIGURE 711 15 Aug 2025</p> <p>712 REV P01 TREE RETENTION/REMOVAL PLAN FIGURE 712 15 Aug 2025</p> <p>713 REV P01 TREE RETENTION/REMOVAL PLAN FIGURE 713 15 Aug 2025</p> <p>JSL4972-RPS-XX-EX-DR-L-9001 P03 DETAILED SOFT LANDSCAPE</p>			
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	<p>PROPOSALS: GENERAL ARRANGEMENT 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9002 P03 DETAILED SOFT LANDSCAPE PROPOSALS 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9003 P03 DETAILED SOFT LANDSCAPE PROPOSALS 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9004 P03 DETAILED SOFT LANDSCAPE PROPOSALS 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9005 P03 DETAILED SOFT LANDSCAPE PROPOSALS 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9006 P03 DETAILED SOFT LANDSCAPE PROPOSALS: PLANT SCHEDULE AND SPEC... 15 Aug 2025 BMK23207-RPS-23-ZZ-DR-A-0036 P01 GARAGE V1 - FLOOR PLANS & ELEVATIONS 06 Oct 2023 BMK23207-RPS-23-ZZ-DR-A-0037 P01 GARAGE V2 - FLOOR PLANS & ELEVATIONS 06 Oct 2023 BMK23207-RPS-23-ZZ-DR-A-0038 P01 GARAGE V3 - FLOOR PLANS & ELEVATIONS 06 Oct 2023 unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.</p>			
3.	<p>Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:</p> <p>a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.</p>	<p>To protect future occupiers of the development, buildings, structures/services , ecosystems and controlled waters, including deep and shallow ground water.</p>	<p>Required</p>	<p>EHO</p>

	<p>b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:</p> <ul style="list-style-type: none"> • 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 <p>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.</p>			
4.	<p>Before the commencement of the development hereby approved:</p> <p>Where the site investigation identifies unacceptable levels of contamination, a</p>	<p>To protect future occupiers of the development, buildings, structures/services</p>	<p>Required</p>	<p>EHO</p>

	<p>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>	, ecosystems and controlled waters, including deep and shallow ground water.		
5.	<p>No dwellings hereby approved shall be occupied until:</p> <p>a) The approved remediation works required by 4 above have been carried out in full in compliance with the approved methodology and best practice.</p> <p>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</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	N/A	EHO

	<p>discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 3b to 4 above and satisfy 5a above.</p> <p>c) Upon completion of the remediation works required by 4 and 5a 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.</p>			
6.	<p>No development shall commence until;</p> <p>a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; 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 made 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</p>	Required	CA

		<p>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.</p>		
7.	<p>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.</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 183 and 184 of the National Planning Policy Framework.</p>	N/A	CA

8.	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.	To manage and control dust from the construction site in accordance with policy SDC13 of the North East Derbyshire Local Plan	Required	EHO
9.	Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.		N/A	EHO
10.	No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.	To ensure that no foul water discharges take place until proper provision has been made for their disposal.	Required	YW
11.	The development shall be carried out in accordance with the details shown on the submitted plan, "Conceptual Levels and Foul and Surface Water Drainage Strategy' AAC5627-RPS-XX-XX-DR-C-600-01(revision P10) dated 13/08/25 that has been prepared by RPS", unless otherwise agreed in writing with the Local Planning Authority.	In the interest of satisfactory and sustainable drainage	N/A	YW

12.	No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times	In the interest of public health and maintaining the public sewer network)	Required	YW
13.	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.	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.	Require	LLFA
14.	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. C Evans, RPS Group, August 2025, Flood Risk Assessment and Drainage Strategy Version 2. b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority	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	required	LLFA

		are provided to the Local Planning Authority, in advance of full planning consent being granted.		
15.	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	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	Required	LLFA

16.	The Development hereby approved shall not be occupied until the access, facilities have been provided as shown on Drawing No. 02072-03 Revision F (incorporated into the Transport Assessment) uploaded 6 Oct 2023.	To ensure conformity with submitted details.	N/A	HA
17.	The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing no. BMK23207-RPS-23-00- DR-A-0003 Revision P09.	To ensure conformity with submitted details.	N/A	HA
18.	No individual dwelling in the Development 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 area shall be maintained for this purpose thereafter.	To promote sustainable travel and healthy communities	N/A	HA
19.	The Residential Travel Plan hereby approved, dated September 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.	To reduce vehicle movements and promote sustainable access.	N/A	HA
20.	The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.	To reduce vehicle movements and promote sustainable access.	N/A	HA

21.	<p>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:</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; • Highway Condition survey; • Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. 	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.	Required	HA
22.	<p>Before the commencement of any operations on site, detailed designs, and structural calculations shall be submitted to the Local Planning Authority for written approval indicating the design and construction of the proposed access road bridge structure, the proposed works being completed in accordance with the approved scheme prior to the occupation of any premises the subject of the application and maintained throughout the life of the development free from any impediment to its designated use.</p>	In the interests of Highway Safety	Required	HA
23.	<p>Prior to any works exceeding demolition and site clearance any temporary</p>	In the interests of Highway safety	Required	HA

	<p>accesses points for construction purposes to the public highway, shall be provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.</p>			
24.	<p>Notwithstanding the information submitted, before construction of the areas affected, the private cul-de-sacs serving plots 66 to 68 and 140 to 145 shall be laid out as vehicle dropped crossing points rather than a kerb radii junction, in accordance with details submitted to and approved in writing by the Local Planning Authority. The development being carried out in accordance with the approved details thereafter.</p>	In the interests of Highway Safety	N/A	HA
25.	<p>The estate streets shall be provided with 25m forward visibility sightlines around the inside of bends in the street alignment, or other such dimension as may be agreed in writing with the Local Planning Authority; the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third party land.</p>	In the interests of Highway safety	N/A	HA
26.	<p>The proposed access driveway to the proposed new estate streets shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable highway boundary and 1 in 10 thereafter.</p>	In the interests of Highway safety	N/A	HA
27.	<p>Construction Environmental Management Plan (CEMP: Biodiversity) No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management</p>	In the interests of biodiversity and in accordance with the NPPF	Required	DWT

	<p>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, including to nesting birds, hedgehogs and roosting bats. 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. <p>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.</p>			
28.	<p>Before commencement of developments, a Biodiversity Watercourse Strategy shall be submitted to, and be approved in writing by, the LPA. The assessment should accompany the final bridge design and provide details of how a net gain for watercourses will be secured. Net gains shall be delivered in accordance with the following hierarchy of onsite, then land edged blue on drawing BMK23207-RPS-23-00-DR-A-0021 REV 01, then offsite in the</p>	<p>To provide deliverance of net gains in water course units in accordance with the NPPF and to mitigate the policy harms of the proposal.</p>	<p>Require</p>	<p>DWT</p>

	<p>district, then offsite elsewhere. Offsite gains must be fully justified and only where it is not possible to deliver on site or within the blue line.</p> <p>The development shall be constructed in accordance with the strategy.</p>			
29.	<p>Prior to commencement of development, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Net Gain Assessment (RPS Group, August 2025). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-</p> <ul style="list-style-type: none"> a) Description and location of features to be retained, created, enhanced and managed. b) Aims and objectives of management. c) Appropriate management methods and practices to achieve aims and objectives. d) Prescriptions for management actions. e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity). f) Details of the body or organization responsible for implementation of the plan. g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 20 and 30 years. 	<p>To ensure provision of details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Net Gain Assessment (RPS Group, August 2025).</p>	<p>require d</p>	<p>DWT</p>

	<p>h) Monitoring reports to be sent to the Council at each of the intervals above</p> <p>i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.</p> <p>j) Requirement for a statement of compliance upon completion of planting and enhancement works.</p> <p>The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. Net gains shall be delivered in accordance with the following hierarchy of onsite, then land edged blue on drawing BMK23207-RPS-23-00-DR-A-0021 REV 01, then offsite in the district, then offsite elsewhere. Offsite gains must be fully justified and only where it is not possible to deliver on site or within the blue line. The approved plan will be implemented in accordance with the approved details.</p>			
30.	<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"> • 180 universal nest boxes (ratio of 1:1 in line with British Standard 42021:2022). • integrated bat boxes x 10 • insect bricks x 30 incorporated into dwellings • fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens. <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</p>		N/A	DWT

	enhancements have been selected and installed in accordance with the above.			
31.	Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA 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. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.		N/A	DWT
32.	Before development starts, details of the existing ground levels, proposed finished floor levels of the buildings and the proposed finished ground levels of the site, relative to an off site datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out	In the interests of the appearance of the area and in accordance with Policy SDC12 of the North East Derbyshire Local Plan	Required	PO
33.	Before first occupation of the dwellings they serve, the Bin Collection points shown on drawing BMK23207-RPS-23-00-DR-A-0003_P09 PLANNING LAYOUT 12 Sep 2025 shall be delivered as approved. The bin collection points shall be retained as approved thereafter.	IN the interests of collection of waste and the appearance of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan.	Required	SS
34.	Before above ground development commences, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be	In the interests of the appearance of the area and in accordance with Policy SDC12 of the	N/A	PO

	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.	North East Derbyshire Local Plan		
35.	<p>All trees shown for retention in the following approved drawings:</p> <p>710 REV P01 TREE RETENTION/REMOVAL PLAN FIGURE 710 15 Aug 2025</p> <p>711 REV P01 TREE RETENTION/REMOVAL PLAN FIGURE 711 15 Aug 2025</p> <p>712 REV P01 TREE RETENTION/REMOVAL PLAN FIGURE 712 15 Aug 2025</p> <p>713 REV P01 TREE RETENTION/REMOVAL PLAN FIGURE 713 15 Aug 2025.</p> <p>Shall be retained as approved.</p>	To ensure that trees are retained in accordance with the approved drawings in accordance with policy SDC2 of the North East Derbyshire Local Plan	N/A	PO
36.	<p>Notwithstanding submitted details, no development, site clearance or preparatory work shall commence until a dimensioned tree and hedgerow protection plan including specification of tree protection fencing in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Within the protected areas shown in the approved details there shall be no alteration to ground levels, no compaction of the soil, no stacking or storage of materials and any service trenches shall be dug and back filled by hand.</p> <p>The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of the development.</p>	To ensure that trees are protected on site and are not damaged during the course of development in accordance with policy SDC2 of the North East Derbyshire Local Plan.	Required	TO
37.	The landscaping scheme shall be delivered in accordance with the following drawing: JSL4972-RPS-XX-EX-DR-L-9001P03 DETAILED SOFT LANDSCAPE	In the interest of the appearance of the area and in accordance with policy SDC12 of the		

	<p>PROPOSALS: GENERAL ARRANGEMENT 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9002 P03 DETAILED SOFT LANDSCAPE PROPOSALS 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9003 P03 DETAILED SOFT LANDSCAPE PROPOSALS 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9004 P03 DETAILED SOFT LANDSCAPE PROPOSALS 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9005 P03 DETAILED SOFT LANDSCAPE PROPOSALS 15 Aug 2025 JSL4972-RPS-XX-EX-DR-L-9006 P03 DETAILED SOFT LANDSCAPE PROPOSALS: PLANT SCHEDULE AND SPEC... 15 Aug 2025 Prior to any above ground development taking place a timetable for the implementation of the landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the approved timetable.</p> <p>Any plants which within a period of 5 years and trees which within a period of 15 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.</p>	<p>North East Derbyshire Local Plan and to ensure that trees planted within residential areas of the site in lieu of street trees are retained.</p>		
38.	<p>Boundary Treatments Boundary treatments in the north east corner (close to the Wingerworth Walled garden Heritage asset shall be constructed of stone/brick or estate railings- no timber fences)</p> <p>Notwithstanding any submitted details, before development starts a plan to show the positions, design, materials, height and type of boundary treatments to be</p>	<p>In the interests of the appearance of the area and in accordance with Policy SDC12 of the North East Derbyshire Local Plan</p>	<p>Required</p>	<p>PO</p>

	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 the 26th dwelling hereby approved and it shall be retained as approved.			
39.	Prior to the first occupation of any dwellings, hereby approved, a scheme for the delivery and future maintenance of all on site public open space, and a timetable for its implementation relative to the completion of dwellings hereby approved, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full as agreed and then the public open space shall be maintained as such thereafter.	To ensure delivery and management of public open space on the site in accordance with policies SDC12 and ID7 of the North East Derbyshire Local Plan	N/A	PO
40.	The dwellings shown as as M42 Compliant dwellings, on drawing BMK23207-RPS-23-00-DR-A-0003_P09 PLANNING LAYOUT 12 Sep 2025 shall then be delivered in accordance with M4(2) of the Building Regulations 2015 or any subsequent government standard and a scheme for accessible and adaptable dwellings and retained as such thereafter	To provide accessible and adaptable homes in accordance with Local Plan policy LC4	Required (see comment)	PO
41.	Prior to first occupation of the first dwelling details of the Locally Equipped Play Area including details of equipment to be erected, material used, including flooring and boundary treatments, a schedule for implementation and details of how the LEAP shall be managed shall be submitted to and approved in writing to the Local planning Authority. The LEAP shall be delivered in accordance with the approved plans and retained as such thereafter.	To ensure delivery of the play area in accordance with policy ID10 of the North East Derbyshire Local Plan.	N/A	PO
42.	No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start	In the interests of protecting/recording features of archaeological importance. In	Required	ARCH

	<p>element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation 	<p>accordance with Policy SDC7 of the North East Derbyshire Local Plan.</p>		
43.	<p>No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 42</p>	<p>In the interests of protecting/recording features of archaeological importance. In accordance with Policy SDC7 of the North East Derbyshire Local Plan.</p>		
44.	<p>The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 42 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured</p>	<p>In the interests of protecting/recording features of archaeological importance. In accordance with Policy SDC7 of the North East Derbyshire Local Plan.</p>		
45.	<p>Before the development hereby approved commences, a scheme to enhance and maximise employment and training</p>	<p>To encourage the development to</p>	<p>Required</p>	<p>Emp</p>

	<p>opportunities during the construction stage (and post construction stage) of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.</p>	<p>contribute to the local economy and to enhance employment, training and skills within the community in line with the Council's Working Communities Strategy.</p>		
	*Pre-commencement			