

## PLANNING COMMITTEE – 23<sup>rd</sup> June 2026

**Reference Number:** 24/00473/MFL

**Application expiry:** 26/06/26

**Application Type:** FULL

**Proposal Description:** Erection of residential dwellings with associated means of access, landscaping and associated works (Major Development) (Amended Plans)

**At:** Land East of Central Street, Holmewood

**For:** Homes By Honey (Partnerships) Ltd & Together Housing

**Third Party Reps:** 54 objections (36 to original & 18 to amended scheme) & 1 supporting comment

**Parish:** Heath & Holmewood

**Ward:** Holmewood & Heath Ward

**Report Author:** Graeme Cooper

**Date of Report:** June 2026

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



Figure 1: Location plan, with site edged in red

## **1.0 Reason for Report**

- 1.1 Cllr Stone and Cllr Cornwell requested that the application be considered at committee for the following reasons:
- It is contrary to North East Derbyshire Local Plan policies - SS2 (Criteria 7c and Criteria 8)
  - Negative impact on highway and pedestrian safety
  - Unacceptable adverse impact on services
  - Does not represent sustainable development
- 1.2 Whilst the Councillors recognise the need for affordable housing, this should not come at the expense of the character, appearance and the wellbeing of the area. It is also contrary to local planning policies and may create a precedent for similar developments across the District. The proposed development is not in a suitable location nor does it represent sustainable development.
- 1.3 They also note that this is a view shared by many others. From reading the consultation responses it is clear the proposed development does not have the support of the local community, residents, ward members and the Parish Council.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site comprises approximately 1.87ha of undeveloped land situated on the south-eastern edge of Holmewood. The site includes an informal Council car park, a number of garage plots, paddock and scrub land. A small electricity pylon is located within the eastern corner of the site. Access is proposed from Central Street to the west.
- 2.2 The site sits outside the Settlement Development Limit for Holmewood in an open countryside location with residential development to the north and west, including a care home immediately to the north. To the east lies a recreation ground which includes football, cricket, informal communal grass area and a sports court.
- 2.3 Woodland sits to the south and the Five Pits Trail abuts the eastern corner of the application site and extends northeast/southwest, providing pedestrian and cycle connections to surrounding areas.

### **Proposal**

- 2.4 This application seeks permission for 59 dwellings, these being a mix of two storey detached and semi-detached dwellings. The mix includes 4no. 1 bed, 23no. 2 bed and 32no. 3 bed dwellings.

2.5 All 59 dwellings will be affordable social rent homes managed by Together Housing. The site is now proposed to be delivered entirely as Social Rent. No affordable home ownership units are now proposed. Social rent units will generally be offered at a 50-60% discount below equivalent market rents.

2.6 The latest layout (Revision Q) can be seen below in Figure 2.



Figure 2: Proposed layout

### Amendments

2.7 Originally this scheme was for 64 dwellings, but various amendments have been sought to improve the overall design, reducing the number to 59. The original scheme was also for a mix of affordable rent (60%) and affordable home ownership (40%). This has now been amended in line with the proposed development above.

2.8 A Viability Appraisal has been submitted in support of the applicant's financial position.

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

- 3.1 24/00257/FUL - Proposed means of access to facilitate the erection of residential development on adjoining land, that is in the administrative area of North East Derbyshire District Council (subject to a separate planning application to that Council) – This is a Bolsover District Council application relating to a small area of land at the site entrance. - Members of BDC planning committee resolved to grant permission for this proposal on 10<sup>th</sup> June 2026.

### 4.0 Consultation Responses

- 4.1 **Ward member – Cllr Stone and Cllr Cornwell** requested that the application be considered at committee for the following reasons:

- It is contrary to North East Derbyshire Local Plan policies - SS2 Criteria 7c and Criteria 8
- Negative impact on highway and pedestrian safety
- Unacceptable adverse impact on services
- Does not represent sustainable development

- 4.2 **Ward member Cllr Cornwell** raised the following comments to the amended proposal:

- Highway safety and access: Concern that Mornington Road, Springfield Road and Central Street are narrow residential roads, clearly signed as unsuitable for HGVs and subject to a 7.5-tonne weight restriction, making them inappropriate for construction traffic and additional vehicle movements associated with the development. It is argued that existing traffic levels already cause accessibility issues and rat-running, particularly during incidents on the M1 and A38.
- Cumulative development and infrastructure capacity: Concern at significant amount of housing already approved or completed in Holmewood, asserting that the scale of recent growth has placed severe pressure on local roads and services. It is contended that further development would exacerbate existing infrastructure constraints.
- Land ownership and deliverability: Concern is raised that part of the proposal appears to rely on land not owned by the applicant and allegedly not for sale, calling into question the feasibility of the development as currently proposed.
- Ecology and environmental information: The Ward Member challenges the accuracy and completeness of the submitted ecology report, citing the omission of a nearby waterbody (former pit pond) and insufficient detail on the proposed treatment of Japanese knotweed.

- Impact on public amenity assets: Objection is raised to the proximity of the development to the Five Pits Trail, with concerns about noise, pollution and increased traffic detracting from its environmental and recreational value

4.3 **Parish Council** (summarised comments) objected to the original proposal on the basis that it represents major residential development on a greenfield site outside the Settlement Development Limit in the countryside, which is not allocated for development and is considered unsustainable. It is regarded as contrary to Local Plan policies, including SS2 and LC3, with concerns that the scheme does not reflect the settlement hierarchy, has not robustly demonstrated housing need or the absence of alternative sites, and should not be treated as a rural exception site. The Council considers that, although the delivery of affordable housing is acknowledged as a benefit, this is significantly outweighed by harm to the character, appearance and setting of the village, representing urban encroachment into a prominent and valued landscape. Further concerns relate to highway safety on narrow local roads, inadequate infrastructure capacity (including schools, healthcare and drainage), and the reliance on private car travel due to limited public transport, leading to the conclusion that the development does not constitute sustainable development.

4.4 **Parish Council** provided the following summarised comments to the amended scheme:

- The site is a greenfield location in the countryside, outside the defined Settlement Development Limit for Holmewood and not allocated for development in the North East Derbyshire Local Plan 2014–2034.
- The proposal is considered contrary to the spatial strategy in Policy SS2 and countryside policies (including SS1 and SS9), as Holmewood is a Level 2 settlement (Large Village) where development should be limited and proportionate.
- Holmewood’s housing requirement (484 dwellings) is stated to have already been met through completions and committed permissions, and the site is not required to meet housing need.
- The Parish Council strongly disputes the applicant’s position that the site constitutes a rural exception site under Policy LC3, concluding that the proposal fails to meet key policy criteria.
- Concerns are raised regarding the local housing needs survey, including:
  - Very low response rate (around 8%);
  - Under representation of private renters;
  - Lack of follow up, qualitative evidence, and stakeholder engagement;
  - Failure to consider forthcoming affordable housing from allocated sites. The survey is therefore considered unreliable and flawed.
- It is not demonstrated that there are no suitable alternative sites within the Settlement Development Limit, as required by Policy LC3.
- The development is not considered to be well related to the built up area and would result in significant harm to the character, appearance and rural setting of the village, representing unacceptable urban encroachment.

- The site is described as a prominent, open and valued area of countryside, important for landscape character, views, informal recreation and nature conservation, all of which would be permanently harmed.
- The proposal would result in a serious and unacceptable highway and pedestrian safety impact, due to:
  - Unsuitable and congested local road network;
  - Narrow or inadequate footways;
  - Constraints on HGV access for construction traffic.
- Existing local services and infrastructure (including schools, healthcare and drainage) are already under pressure from recent and permitted development, and the proposal would have an unacceptable cumulative impact.
- The site is poorly served by public transport, with limited and infrequent bus services, resulting in high car dependency and conflict with sustainability objectives in national and local planning policy.
- While the Parish Council recognises the need for affordable housing and is not opposed to development in principle, it considers Holmewood has already made a proportionate contribution and that this proposal represents overdevelopment.
- The proposal is considered to fail the objective of sustainable development, would set an undesirable precedent, and lacks support from the local community, including ward members.

4.5 **Ault Hucknall Parish Council** (summarised comments to the original scheme) raises concerns that the submitted ecological information is inadequate and insufficiently robust to properly assess the impacts of the development. In particular, they are of the view that surveys are incomplete and, in some cases, outdated, creating uncertainty over the presence of protected species and potential impacts. They also consider that the assessment fails to adequately address impacts on adjacent priority habitats and ecological connectivity and gives insufficient consideration to protected and notable species. Concerns are further raised regarding the reliability of the Biodiversity Net Gain baseline and the lack of evidence to demonstrate the delivery of the required 10% gain. In addition, the Parish Council notes that a full Ecological Impact Assessment has not been provided and that there is no clear or secured mitigation and long-term management strategy, leading them to conclude that ecological impacts have not been adequately assessed or addressed.

4.6 **DCC Highways Authority (HA)** (comments to original scheme) note the proposal is for 64 dwellings served from Central Street, Holmewood. The HA comments are summarised as follows:

4.7 Site access/Internal Layout - Central Street is a minor residential road that primarily provides access to the surrounding properties and connects to Springfield Road, a residential distributor road that links the surrounding estates to the B6039 Tibshelf Road and the A6175 Heath Road. The A6175 Heath Road is a major strategic route between the J29 Heath Interchange and Clay Cross. It provides access to North Wingfield and Holmewood and is heavily trafficked, serving numerous nearby

employment areas and residential properties. It is understood the proposed development will take access from Central Street by providing an upgraded carriageway to adoptable standards 50m to the east of the junction of Central Street/Springfield Road. Effectively resulting in the extension of Central Street into the development.

- 4.8 Drawing No. GUL-1708-01-HW-001 Rev P3 demonstrates a carriageway width of 5m from central street, which continues into the development, with a design speed of 20mph proposed. Given the geometry of the development the HA are satisfied the design speed of up to 20mph is acceptable, and the subsequent splays of 2.4m x 25m.
- 4.9 A 7.5m overall corridor width is also proposed for the shared surface, which is in accordance with Delivering Streets and Places Design Guide (DSPDG). Furthermore, metre footways are also proposed, which are to connect into existing provision at the Central Street/Springfield Road Junction. The new footpath link also connects the site to adjacent land and the Five Pits Trail.
- 4.10 The drawing GUL-1708-01-HW-001 demonstrates a swept path analysis for a refuse collection vehicle type 'Olympus – 8 x 4'. The HA request the applicant to confirm with NEDDC, if this vehicle type is used or of similar length. If the refuse vehicle type is different the HA request the applicant to undertake a tracking assessment with the correct vehicle type.
- 4.11 The HA have reviewed the parking provision per dwelling and are satisfied there is sufficient provision given the quantum of development proposed.
- 4.12 Highways Safety – The Applicant has undertaken a review of accident data for the past five years at the junctions of Central Street/Springfield Road, Springfield Road/Heath Road, and Springfield Road/Tibshelf Road, which revealed no accidents. A further 10-year search also found no accidents at these locations. The data suggests there are no preexisting highway safety concerns.
- 4.13 Trip Generation – The anticipated traffic from the proposed development has been estimated using typical trip rates from the TRICS database for the AM and PM peak periods. Land use category 03(M) Mixed Private/Affordable Housing was selected, and Edge of town or residential zone surveys have been selected. Therefore, the LHA are satisfied the parameters are representative of the proposed development.
- 4.14 The proposed development is expected to generate up to 29 two-way trips during the AM peak periods and 26 two-way trips during the PM peak periods. Given the anticipated level of trip generation the LHA do not consider any further assessment is required and it is not considered the proposed development result in a severe impact on congestion.

- 4.15 Travel Plan – comments in relation to the travel plan are to follow in the final comments of the Highways Authority.
- 4.16 **DCC Highways Authority (HA)** (comments to amended scheme) can be summarised as follows:
- 4.17 Following discussion with the applicant regarding issues identified as part of LHA comments issued on 19 May 2026 the HA provide the following comments.
- 4.18 **Site Access** - The site is retained and was approved in HA comments in October 2024. Therefore the site access will be designed in accordance with DCC standards by providing an upgraded carriageway to adoptable standards 50m to the east of the junction of Central Street/Springfield Road which effectively results in the extension of Central Street into the development. It is noted that revised layout will provide a carriageway width of 5m from Central Street which continues into the development. This is shown in drawing Planning Layout Drawing Ref 2412.01 Rev P. This should be conditioned subject to approval.
- 4.19 **Internal Layout** - Following comments provided previously regarding the internal layout on 19 May 2026, discussion regarding have been undertaken between the applicant and HA to amend the layout as per HA comments. This is shown in drawing Planning Layout Drawing Ref 2412.01 Rev P. This should be conditioned subject to approval.
- 4.20 **Sustainable Travel** - Following comments provided previously regarding the Travel Plan on 19 May 2026, a Travel Plan was conditioned. As such the provision of a Travel Plan will be conditioned subject to approval. The Travel Plan will be reviewed annually and updated accordingly. Please note that 10% reduction targets should be based on initial baseline travel mode surveys. This also includes the provision of a Welcome Travel Pack which will be conditioned subject to approval.
- 4.21 As per Developers Protocol a S106 fee will be required for the monitoring of the Travel Plan which is £2,000 per year for a period of 5 years.
- 4.22 **PRoW** - It is understood that connections to the Five Pits Trail from the application site will be agreed with the applicant, the LPA and DCC Countryside. This will be conditioned subject to approval
- 4.23 **Conclusion** - Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. Therefore on the basis of the above comments, the HA raise no objection subject to conditions relating to developing the site in accordance with the approved layout drawing (Rev P), provision of a full travel plan, provision of a welcome pack to residents, S106 contributions towards monitoring of the Travel Plan, connection to the Five Pits Trail and a Construction Management Plan.

- 4.24 **NEDDC Planning Policy and Environment Team – Trees (PPET)** notes that a Tree Survey, Constraints Plan and Tree Protection Plan, but lacks an Arboricultural Impact Assessment (AIA), which is required to understand the direct and indirect effects of the scheme. No TPO's impacted by the proposal and the submitted Tree Survey is accurate. T1 on boundary with Central Street, T8 within eastern boundary hedge and T25 at southern end of site should be retained. Although eastern boundary trees are categorised as low quality, their collective screening value between the site and the adjoining recreational fields is important. Concerns are raised to the impact of the original layout on T1 and into T8's RPA. Design of scheme needs reviewing.
- 4.25 The **NEDDC Tree Officer** previously raised concerns regarding encroachment into the Root Protection Area (RPA) of Tree T1 and the contribution of the tree line along the eastern boundary. The amended layout (Drawing 2412.01 Rev M) is welcomed, as it now avoids encroachment into the RPA of T1 and provides increased separation between the spine road and the RPAs of trees along the eastern boundary. The revised Tree Protection Plan (Drawing 1613-002 Rev E) demonstrates that RPAs can be adequately protected through the use of protective fencing.
- 4.26 However, concerns are raised in respect of the proposed tree planting strategy. It is advised that, unless soils are protected during construction, compaction and disturbance will significantly reduce their suitability for tree establishment. The currently proposed planting pits (1200mm x 1200mm x 750mm) are considered insufficient in volume to support long-term tree growth, with a high risk of failure, particularly in areas adjacent to hard surfaces.
- 4.27 The Tree officer advises that successful tree establishment would require either:
- Significantly increased volumes of cultivated soil (in line with recognised guidance), including deeper soil preparation within public open space; or
  - The selection of tree species with a high tolerance to drought and compacted conditions.
- 4.28 It is further noted that several proposed species are sensitive to drought and/or compacted soils, increasing the likelihood of planting failure unless soil conditions are improved.
- 4.29 No objection is raised subject to conditions relating to improved planting pit design, soil preparation, or revised species selection to ensure successful tree establishment.

- 4.30 The **NEDDC Tree Officer** reviewed the amended plans and Tree Protection Plan and raised no objections subject to conditions requiring the submission of an updated Tree Protection Plan and arboricultural method statement, along with full details of the proposed landscaping scheme.
- 4.31 **NEDDC Planning Policy and Environment Team – Planning Policy** provided specific comments on the delivery of affordable housing and mix.
- 4.32 The 2024 Housing Needs Assessment identifies a need for both social rented and affordable rented housing, with social rent being the most affordable option and capable of meeting the needs of a wider range of households. On this basis, the proposal for 100% social rented housing is considered acceptable.
- 4.33 The proposed size mix is weighted towards three-bedroom units (approximately 54%), which exceeds the proportion recommended in the Housing Needs Assessment and reflects an existing higher-than-average level of three-bedroom social rented stock in the Parish when compared to the wider district.
- 4.34 Overall, the proposal would secure the delivery of 100% affordable housing, which is afforded significant weight in planning terms.
- 4.35 **Employment and Skills Officer** requested the inclusion of an employment and skills condition in any decision.
- 4.36 **DCC - Planning Policy Team** provided comprehensive comments which can be found on the public access pages of the Councils website. Their comments can be summarised as follows:
- 4.37 Education - analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 14 primary pupils arising from the proposed development. Furthermore the normal area secondary school would not have sufficient capacity to accommodate the 12 secondary pupils arising from the proposed development.
- 4.38 Education mitigation financial contributions of £284,194.54 towards the provision of additional education facilities at Heath Primary School and £367,052.40 towards the provision of additional education facilities at Tibshelf Community School are requested.
- 4.39 Libraries - Holmewood Library is the nearest library to this site, however, no capital improvements to Holmewood Library are required as a result of this development proposal. However, where a library building is able to accommodate the extra demand created by a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a “stock only”

contribution will be sought. In this instance a stock only contribution of £4,500 is sought.

4.40 Public Health and Social Care - the following general design principles being considered to comply with the NPPF's requirement for developments to 'create places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity and flexibility for existing and future users.'

- Dwellings meet national space and/or M4(2) standards to encourage independent living for all ability and mobility levels
- Good internal space standards, ceiling heights, natural light levels
- Stairways, walls and ceilings capable of accommodating stair lifts or hoists should these be required in future; large internal cupboards which could be converted for through floor lifts at a future date
- A mix of tenures and types: affordable accommodation is important to help ensure the stability of the domiciliary care market
- Having a proportion of dwellings built on one level (stacked or bungalow) and ensuring this type of provision is located near public transport routes and/or urban centres

4.41 Greenways – The Five Pits Trail adjacent to the south eastern edge of the development area is owned by the Council and managed by the Countryside Service. 3.12 of the Travel Plan notes that, "a spur of the Five Pits Trail can also be accessed via a new connection to the trail". It is welcomed that the Travel Plan makes reference to the benefits that the trail offers for sustainable off-road travel, in particular for cycling, however the planning layout shows the spur only reaching the development boundary and not the Five Pits Trail. To connect to the trail the spur must cross land that is leased out by the Council to Holmewood & Heath Parish Council. The applicant must seek approval from the tenant before providing design specifications to the Countryside Service who will confirm if the standard is acceptable before approving the connection. The applicant must be responsible for designing, building and maintaining the connecting spur and not merely building to the development boundary. The Council is open to discussing sale of a small parcel of land to the applicant to enable the connection to be delivered within the development boundary. The applicant should also realise that the location of the proposed connecting spur is affected by surface water flooding.

4.42 A connecting spur from the development to the trail will also provide access for residents to the wider Holmewood Woodlands site. The development and the spur will therefore provide a more direct and shorter route to these recreational greenspaces for the wider Holmewood community. Consequently, additional pressures on the Five Pits Trail and Holmewood Woodlands sites are envisaged. This may result in deterioration to existing assets including path and trail networks of the green estate and biodiversity. A commuted sum is requested to address surface maintenance of the Five Pits Trail (£3,248) and Holmewood Woodlands path network (£2,966.40). Similarly, a commuted sum (£5,000) is requested to

provide site interpretation and signage that will inform new users of the site's flora, fauna and history. This interpretation is necessary to mitigate against anti-social behaviour and inappropriate site use that may negatively impact upon the biodiversity of the site.

- 4.43 Monitoring Fees – seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £154.
- 4.44 Other Matters – the DCC comments note that new developments should look to provide fibre-based broadband. The County Council is also reviewing its approach to assessing the impact of housing development on waste services.
- 4.45 **DCC - Planning Policy Team** provided updated consultation comments to the amended scheme, these can be summarised:
- 4.46 Education – updated to confirm that the development will generate 15 primary pupils (Heath Primary) and 11 secondary pupils (Tibshelf Community School). Both schools are over capacity and mitigation through contributions of £314,774.00 (Primary) and £341,499.91 (Secondary) recommended.
- 4.47 Libraries – stock only contribution of £4,216.16 (£71.46/dwelling) is requested.
- 4.48 Greenways/Countryside – Generally supportive of connection to the Five Pits Trail, but any connection will need to be delivered to the trail not just to the edge of the application site. The following contributions are sought: Trail maintenance of £3,248.00, Woodland path maintenance of £2,966.40 and Interpretation/signage of £5,000.00.
- 4.49 Monitoring fees - £154 per trigger for monitoring S106 obligations.
- 4.50 In summary, DCC has confirmed that, whilst it has a responsibility to seek the full level of education contributions required to mitigate the impacts of the development, in this instance, where viability has been independently assessed, it would not maintain an objection in the event that the full contribution cannot be secured. Instead, the County Council advises that any shortfall in contributions can be taken into account as part of the overall planning balance.
- 4.51 **Council's Environmental Health Officer (EHO)** raises no objection to the proposal subject to conditions relating to land contamination, construction hours and control of dust measures.
- 4.52 **Derbyshire Wildlife Trust (DWT)** reviewed the Ecological Appraisal & Biodiversity Net Gain Assessment documents. DWT agree with the impact assessment and advise that appropriate mitigation has been proposed for protected species. The only exception is that DWT would not discount reptiles as a constraint. DWT

welcome the retention of the eastern boundary vegetation and southern hedgerow. DWT do have concern at the proposed grassland proposed for the southern tip of the scheme. The ongoing management and maintenance is unclear. DWT suggest that a more ecologically sensitive layout would omit the dwellings to the south of the road and manage this area as high quality 'other neutral grassland' to further offset the grassland losses and comply with the BNG hierarchy, which states that impacts to medium, high and very high distinctiveness habitats should be avoided in the first instance, then compensated for onsite where this is not possible. This would also provide a more adequate buffer to the southern hedgerow.

- 4.53 It is noted that currently a loss of -2.53 habitat units (39.82%) is predicted. To achieve 10% net gain at least 3.17 habitat units will be required. DWT again suggest a better design to reduce the impacts and compensate onsite. A Gain Plan will be required post determination.
- 4.54 In addition to the above, DWT suggest conditions covering District Level Licensing, a CEMP, Species enhancement Plan, sensitive Lighting Plan, Invasive Species Protocol and Habitat Management Monitoring Plan (HMMP).
- 4.55 **Derbyshire Wildlife Trust (DWT)** were reconsulted on amended plans, updated landscape masterplan and updated BNG assessment. The current layout still delivers a loss of -2.37 habitat units (-37.97%). Gains of +1.69 hedgerow units (+263.70%) can be achieved.
- 4.56 DWT note that more ecologically beneficial scheme has not been brought forward and no narrative has been provided as to why this was not possible. If on site gains cannot be delivered then offsite units will be required to achieve 10% BNG. This matter can be addressed by way of Gain Plan at a later date.
- 4.57 DWT recommend conditions relating to district level licensing, invasive species control, Construction Environmental Management Plan (CEMP:Biodiversity), Habitat Management and Monitoring Plan (HMMP), species enhancement plans and lighting plans.
- 4.58 **NEDDC Housing Officer** - The Strategic Housing Market Assessment OAN Update 2017 estimates that 172 additional units of affordable housing are required each year over the next five years to fully meet affordable housing need in the district. The proposal to develop this land for 100 percent affordable housing will help to meet the affordable housing need in the District. The properties should be a mix of affordable rent and affordable home-ownership tenure. As at the end of 2023, there were 237 applicants – on the Council's Housing waiting list – with a local connection to the Holmewood and Heath area. The average number of bids received – per Council property in this period (for this area) – was 48. Since the Right to buy was introduced, the Council has sold 278 properties in the Holmewood area.

- 4.59 Due to the increasing numbers of homelessness applications made to the Council – and the lack of available affordable housing and private rented accommodation – the Council has had to increase the number of temporary accommodation units it owns, from 22 to 28. These statistics demonstrate the increasing demand and need for affordable homes within this area and the District as a whole.
- 4.60 Together Housing – who are the proposed Housing Association for this site - own and manage a number of affordable housing developments across the District, and therefore – they are suitably placed to acquire these units. Nominations for the properties should be made through the Council’s Choice Based Lettings system.
- 4.61 The Councils **Housing Officer** was reconsulted on the proposal for 100% social rent properties. The Officer supports the proposal, advising that the tenure mix aligns with Housing Strategy preferences and would help to meet identified affordable housing needs in this area.
- 4.62 **NEDDC Parks Team** note that the submitted plans are unclear as to what open space will be provided on site. Any open space to be adopted by the Council will need to be agreed by the Parks Team.
- 4.63 If off-site contributions are to be made, it is requested that this should be to the sum of £64,774.22 and a 10 year maintenance fee of £26,184.07.
- 4.64 No further comments were made regarding the amended scheme.
- 4.65 **DCC Archaeologist** notes that the proposed development encompasses previously undeveloped open space since at least 1880. It also appears to have been outside recorded opencast coal mining. The site may contain unknown archaeology linked to its historic links to the mining industry and as such this should be investigated.
- 4.66 Paragraph 200 of NPPF promulgates that Local Authorities require applicants to “describe the significance of any heritage assets affected [...] Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 4.67 It is not considered that a Desk Based Assessment is necessary in this instance and so it is recommended that the applicant undertake a field evaluation in the form of a ground penetrating radar survey of the site, and that this be undertaken pre-determination, as per Para 200 of NPPF.
- 4.68 **DCC Archaeologist** was reconsulted on radar survey and raised no objection to the proposal on archaeological grounds and there is no need for any further archaeological work.

- 4.69 **Lead Local Flood Authority** raised no objection subject to conditions and informative notes. Conditions would cover the detailed design, management and maintenance of any surface water drainage scheme, and how surface water run off would be dealt with during the construction phase.
- 4.70 **Yorkshire Water** have no objection subject to conditions linked to wastewater and ensuring satisfactory and sustainable drainage from the site.
- 4.71 **Coal Authority** confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (July 2023, prepared by Eastwood Consulting Engineers) to accompany the planning application. Moreover, an intrusive site investigation has been undertaken as represented in a Phase 2 Geotechnical and Geoenvironmental Site Investigation Report (October 2023, prepared by Eastwood Consulting Engineers). The Coal Authority therefore has no objection to the proposed development. No additional comments were made to the amended scheme.
- 4.72 **NHS Derby and Derbyshire Integrated Care Board** – provided a detailed breakdown of the likely impact of the proposed development on local care needs. The closest practice to the application site is Staffa Health at Holmewood, including the main site at Tibshelf. A request for £64,000 has been requested to upgrade these facilities.
- 4.73 No formal comments have been received from **NHS Derby and Derbyshire Integrated Care Board** to the amended scheme; however officers have recalculated the S106 contribution request based on 59 dwellings. A request for £59,000 is required to upgrade facilities at Staffa Health at Holmewood.
- 4.74 **Chesterfield Royal Hospital** – requested £140,000 as a financial contribution to mitigate the impacts of the proposed development. [*Officer note: A full breakdown of this request and justification has been requested by officers*]
- 4.75 **Derbyshire Police (Force Designing Out Crime Officer)** - There are no reasons in principle as to why this land wouldn't be suitable for residential development from a community safety perspective. It is considered that the layout is broadly acceptable with some advised revisions required to address some movement routes and public space.
- 4.76 Most housing treatment is acceptable for supervision of shared spaces, with some revisions over a handful of key plots advised. Boundary treatment specifications are good. The proposed area of open space for ecology and/or a picnic area to the rear of plots 1-11 is questionable. These plots are the only ones within the development

with rear gardens backing on to open space. At present the 5 Pits trail edge planting and ditch provide some additional security for these exposed rear gardens. Proposing opening this space out to general access is likely to increase risks for both crime and nuisance, with the space concerned being so close to private boundaries, but otherwise unsupervised. In my view an ecology area would be unproblematic, but a picnic area is likely to be an amenity problem for the occupants of plots 1-11. If either is likely to be agreed some dense screen planting to garden edges would be needed, and any picnic seating moved as far away from private boundaries as possible.

- 4.77 At present there is an informal footpath through the middle of the development site connecting to the playing fields adjacent. The passage through boundary trees is quite enclosed and not open to wider view. There is also a second desire line connecting the two sites a little closer to the 5 Pits link, roughly to the front of proposed plots 29/30 which also runs under mature trees and is quite secluded. The layout presented has two potential links through this boundary in front of plot 51, roughly where the existing central path runs, and at the bottom corner of the site connecting to the 5 Pits ditch crossing, close to plot 11. As mentioned, the first route is quite enclosed by tree growth, and the second is close to the parking provision and untreated side elevation of plot 11. I expect that both of these are speculative because they involve connecting to land which is not owned by the applicants? I would prefer to see one route for connectivity to the playing fields, and in turn on to the 5 Pits trail, centrally located, but with a more open aspect than the existing links, and any other informal routes through this boundary infilled with planting, probably protected with deer fencing whilst supplemental planting matures. Any such link position should tie in with the road lighting scheme in order that the transition point is well lit. If the link position close to plot 11 is to remain, I'd recommend that the plot should be dual aspect, similar to the 1 bed 2 person type at plots 31/32 and 54/55, and some defensible front of plot space is allocated between these plots and the adjacent footpath.
- 4.78 At the same time garden access for plot 10 will need to be moved to between the gardens of plots 8 and 9. The 3 bed 5 person house types at plots 28 and 51 present inactive side elevations at corner plots. Additional windows to the socialise and relax areas would provide a better outlook for passive supervision of the street. The road servicing plots 33-51 is shown as a shared surface. If this means that this section of the site is not to be adopted there will need to be a landlord supplied street lighting scheme agreed. The parking allocation for plot 33 is off plot and out of associated view, which is likely to lead to unplanned front of plot parking over the pavement. In the same area the garden space for plot 31 is quite remote from the plot. Perhaps a reworking of this small part of the site could resolve these matters.
- 4.79 **Derbyshire Police (Force Designing Out Crime Officer)** reviewed the amended plans and confirmed the amendments address the majority of their original comments. One matter of conjecture is the connection into the 5 Pits Trail and adjacent playing fields. The previous scheme included a connection into the playing

fields and 5 Pits Trail, the former has been removed. This increases the risk of desire lines being formed. A connection close to plot 59 is recommended along with stock proof fencing to protect existing/proposed planting.

- 4.80 **Environment Agency** – No formal comments, other than the site being in a Flood Zone 1 and there being no fluvial flood risk concerns associated with the site. There are also no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. No additional comments were made to the amended scheme.
- 4.81 **Ramblers Association (RA)** - Note that public right of way (PRoW). Heath and Holmewood FP 23 (part), runs approximately south west to north east on the southern boundary of the area under consideration. Having examined the details provided the RA can see no reason why the aforesaid Heath and Holmewood FP 23 should be adversely affected by the proposed development. As a consequence, the RA have no objection to offer to the proposal as presented. By way of comment, the RA note and applaud the notation on the Planning Layout indicating potential access points from the area of development to a local footpath on the eastern boundary. This local path connects directly to Heath and Holmewood FP 23 and thus to the wider footpath network including the extensive Five Pits Trail. It is considered that such a provision would encourage walking and the adoption of a healthier lifestyle.
- 4.82 The **RA** commented on the amended scheme and confirmed they had no reason why the PRoW running north east along the south eastern boundary of the area under consideration, would be adversely affected by the proposed development. As a consequence we would offer no objection to the proposal as presented. By way of comment we are pleased to note the provision of access to the local footpath network.
- 4.83 **DCC Rights of Way Officer** raised no comments.
- 4.84 **Peak and Northern Footpaths** officer raised no comments.
- 4.85 **NEDDC Drainage Engineers** raised no comments.
- 4.86 **Chesterfield Cycle Campaign** raised no comments.
- 4.87 **British Horse Society** raised no comments.
- 4.88 **Sport England** - The site is not playing field land, but it is adjacent to an existing playing field. Therefore, Sport England have assessed the development proposal as to whether it would have a prejudicial impact on the playing field. Paragraphs 12 and 13 of our Playing Fields Policy and Guidance document provides clarification and guidance about this matter. In light of the National Governing Bodies of Sport (NGBs) comments it is considered that there would be no prejudicial impact on the

existing playing field in terms of noise and ball strike. Sport England also note that the Environmental Health officer has raised no issues regarding these matters. Subject to the applicant seeking the necessary agreements with the concerned leaseholder(s)/landowner(s)/sports club(s) on the potential access between the site and the playing field, Sport England welcomes the potential formalisation of the pedestrian access point. The proposal would potentially avoid losing an existing access point and route albeit informal and enable future and existing residents the opportunity to walk to the cricket club rather than use their cars. Therefore, Sport England raises no objection to the application because it is considered to accord with exception 3 of our Playing Fields Policy and paragraph 193 of the NPPF.

- 4.89 The neighbouring **Sports Club** was informally consulted as a result of comments of the parish council, and they are of the view that it is unlikely that the proposal will negatively impact the use of the recreation site for cricket and football.
- 4.90 They are concerned that if the project goes ahead new residents will have no right to object or recourse to action if a cricket ball or football causes damage to their property. This needs to be made clear to residents.
- 4.91 They don't believe that there is need for access from the road network into the playing field as it encourages dog walkers onto the ground and results in increased dog mess. It is considered that a single point of access to the five pits trail should suffice. They consider a lockable gate on the entrance may be necessary if a ball goes over the hedge into the development. Members of the sports clubs support these views and have concern about surrounding access to the recreation site from Central Street.
- 4.92 **Holmewood Cricket Club** raised no comments.
- 4.93 **NEDDC Estates Team** provided no comments on the proposal.

## **5.0 Representations**

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice. A site notice was placed adjacent to the application site on Central Street and expired on 25<sup>th</sup> July 2024.
- 5.2 54 (36 to original scheme and 18 to amended scheme) local residents have made representations raising the following comments objecting to the proposed development:

### General/Infrastructure and Settlement Impact

- Local services (GPs, schools, dentists) are already operating at or beyond capacity.
- Local schools are full, with no spare capacity identified.

- Concern that cumulative development in Holmewood and surrounding settlements (circa 1,500 dwellings) has already placed significant strain on infrastructure.
- Perception that the village has expanded considerably in recent years (cited as approximately 30%), changing its character.
- Concern that further development would contribute to Holmewood, Temple Normanton, Heath and North Wingfield merging, resulting in loss of village identity.
- Limited public transport provision, with bus services operating on an hourly basis.
- Lack of local employment opportunities, shops and services, resulting in unsustainable patterns of movement.
- Loss of one of the last remaining undeveloped fields within Holmewood.
- The site is not allocated for housing within the development plan.
- The field is said to have historical significance linked to the area's mining heritage.

#### Affordable Housing

- Reliance is placed on a CNB Housing report (November 2023), which suggests affordable housing need may be met by existing supply.
- Uncertainty regarding whether the proposed housing will be genuinely affordable or prioritised for those with local connections.
- Type and tenure mix of affordable housing is queried. [Officer note: addressed within the proposal section of the report.]

#### Landscape and Visual Impact

- Development would result in loss of countryside and open land.
- Loss of informal green space used by dog walkers.
- The proposal is considered to erode the rural edge of the settlement.

#### Wildlife and Ecology

- Loss of natural habitat, including wildflower meadow.
- Potential harm to wildlife including birds, badgers, hedgehogs, deer and reptiles.
- Concern over an intermittent pond near the recreation ground and reported sightings of newts.
- Lack of survey work for bats and great crested newts.
- Objection that the ecological appraisal understates the site's existing biodiversity value following long-term rewilding.
- Concern that reliance on a 20-year habitat recovery period is unreasonable.
- Presence and risk of spread of Japanese knotweed has not been assessed.
- Absence of a Construction Environmental Management Plan (biodiversity), Species Enhancement Plan and lighting strategy.

### Residential Amenity and Health

- Loss of privacy, particularly to No. 5 Barnfield Close, and overlooking of approximately 19 existing gardens.
- Potential harm to residents of nearby nursing and care homes, including vulnerable and end-of-life residents.
- Increased noise, disturbance and pollution during construction and occupation.
- Dust and airborne emissions during construction raising concerns for residents with breathing difficulties.
- Concern over the length of the construction period and prolonged disruption.
- Increased risk of vermin (rats).
- Adverse effects on mental, physical and social wellbeing.
- Increased traffic movements adversely affecting air quality.

### Design

- Density of development viewed as excessive.
- Scale, layout and appearance considered not in keeping with the character of the area.
- Potential harm to woodland and adjacent sports fields.
- Requests for trees to be protected by Tree Preservation Orders.

### Drainage and Flood Risk

- The site is said to flood regularly, particularly towards the southern end.
- Concern that development would exacerbate flooding elsewhere.
- Objection that the drainage strategy is inadequate. [Officer note: the site is not within a designated flood plain.]

### Highways and Access

- Local roads are narrow, congested and subject to on-street parking.
- Springfield Road, Mornington Road and Central Street considered unsuitable for additional traffic and HGV movements.
- Existing issues with rat-running and congestion.
- Increased traffic raising highway safety concerns, particularly for pedestrians and children.
- Concerns regarding access for emergency services.
- Perceived increase in accident risk at nearby junctions and roads.
- Concern that no junction capacity assessment has been undertaken due to vehicle trip thresholds.
- Reference to advisory 7.5t signage and perceived unsuitability of access routes for HGVs.

### Pedestrian Routes and Connectivity

- Loss or disruption of a well-used informal footpath connecting to the playing fields and Five Pits Trail.
- Concern that alternative routes would be less direct, less overlooked and feel less safe. [Officer note: the route through the site is an informal, unadopted path with no statutory protection, and alternative connections are proposed.]

### Other Matters

- Concern over coal mining legacy and land stability, notwithstanding no objection from the Coal Authority.
- Allegations that land suitability and ground condition assessments are inconclusive.
- Concern that scheme viability could affect delivery of mitigation measures.
- Insufficient information regarding future site management and maintenance.
- Concerns raised by the Police relating to site layout and connectivity.
- Alleged lack of community consultation. [Officer note: statutory consultation has been undertaken.]

5.3 1 resident has made representations raising the following supporting comments to the proposed development:

- A good site for housing
- Help with regeneration of area
- Opportunity to enhance biodiversity

5.4 A number of objections have been received in relation to the application (ref: 24/00257/FUL) submitted to Bolsover District Council. This application seeks permission for “Proposed means of access to facilitate the erection of residential development on adjoining land, that is in the administrative area of North East Derbyshire District Council (subject to a separate planning application to that Council)”. 31 contributions were made to this proposal and raise no new material planning matters over those summarised above at 5.2 of the Officer report to members.

## **6.0 Relevant Policy and Strategic Context**

### **North East Derbyshire Local Plan 2014-2034 (LP)**

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

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS7	Development on Unallocated Land within Settlements with defined Settlement Development Limits
SS9	Development in the Countryside
LC2	Affordable Housing
LC3	Exception Sites for Affordable Housing
LC4	Type and Mix of Housing
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place-Making

- SDC13 Environmental Quality
- SDC14 Land potentially affected by Contamination or Instability
- ID1 Infrastructure Delivery and Developer Contributions
- ID3 Sustainable Travel
- ID8 Greenways and Public Rights of Way
- ID10 Open Space, Sports and Recreation Facilities

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

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

### **Other Material Planning Considerations**

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013
- 6.5 North East Derbyshire Housing Needs Assessment (October 2024)

## **7.0 Planning Issues**

### **Principle of Development**

- 7.1 The application site is located on land to the south of Central Street, Holmewood, immediately adjoining the built-up edge of the settlement. The site lies outside the defined Settlement Development Limit, and for Local Plan purposes is therefore considered to be within the countryside.
- 7.2 The spatial strategy of the North East Derbyshire Local Plan (Policies SS1 and SS2) directs the majority of new housing development to the most sustainable settlements. Holmewood is identified as a Level 2 settlement, considered to have good sustainability credentials and able to accommodate proportionate growth. However, development beyond the Settlement Development Limit must be robustly justified.
- 7.3 Policy SS9 states that new housing in the countryside will be strictly controlled, except in specified circumstances. One such circumstance is the provision of rural exception sites for affordable housing, as set out in Policy LC3 of the Local Plan.
- 7.4 The proposal seeks permission for a 100% affordable housing development, delivered and managed by a Registered Provider, and is therefore advanced explicitly as an exception site under Policy LC3. As the site lies outside the Settlement Development Limit, the proposal is not supported by the spatial strategy in isolation. The principle of development therefore turns on whether the scheme satisfies all of the relevant criteria of Policy LC3 and whether material considerations indicate that planning permission should be granted, having regard

to the identified conflict with the settlement boundary as set out in the assessment below.

### **Affordable Housing Considerations**

- 7.5 Local Plan policy LC3 allows for affordable housing development which would normally be contrary to policy SS9 (Development in the Countryside) where:
- a. They would provide affordable housing which would meet a proven need which is supported by an up to date local housing needs survey; and
  - b. It can be demonstrated that there are no suitable alternative development locations within the Settlement Development Limit; and
  - c. They are of a size, type, tenure, occupancy and cost suitable to meet identified local needs; and
  - d. They have a close association with the built up part of settlements within level 1 to 3 or neighbouring authority areas; and are in keeping with the form, size and character of the settlement, and local landscape setting; and
  - e. It can be demonstrated that the properties will be allocated to those who are in local housing need, and will remain affordable in perpetuity
- 7.6 The applicant confirms that the proposed development will be delivered by Homes by Honey for Together Housing. Together Housing is a registered provider of affordable housing. The scheme will be 100% social rent, with no affordable home ownership now proposed. The social rent units will be generally a 50-60% discount on market rentals. The properties would be allocated through the Council's Choice Based Lettings system, ensuring compliance with Local Plan Policy LC3 and that the homes remain affordable in perpetuity and are allocated to those in local housing need.
- 7.7 The applicant has submitted a Housing Needs Survey, prepared by CNB Housing Insights, April 2024 which seeks to address the requirements of policy LC3, these are covered in turn below.
- 7.8 The applicant's Housing Needs Survey (CNB Housing Insights, April 2024) identifies a significant unmet need for affordable housing within Heath and Holmewood Parish. This is supported by housing register data, which indicates a requirement for approximately 64 affordable homes per annum, with a net shortfall of between 19 and 29 dwellings per annum after accounting for re-lets and existing supply. The evidence demonstrates that this need arises primarily from households with a local connection who are unable to access market housing.
- 7.9 The Council's Housing Needs Assessment (2024) (HNA) provides a robust, district wide evidence base and identifies a requirement of 10 affordable dwellings per annum within the Heath and Holmewood area, of which the majority (8 dwellings) are required for affordable rent. Whilst this figure is lower than that identified by the applicant, both sources consistently demonstrate a clear and ongoing need for affordable housing, particularly social rented accommodation.

- 7.10 The applicant's survey is based on 122 responses within a parish population of approximately 3,500 (Census 2021), representing a response rate of over 3%. This compares favourably with the proportional response rate achieved across the district wide HNA and is therefore considered to carry meaningful weight. The survey methodology also focuses on households with a local connection, ensuring that the identified need is directly relevant to Holmewood.
- 7.11 In considering the scale of need alongside the proposed delivery, the scheme would provide 59 affordable dwellings. Based on a realistic delivery trajectory of approximately 20 dwellings per annum, the development would equate to around three years' supply of affordable housing. Even when applying a midpoint need of circa 15 dwellings per annum (drawing from both the Council's HNA and the applicant's evidence), the scheme would broadly meet identified needs over this period, equating to approximately 45 dwellings. Officers also note that there are currently no other available or deliverable sites within Holmewood capable of addressing this residual requirement. Figure 3 below outlines the progress of allocated sites, all of which are either built out, under construction or subject to planning. Allocation H03 is specifically for over 55s accommodation and would not deliver general needs social rented housing of the type proposed as part of this scheme.

<b>Allocation Ref</b>	<b>Address</b>	<b>Progress</b>
H01	Chesterfield Road	Under construction
H02	Masefield Avenue	Built out
H03	Chesterfield Road	Under consideration
H04	Chesterfield Road	Built out

Figure 3: Assessment of allocated housing sites

- 7.12 Taking the applicant's evidence, the Council's HNA, housing register data and consultation responses from the Council's Housing Team together, a consistent and robust picture of unmet need is presented at both the local and district level. Officers are therefore satisfied that the proposal meets criterion (a) of Policy LC3, which requires the demonstration of a proven and up-to-date local housing need.
- 7.13 The proposed development comprises a mix of 1, 2 and 3 bedroom dwellings, all to be delivered as 100% social rented housing. The tenure fully aligns with the Council's Housing Needs Assessment, which identifies social rent as the most critical tenure in addressing identified housing need, particularly for lower-income households and those in acute housing stress.
- 7.14 In terms of dwelling mix, the Council's Housing Needs Assessment identifies a notable requirement for smaller properties, particularly 1 and 2 bedroom dwellings, reflecting the needs of newly forming households, single person households and downsizers. However, the HNA also highlights the importance of delivering a range of dwelling sizes, including family housing, to support balanced communities and address issues such as overcrowding.

- 7.15 The submitted scheme is weighted towards 3 bedroom dwellings and therefore does not fully reflect the indicative proportions identified within the HNA. Nevertheless, officers note that the scheme still includes a range of units (1 to 3 beds) and delivers 100% affordable social rent homes.
- 7.16 Furthermore, the Council's HNA provides a strategic framework rather than a prescriptive site by site requirement and it is accepted that site specific considerations, delivery constraints and Registered Provider requirements will influence the final mix. In this case, the proposed mix represents a pragmatic and deliverable response to identified need, whilst still making a meaningful contribution across a range of household types.
- 7.17 The Council's HNA identifies a need for a mix of 25% 1 bed, 40% 2 bed, 25% 3 bed and 10% 4+ bed Affordable Rented Housing across the District. This proposal would comprise of a mix of 1 (7%), 2 (39%) and 3 (54%) bedroom dwellings, all provided as 100% social rent affordable housing. These will be offered at a 50-60% discount on market rental values.
- 7.18 The scheme would secure affordable housing in perpetuity, managed by Together Housing (a registered provider of affordable housing). Delivery of these affordable units would be through the Councils Choice Move letting service and will be secured and retained as affordable homes in perpetuity, subject to legal agreement.
- 7.19 In terms of the proposed developments relationship with the settlement of Holmewood, whilst sited outside a defined settlement development limit, the site directly adjoins the existing built form of Holmewood with a physical connection to Central Street. The site represents a logical extension to Holmewood which is a Level 2 settlement with local services, public transport, pedestrian links to well used routes such as the Five Pits Trail and employment opportunities. It is not isolated or sporadic development in open countryside.
- 7.20 In spatial terms, the site relates more closely to the settlement than to the wider open countryside and officers consider that this relationship weighs in favour of the proposal when assessed against Policy LC3.
- 7.21 The Council's Planning Policy Team advise that there is an evidenced need for both social and affordable rented housing across the district, with social rent representing the most affordable tenure and capable of meeting the needs of a wider range of households. The proposed delivery of 100% social rented housing is therefore supported. While the proposed dwelling mix is weighted towards three bedroom properties and does not fully align with the recommendations of the 2024 Housing Needs Assessment, it would still make a meaningful contribution towards addressing identified needs and does not undermine the overall acceptability of the scheme. Accordingly, officers consider that the delivery of 100% affordable social rented housing should be afforded significant weight in the planning balance, given the unmet need for such accommodation across the District.

- 7.22 The Council's Housing Officer supports the delivery of 100% social rental housing and is of the opinion that the tenure mix aligns with Housing Strategy preferences and would help to meet identified affordable housing needs in this area. The officer also notes that Together Housing are suitably placed to acquire these units and well known to the Council. Nominations for the properties should be made through the Council's Choice Based Lettings system, which can be controlled by way of legal agreement.
- 7.23 The Parish Council and Ward Members strongly dispute the applicant's position that the site constitutes a rural exception site, raising concerns regarding the methodology, response rate, and representativeness of the submitted housing needs survey, as well as the extent of recently approved affordable housing schemes in Holmewood.
- 7.24 These concerns are noted; however, the evidence demonstrates that there remains an ongoing local parish and wider district need for affordable housing, as evidenced by housing register data, bidding activity and homelessness pressures. The proposal would deliver 59 affordable social rent dwellings, all of which would be retained in perpetuity and allocated through an approved Registered Provider, in accordance with Policy LC3 requirements.
- 7.25 Given that this is proposed as a rural exception site, officers place particular weight on whether the development would deliver housing to meet locally arising needs. The use of the Council's Choice Based Lettings system, secured via legal agreement, will ensure that priority is given to households with a local connection in accordance with Policy LC3. This provides confidence that the scheme will directly contribute to meeting needs arising within Holmewood and the surrounding area.
- 7.26 Overall, whilst the precise dwelling mix does not fully align with the indicative proportions set out in the HNA, the proposal delivers 100% social rented affordable housing, responds to local (Heath and Holmewood) and wider district level need and secures occupancy and affordability in perpetuity.
- 7.27 For these reasons, officers consider that the proposal meets the overarching objectives of Policy LC3 and that the identified need for affordable housing, supported by robust and up-to-date evidence, should be afforded weight in favour of the development.

### **Viability Considerations**

- 7.28 Local Plan policy ID1 states that proposals for development will only be permitted provided they can be made acceptable through; the provision of necessary physical, social and green infrastructure; and suitable measures to mitigate the impacts of development.

7.29 A summary of the S106 requests to mitigate the impacts of development can be summarised below:

DCC	<u>Education</u> Primary education towards additional capacity at Heath Primary School	£284,194.54
DCC	<u>Education</u> Secondary education towards additional capacity at Tibshelf Community School	£367,052.40
DCC	<u>Libraries</u> towards Holmewood Library stock provision	£4,500
DCC	<u>Greenway/Countryside Servcies</u> Five Pits Trail maintenance Holmewood Woodlands path network Interpretation and signage	£3,248 £2,966.40 £5,000
DCC	Monitoring of S106	£154/trigger
NEDDC	<u>Open Space (if provided off-site)</u> Off-site open space contribution 10-year maintenance sum	£64,774.22 £26,184.07
Derbyshire Health	Improvements at Staffa Health, Holmewood	£59,000
Chesterfield Royal Hospital	Contribution towards hospital capacity	£140,000
<b>Total</b>		<b>£ 956,919.63</b>

7.30 It should be noted that a further breakdown and Community Infrastructure Levy compliance justification was requested by officers from Chesterfield Royal Hospital. No such evidence has been provided. Paragraph 58 of the NPPF requires that planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. In the absence of sufficient supporting evidence, officers are not satisfied that the requested contribution meets these tests and consider that its inclusion within a Section 106 agreement would be at risk of challenge. Accordingly, officers do not consider it reasonable to include this contribution.

7.31 It should also be noted that the request by NEDDC Parks Team for offsite delivery would not be necessary in this case, as an on-site play area is proposed which can be secured through the S106 legal agreement to ensure appropriate specification, value and delivery.

7.32 In view of the above, officers consider the **total S106 requirement is £725,961.34.**

7.33 The applicant has submitted a Financial Viability Appraisal (FVA) to support the proposal, demonstrating that the scheme is unable to viably deliver the full range of policy-compliant planning obligations sought by the Council. The appraisal has been

independently reviewed on behalf of the Local Planning Authority by a suitably qualified viability consultant.

- 7.34 The independent review concludes that, when assessed on a policy compliant basis and taking account of agreed abnormal development costs and prevailing market conditions, the proposed development is only capable of supporting planning obligations up to a maximum combined value of £190,000.
- 7.35 In reaching this conclusion, officers sought further justification from the applicant in respect of key viability inputs, with particular focus on the scale and nature of abnormal development costs. The applicant provided additional supporting information, including engineering evidence and cost breakdowns, which were subject to independent scrutiny by both the Council's viability consultant and Chartered Quantity Surveyor. This process resulted in a significant reduction in the level of abnormal costs accepted within the appraisal, with a number of items (including allowances for potential contamination, importation of soils and removal of surplus topsoil) discounted on the basis that they were either unsubstantiated, reflected normal construction activities or constituted developer risk rather than site specific constraints.
- 7.36 Only those costs supported by robust technical evidence were accepted. Notwithstanding these adjustments, the independently reviewed appraisal demonstrates that the scheme is only capable of supporting a reduced level of planning obligations of £190,000 without rendering the development undeliverable.
- 7.37 Given that the proposed development is unable to support the full policy compliant level of S106 contributions, officers have considered whether it would be appropriate to secure a viability review mechanism. In this instance, officers consider that a review mechanism, triggered at a point to be agreed within the S106 agreement, would provide a proportionate safeguard to reassess viability and capture any uplift in values, should this arise, to secure additional contributions where feasible.
- 7.38 In view of the above, officers are therefore satisfied that the viability appraisal reflects a cautious and appropriately scrutinised position, and that the proposed level of contributions represents the maximum reasonable level of mitigation capable of being delivered.
- 7.39 The NPPF recognises that planning obligations should not be sought at a level which would render development unviable, and that decision making should be informed by up-to-date and proportionate viability evidence where relevant. It further acknowledges that, where robust viability evidence demonstrates that a development cannot meet full policy requirements, a flexible approach to planning obligations may be necessary to ensure deliverability.

- 7.40 In this instance, viability evidence has been reviewed and demonstrates that the full level of policy-compliant contributions would render the scheme undeliverable. In these circumstances, it is considered appropriate to secure a reduced level of contributions, prioritising those necessary to mitigate the most significant impacts of the development. This approach ensures compliance with Policy ID1 in a proportionate manner, whilst maintaining the deliverability of the scheme.
- 7.41 Based on the above, officers consider it appropriate that the available contribution of £190,000 is apportioned across education, countryside services and healthcare provision, as these represent the most directly related and necessary mitigation measures arising from the development. Notwithstanding this, Members may wish to consider an alternative distribution of the available contribution. The precise allocation of financial contributions can be agreed through the final drafting of the S106 agreement, following a resolution by Planning Committee.
- 7.42 DCC commented that whilst it has a responsibility to seek the full level of education contributions required to mitigate the impacts of the development, in this instance, where viability has been independently assessed, it would not maintain an objection in the event that the full contribution cannot be secured. Instead, the County Council advises that any shortfall in contributions can be taken into account as part of the overall planning balance.
- 7.43 Policy ID1 of the Local Plan allows for flexibility in the scale of planning obligations where it is demonstrated that full policy requirements would make a development unviable. In this case, officers are satisfied that the submitted viability appraisal has been subject to appropriate independent scrutiny and that the conclusions reached are sound.
- 7.44 Although this results in some residual impacts, on balance officers consider that the proposal is acceptable, having regard to the delivery of significant planning benefits, including the provision of 100% affordable housing, which is afforded substantial weight in the planning balance.

### **Impact on Countryside**

- 7.45 Local Plan policy SDC3 seeks to protect the intrinsic character and beauty of the landscape and requires development to respond sensitively to its context.
- 7.46 The application site currently forms part of an undeveloped edge to Holmewood and contributes to a sense of openness at the settlement boundary. Development would inevitably result in the loss of part of this site and therefore cause harm to the landscape character in this location. The land forming the application site is classified as Grade 4 agricultural land, indicating that it is of poor quality and not best and most versatile.

- 7.47 The proposed development would see 59 dwellings built on land which abuts the Five Pits Trail, formal recreation ground and woodland. The submitted landscape masterplan illustrates the retention of a belt of mature trees along the eastern boundary and a landscaping buffer will be planted to the southern corner of the application site.
- 7.48 The Derbyshire Landscape Character Area Assessment categorises the site as part of the Nottinghamshire, Derbyshire and Yorkshire Coalfield National Character Area. The Landscape Character Assessment identifies the site as falling within Coalfield Village Farmlands (northern half of site) and Estate Farmlands (southern half of site).
- 7.49 The site is well contained from wider viewpoints and there will be localised and filtered views into the site from the Five Pits Trail to the south for a stretch of approx. 150m. Similarly filtered views into the site will be achievable from the recreation grounds to the north east. Views into the site are more achievable during the winter months.
- 7.50 The proposed development adopts an outward facing layout with active frontages and limited frontage parking. Additional planting to the south of the application site will help the proposed development assimilate into the wider countryside and mitigate its overall impact from views into the site.
- 7.51 Objections from the Parish Council and local residents highlight concern over the loss of a valued greenfield site, its contribution to the rural setting of Holmewood, and the perception of unacceptable urban encroachment.
- 7.52 The site is acknowledged to form part of the open countryside and contributes to the settlement's eastern edge. However, it is also framed by residential development on two sides and a recreation field to the east and is read as a transitional area between built form and open countryside. The proposal includes landscape mitigation, retention of boundary vegetation and enhanced ecological buffers, which would reduce the visual impact of the development from the adjoining recreation ground and the Five Pits Trail.
- 7.53 Having regard to the scale and layout of the proposal, officers consider that while there would be harm to the openness and character of the site, this harm would be localised and moderated by the site's context and proposed mitigation measures. The overall impact is therefore assessed as moderate in landscape terms, primarily experienced from localised viewpoints, and is not considered to result in significant harm when assessed against Policy SDC3.

### **Design and Layout Considerations**

- 7.54 Local Plan policy SDC12 and the NPPF require that the design and layout of new housing development responds positively to its immediate and wider context. The

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

7.55 The submitted layout plans include a mix of 1, 2 and 3 bedroom properties, comprising a mix of semi-detached and terraced two-storey dwellings. A selection of house types proposed is seen below in Figures 4 to 8 below.

7.56 The materials proposed are to be a grey roof tile, Hazeley Heath brick and Warwick blue plinth brick. Feature brickwork on each house type will be finished in the Warwick blue brick. Windows, doors and fascias are proposed in anthracite grey, with black rainwater goods.



Figure 4: 3 bed 5 person house type



Figure 5: 3 bed 4 person house type



Figure 6: 2 bed 3 person house type



Figure 7: 2 bed 4 person corner house type



Figure 8: 1 person 2 person Duplex house type

7.57 The layout adopts an outward-facing approach, with parking predominantly located to the side of dwellings to reduce visual dominance of vehicles. The block form, scale, massing and building heights proposed complement the existing development to the west on Central Street.

7.58 A boundary treatment plan has been prepared and illustrates the use of 1.8m high pier and panel walls in prominent locations, 1.8m timber fencing to rear gardens, post and wire fence to the eastern boundary and 1m high estate railings to some frontages. Some details are limited and omitted from the plans at this stage and a condition requiring the submission and approval of a final scheme of boundary treatments is therefore recommended.

7.59 In terms of landscaping, the north eastern edge of the site which bounds the recreation ground includes some mature trees which offer instant landscape screening. A landscape masterplan has been submitted which includes a scheme of landscaping to the southern portion of the application site, supplemental planting to the eastern edge of the site, some frontage tree planting and tree planting in rear gardens. A Tree Protection Plan has been prepared illustrating how existing mature tree planting will be protected through the course of the development. Subject to conditions officers are satisfied that the scheme of landscaping is appropriate.

- 7.60 A small area of public open space (PoS) is proposed to the south east corner of the application site. Details of the play equipment are indicative at this stage. The PoS will be delivered by the developer and managed by a management company (Trust Management) at no expense to the Council. The delivery and management of the PoS will need to be dealt with by way of condition on any decision.
- 7.61 Given the site's relationship with the adjoining recreation ground and the Five Pits Trail, it is important that appropriate connectivity is secured. The proposals include two pedestrian points of access into the wider countryside: one to the recreation ground to the east and another to the Five Pits Trail in the south east corner. Concerns have been raised regarding uncontrolled access to the recreation ground, and Derbyshire Police have advised that defined access points should be provided. Officers therefore consider it appropriate to secure these connections, whilst preventing the creation of informal desire lines through the use of boundary treatments such as post and wire fencing. DCC have also requested that the connection from the proposed development into the Five Pits Trail extends beyond the site boundary to ensure a functional, well-formed link. These matters can be secured by condition.
- 7.62 The submitted plans include details of the delivery of car charging points and solar panels on each dwelling. Each property will also have a cycle store in the rear garden.
- 7.63 Swept path drawings demonstrate that a refuse vehicle can enter and exit the site in a forward gear. A bin collection strategy has been submitted, but shows some collection points a short distance from the kerbside. This may need amending to accommodate the requirements of the Councils Refuse Team. A condition can be included to cover this matter.
- 7.64 The proposed development also includes a small SuDS basin and substation to the south of the access road. Whilst not ideally positioned, these will be screened with landscape planting which will, over time, soften their overall appearance.
- 7.65 Overall, the proposed development is considered to be of an appropriate design and layout that responds positively to the character of the surrounding area and would contribute to the quality of the local environment. Subject to conditions, the proposal is therefore considered to accord with Policy SDC12 of the Local Plan and the design objectives of the NPPF.

### **Residential Amenity Considerations**

- 7.66 Local Plan policy SDC12 requires development to achieve high quality design and place-making. Specifically, development should protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or

buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.

- 7.67 Concerns have been raised regarding loss of privacy and outlook, noise and disturbance (including from construction and increased activity), light pollution and impacts on the amenity of nearby occupiers, including residents at the adjoining care home and properties on Barnfield Close.
- 7.68 The amended proposal has been designed to provide appropriate separation distances and orientation between new and existing dwellings, broadly in accordance with the Council's Successful Places Guidance. Whilst some relationships are at, or slightly below, the guideline separation distances, these are considered acceptable in context. For example, plots 15-17 and 26-29 are slightly below the 21m separation, Plots 39–42 on the western boundary are approximately 9m from the boundary with existing properties on Springfield Road; however, these properties benefit from rear garden lengths in excess of 20m, which provides additional separation and mitigation. Taking these factors into account, officers are satisfied that the proposal would not result in an unacceptable loss of privacy, nor give rise to overbearing impacts for existing or future residents.
- 7.69 The care home to the north is separated from the nearest proposed dwellings by intervening boundary treatments and internal site layout, and the Council's Environmental Health Officer has raised no objection in respect of residential amenity, subject to conditions controlling construction hours and dust.
- 7.70 Garden sizes broadly accord with Successful Places guidance, with the 1-bed, 2-person units having a shared outdoor space of approximately 42sqm. Whilst this falls below the guidance for private amenity space and is shared rather than private, the site benefits from its edge-of-settlement location with direct access to the countryside, the adjacent recreation ground and the Five Pits Trail. In addition, an on-site area of public open space with play provision is proposed. Taking these factors into account, officers consider that an acceptable standard of amenity would be provided for future occupiers.
- 7.71 Concerns regarding light pollution can be satisfactorily controlled through a condition requiring a sensitive external lighting scheme (including design to avoid spill onto adjoining properties, boundary vegetation and the Five Pits Trail), which also aligns with ecological advice.
- 7.72 Overall, subject to conditions, officers consider that the proposal would provide an acceptable standard of amenity for future occupiers and would safeguard the amenity of nearby residents, in accordance with Policies SDC12 and SDC13 of the Local Plan.

## Highway Safety Considerations

- 7.73 Local Plan policy ID3 states that the Council will seek to maximise walking, cycling, and the use of public transport through the location and design of new development, with the aim of reducing congestion, and improving air quality and health. Furthermore new major developments will be required to promote sustainable travel. In all cases planning permission will only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 7.74 The proposed development would see 59 dwellings served from Central Street to the west. Central Street is a residential street leading to Mornington Road and Springfield Road.
- 7.75 The principle of access from Central Street is acceptable, and no objections have been raised by the Local Highway Authority subject to conditions. The internal layout demonstrates appropriate swept paths and parking provision.
- 7.76 The Highway Authority has confirmed that the proposed site access arrangements, previously accepted, are appropriate. No upgrade works to Central Street or the surrounding road network are required and development will form an extension to Central Street, constructed to an adoptable standard, including a 5m carriageway width into the site. The internal layout has been amended following discussions with the Highway Authority and is now considered acceptable, with both access and layout to be secured by condition. The Authority is also satisfied that sustainable travel measures can be achieved through a secured Travel Plan, including monitoring (£2,000/year for 5 years) and a Welcome Travel Pack, alongside agreed pedestrian connections to the Five Pits Trail subject to detailed design. Taking all matters into account, the Highway Authority concludes that the development would not result in an unacceptable impact on highway safety or a severe impact on congestion and therefore raises no objection subject to conditions.
- 7.77 Concern has been raised regarding highway safety, the suitability of Central Street, Springfield Road and Mornington Road for additional traffic, and the presence of advisory 'unsuitable for HGVs' signage and existing congestion/parking issues on the estate.
- 7.78 Derbyshire County Council, as Local Highway Authority, has raised no objection. Detailed assessment of accident data over five and ten-year periods demonstrates no identified highway safety issues at key junctions. Predicted traffic generation is modest and the Highway Authority is satisfied that access design, visibility splays, internal layout and pedestrian connectivity are acceptable and that the development would not result in a severe cumulative impact on the local network.
- 7.79 Concerns regarding construction traffic and road suitability are noted. However, advisory HGV signage does not constitute a legal restriction, and matters relating to

construction management can be appropriately controlled through planning conditions, including the submission and approval of a Construction Management Plan.

- 7.80 Officers conclude that the proposed development would not lead to a demonstrable severe harm to highway safety on the local or wider highway network; therefore the issue of highway safety in this instance is considered to be acceptable.

### **Rights of Way/Greenway Considerations**

- 7.81 As seen below in Figure 9, the application site is crossed by an informal, unadopted path which in turn connects Central Street to the wider countryside, including the recreation ground to the north east, woodland to south and the Five Pits Trail to the east.



Figure 9: Map of footpath network (purple route is the Five Pits Trail)

- 7.82 Policy SDC12 of the Local Plan states that development proposals should create well connected places that are easy to move around and which give priority first to pedestrian and cycle movements and create good design which can be accessed by all users.
- 7.83 ID3 also states that the Council will seek to maximise walking, cycling, and the use of public transport through the location and design of new development, with the aim of reducing congestion, and improving air quality and health. New developments will also be required to promote sustainable travel.

- 7.84 DCC have highlighted the importance of the Five Pits Trail and advise that the proposed connecting path should extend beyond the site boundary to ensure a functional link to the Trail. The applicant would be responsible for delivering this connection. The provision of this link would improve access to the wider Holmewood Woodlands site and surrounding recreational green infrastructure. However, DCC note that increased usage of these assets is likely and have therefore requested commuted sums towards maintenance of the Trail, woodland path network, and provision of interpretation and signage.
- 7.85 The Ramblers Association raised no objection to the proposed development and its impact on the nearby right of way network. They welcome the proposed connectivity into the Trail.
- 7.86 No objections have been raised by the DCC Rights of Way officer, Peak and Northern Footpaths officer, Chesterfield Cycle Campaign or British Horse Society.
- 7.87 Concerns have been raised regarding the loss of an informal footpath across the site which currently provides a connection between Central Street and the wider countryside. Whilst this route is well-used, it does not benefit from formal protection as a public right of way. The existing path is narrow and undulating in character. The proposed development would result in its loss; however, it would provide a new, more accessible and better designed route connecting to both the recreation ground and the Five Pits Trail. This would improve accessibility for a wider range of users. Although the loss of the existing informal route is acknowledged, this must be weighed against the benefits of enhanced connectivity and accessibility. Subject to the provision of a temporary route during the construction phase, secured by condition, officers consider that the development would result in an overall improvement in access to the countryside.
- 7.88 Overall, it is considered that the proposed development would accord with the objectives of Policies SDC12 and ID3 by enhancing connectivity and promoting sustainable modes of travel. Whilst the loss of the existing informal route is acknowledged, the provision of a new, more accessible and better integrated link to the Five Pits Trail and surrounding green infrastructure would deliver wider public benefit, enabling increased use by a broader range of users. Subject to appropriate mitigation, including the provision of a temporary route during construction and financial contributions towards the maintenance and enhancement of the wider path network, the development is not considered to result in unacceptable harm to the footpath network and is therefore acceptable in this regard.

### **Drainage Considerations**

- 7.89 The site falls in Flood Zone 1 with the lowest probability of flooding. The eastern corner of the site is identified as being at higher risk of surface water flooding.

- 7.90 A Flood Risk Assessment dated May 2024 prepared by Eastwood Consulting Engineers has been submitted. The report concludes that surface water can be managed through the layout and drainage design, with finished floor levels set above external ground levels. Surface water will be managed through a combination of on-site soakaways and discharge to the public surface water sewer, with attenuation provided to accommodate up to the 1 in 100 year plus 40% climate change event. Foul water will be gravity fed and connected to the mains sewer.
- 7.91 The Lead Local Flood Authority (LLFA) have raised no objection subject to conditions relating to the submission of detailed design, management and maintenance arrangements of any surface water drainage scheme, and how surface water run-off would be dealt with during the construction phase.
- 7.92 Yorkshire Water Authority raised no objection subject to conditions linked to wastewater and ensuring satisfactory and sustainable drainage from the site.
- 7.93 The Environment Agency raised no objection to the proposal.
- 7.94 The submitted drainage strategy incorporates sustainable drainage features and subject to conditions, the proposal is therefore considered to accord with Policy SDC11 of the Local Plan.

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

- 7.95 A Phase 1 Land Contamination Report and Coal Mining Risk Assessment have been submitted. The application site falls within a Development High Risk Area for coal mining.
- 7.96 The Council's Environmental Health Officer (EHO) has raised no objection subject to condition relating to addressing land contamination, construction hours and control of dust measures.
- 7.97 The Coal Authority (CA) note the submitted Mining Risk Assessment, dated July 2023, prepared by Eastwood Consulting Engineers to accompany the planning application. An intrusive site investigation has also been undertaken as represented in a Phase 2 Geotechnical and Geoenvironmental Site Investigation Report, dated October 2023, prepared by Eastwood Consulting Engineers. No conditions are proposed by the CA.
- 7.98 Officers are satisfied that there are no technical constraints relating to land contamination or land stability that would preclude development.

### **Archaeology**

- 7.99 Local Plan policy SDC7 states that proposals for development that affect heritage assets with archaeological interest will be permitted provided that it can be

demonstrated that the development will not be harmful to the archaeological interest of the heritage assets or their settings, having regard to their significance.

- 7.100 The proposed development encompasses previously undeveloped open space since at least 1880. As such the County Council Archaeologist notes that the site appears to sit outside recorded opencast coalmining mining. Whilst the site may contain unknown archaeology lined to the historic mining activity in the area and as such this should be investigated.
- 7.101 Paragraph 200 of the NPPF states that Local Planning Authorities should require applicants to “describe the significance of any heritage assets affected...” Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.102 The County Archaeologist does not consider a Desk Based Assessment necessary in this instance and that a field evaluation should be undertaken. A Geophysical Survey Report, dated September 2024, prepared by Magnitude Surveys has been submitted. Based on the findings of this report, the County Council Archaeologist has no objection to the proposed development on archaeological grounds.

### **Ecological Considerations**

- 7.103 Local plan Policy SDC4 requires development to protect and enhance biodiversity and, where appropriate, deliver Biodiversity Net Gain (BNG) in line with national legislation.
- 7.104 The application is supported by an updated Biodiversity Net Gain Assessment (Envanco, March 2026), together with a BNG Metric, Landscape Masterplan and Tree Protection Plan, have been submitted in support of this application.
- 7.105 In accordance with the mitigation hierarchy, the applicant proposes to meet the BNG requirement through secured off-site provision, either via a habitat bank or statutory biodiversity credits, to be controlled through a planning condition and/or legal agreement. Officers are satisfied that the proposed development can achieve the statutory 10% biodiversity net gain requirement.
- 7.106 The submitted documents have been reviewed by Derbyshire Wildlife Trust. While deficiencies and habitat losses have been identified, these matters are capable of being addressed through updated Biodiversity Gain Plans, conditions, and, where necessary, off-site contributions to achieve the mandatory 10% biodiversity net gain. The principle of development is therefore not undermined on ecological grounds, subject to appropriate controls and long-term management arrangements.

- 7.107 Concerns regarding the adequacy of ecological information, impacts on priority habitats and protected species have been raised by consultees and local residents. Other concerns related to the presence of Japanese Knotweed on site and that survey work may have missed nearby waterbodies.
- 7.108 The applicant has confirmed that reports consider both the nearest waterbodies (including Muster Brook) and presence of Japanese Knotweed on site. Mitigation to address Knotweed and a District Level Licence agreement is proposed to deal with these matters and has been agreed with DWT.
- 7.109 Subject to standard conditions relating to BNG, and conditions securing the submission of an invasive species protocol, Construction Environmental Management Plan (CEMP: Biodiversity), Habitat Management and Monitoring Plan (HMMP), lighting scheme and Species Enhancement Plan, the proposal is considered compliant with Policy SDC4 and the statutory BNG framework.

### **Other Considerations**

- 7.110 Matters of land ownership have been raised by local ward members due to the Council being the owner of the garage site which is edged in blue in Figure 10 below.
- 7.111 The Councils Estates Team have commented that *“Following discussions with Local Ward Members it was agreed that the Council’s garage site at Central Street would not be included in the proposed development. The developer stated that they had alternative means of access over adjacent land through a private agreement with the landowner and this route would be used in their application process. If they are successful in obtaining a favourable Decision Notice from the LPA without incorporating the Council owned land, then the proposed disposal would be revisited.”*
- 7.112 As members will be aware, matters relating to land ownership, access, or the ability to implement a permission are civil issues between relevant parties and do not form material planning considerations in the determination of the application. In this case, the applicant is not reliant on Council owned land to access the wider application site.



Figure 10: Land owned by NEDDC edged in blue

- 7.113 The Parish Council, Ward Members and local residents raise significant concern regarding pressure on schools, healthcare and community infrastructure arising from cumulative development in Holmewood. These concerns are acknowledged. Where capacity impacts have been identified, financial contributions are proposed to mitigate the effects of the development. These contributions are proposed to be secured through a Section 106 agreement in accordance with Policy ID1 and the requirements of the National Planning Policy Framework. Subject to these mitigations being secured, the proposal would not result in unacceptable harm to local infrastructure capacity.
- 7.114 Officers note the concerns raised regarding the scale of recent and ongoing development in Holmewood. However, the Local Plan identifies Holmewood as a Level 2 settlement capable of accommodating growth, and the proposal would not prejudice the overall delivery strategy of the Development Plan.
- 7.115 In sustainability terms, whilst the site lies outside the Settlement Development Limit, it is directly adjacent to the built-up area of Holmewood and benefits from access to existing services, facilities and public transport. The proposal also provides pedestrian connectivity to the Five Pits Trail and surrounding recreational routes, promoting opportunities for sustainable movement. When considered in the round and having regard to its relationship with the settlement and access to services, the site is considered to represent a sustainable location.

7.116 The Council's Economic Development Unit, Employment and Skills Officer requested that a training and employment condition be included in any decision. The Council has a Working Communities Strategy which seeks to enhance employment, training and skills within the community. Accordingly, officers consider that such a condition should be included in any decision.

### **Planning Balance**

7.117 The proposal represents development outside the defined settlement boundary and results in the loss of an undeveloped site at the edge of Holmewood, which carries moderate landscape harm and conflict with Policies SS2 and SDC3. This attracts moderate weight against the proposal.

7.118 However, these harms must be weighed against the substantial benefits of the scheme, which include:

- Delivery of 100% affordable "social rent" housing, secured in perpetuity
- Direct response to a clearly evidenced and acute local housing need
- High quality design and layout, including connectivity enhancements
- Acceptable impacts in relation to amenity, highways, drainage and ecology
- Compliance with Policy LC3 and national planning objectives

7.119 On balance, officers consider that the benefits of the proposal clearly outweigh the identified harms, and that the development represents sustainable development.

## **8.0 Summary and Conclusion**

8.1 The proposed development seeks full planning permission for the erection of 59 dwellings on land located outside, but immediately adjoining, the defined Settlement Development Limit for Holmewood. As such, the proposal represents development in the countryside and is therefore in conflict with Policies SS2 and SS9 of the North East Derbyshire Local Plan.

8.2 Notwithstanding this conflict, the application has been submitted as a rural exception site under Policy LC3, delivering 100% affordable housing in the form of social rented dwellings. The proposal has been assessed against the criteria of Policy LC3 and, when considered alongside the wider evidence base, including the submitted Housing Needs Survey, Strategic Housing Market Assessment data and local housing register information, officers are satisfied that there is a clear and ongoing need for affordable housing within both the Parish and the wider District.

8.3 In spatial terms, the site forms a logical extension to the built-up area of Holmewood with strong physical and visual connections to the existing settlement. Whilst the development would result in the loss of an area of undeveloped countryside and introduce built form into the rural edge, the resulting landscape harm is considered to be localised and moderate in scale. This harm would be mitigated, to a degree,

through the proposed layout, retention of boundary vegetation and additional landscape planting.

- 8.4 The proposal has been assessed against the relevant development plan policies in relation to design, residential amenity, highway safety, drainage, ecology and infrastructure. Subject to the imposition of appropriate planning conditions and the completion of a Section 106 Agreement, the development is considered to achieve an acceptable standard of design and layout, would not give rise to unacceptable impacts on neighbouring or future occupiers, and would not result in a severe impact on the local highway network. Technical consultees, including the Local Highway Authority, Lead Local Flood Authority and Environmental Health Officer, have raised no objections subject to conditions.
- 8.5 The application is accompanied by a viability appraisal which has been independently reviewed. This demonstrates that the development cannot viably deliver the full range of policy compliant planning obligations. In accordance with Policy ID1 of the Local Plan and the National Planning Policy Framework, officers accept that a reduced level of contributions is justified in this instance to ensure the deliverability of the scheme. A proportionate level of contributions, capped in accordance with the viability evidence, is therefore considered acceptable.
- 8.6 The proposal would deliver significant public benefits, primarily through the provision of 59 affordable homes, all secured in perpetuity. This represents a substantial contribution towards addressing identified housing needs and carries significant weight in the planning balance.
- 8.7 When taken as a whole, it is considered that the adverse impacts of the development, including conflict with the settlement boundary and associated landscape harm, would not significantly and demonstrably outweigh the identified benefits. The proposal is therefore considered to represent sustainable development when assessed against the development plan as a whole and the provisions of the NPPF.

## 9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED** subject to the **completion of a S106 Agreement to secure the following:**

DCC	<u>Education</u> Primary education towards additional capacity at Heath Primary School	£74,380
DCC	<u>Education</u> Secondary education towards additional capacity at Tibshelf Community School	£96,066
DCC	<u>Libraries</u> towards Holmewood Library stock provision	£1,177

DCC	<u>Greenway/Countryside Services</u> Five Pits Trail maintenance Holmewood Woodlands path network Interpretation and signage	£850 £776 £1,309
Derbyshire Health	Improvements at Staffa Health, Holmewood	£15,442
DCC	Monitoring of Travel plan (£2,000/year for 5 years)	£10,000
DCC	Monitoring of S106	£154/trigger
NEDDC	Delivery of on site public open space	n/a
NEDDC	Delivery of 100% social rent affordable housing	n/a
NEDDC	Review mechanism at the completion of 25% of the development to review viability matters	n/a

**and the imposition of the following conditions**, with the final wording delegated to the Assistant Director of Planning/Planning Manager (Development Management):-

### Conditions

No	Condition	Reason	P/C
1.	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.	
2.	The development hereby approved shall be carried out in accordance with the details shown on drawing numbers: <ul style="list-style-type: none"> <li>• 2412.02 - Location Plan</li> <li>• 2412.01.Q - Planning Layout A1</li> <li>• 2412.03.H - Materials plan</li> <li>• 2412.04.D - Street scenes (A2)</li> <li>• 2412.06.G - Boundary treatment plan</li> <li>• 2412.07.H - Garden sizes plan</li> <li>• 2412.09.C - EV Refuse &amp; Cycle Plan</li> <li>• 1613-001 H Landscape Masterplan</li> <li>• 1613-002 G Tree Protection Plan</li> <li>• 2412.1B2P.01 - 1 Bed 2 person HT</li> <li>• 2412.2B3P.01.A - 2 Bed 3 person HT</li> <li>• 2412.2B4P.01 - 2 Bed 4 person HT</li> <li>• 2412.3B4P.01.A - 3 Bed 4 person HT</li> <li>• BD-248 – Pier and Panel Wall</li> <li>• BD-249 – 1.8m High Screen Fence</li> </ul>	For Clarity and avoidance of doubt	

	<ul style="list-style-type: none"> <li>• BD-252 – Railings</li> <li>• GUL-1883-01-HW-001 – Access Arrangements</li> </ul>		
	<b>Land Contamination</b>		
3.	<p>Before the commencement of the development hereby approved an updated ground gas site investigation should be submitted for the approval of the local planning authority in accordance with the recommendations of the phase 2 site investigation reference 48293-ECE-XX-XX-RP-C-0003. The investigation should be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis.</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	Y
4.	<p>Before the commencement of the development hereby approved:</p> <p>Where the site investigation identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	Y
5.	<p>No dwellings hereby approved shall be occupied until:</p> <p>a) The approved remediation works required by condition 4 above have been carried out in full, in compliance with the approved methodology and best practice.</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	

	<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 discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 3(b) to 4 above and satisfy 3(a) above.</p> <p>c) Upon completion of the remediation works required by condition 4 and 5(a) above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.</p>		
	<b>Amenity</b>		
6.	<p>Before the commencement of any construction works, a programme of measures to minimise the spread of airborne dust from the site during the construction and demolition periods, including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. The construction works shall be undertaken strictly in accordance with the approved scheme.</p>	<p>To protect the environment and neighbouring residential occupiers from dust, all in accordance with policies SDC12 and SDC13 of the North East Derbyshire Local Plan.</p>	Y
7.	<p>Construction works on site and deliveries during the construction period shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 12:00 on Saturday. There shall be no construction work or deliveries to the site undertaken on Sundays or public/bank holidays.</p>	<p>In the interests of the amenity of local residents, all in accordance with policy SDC12 of the North East Derbyshire Local Plan.</p>	

	<b>Highways</b>		
8.	<p>The development hereby approved shall not be brought into use until the site access has been laid out, constructed and completed in full, in accordance with the details shown on Planning Layout Drawing Ref 2412.01 Rev Q.</p>	<p>In the interests of highway safety.</p>	
9.	<p>No dwelling shall be occupied until the internal estate roads, parking, turning and manoeuvring areas required to serve that dwelling, in accordance with Planning Layout Drawing Ref 2412.01 Rev Q, have been laid out, constructed and made available for use. These areas shall thereafter be retained for their intended purposes.</p> <p>All internal estate roads, parking, turning and manoeuvring areas shown on Planning Layout Drawing Ref 2412.01 Rev Q shall be fully laid out, constructed and made available for use prior to the occupation of the final dwelling.</p>	<p>In the interest of providing satisfactory access and off-street parking and manoeuvring facilities are provided in the interests of highway safety.</p>	
10.	<p>No dwelling hereby approved shall be occupied until a scheme for the provision of a Residential Welcome Travel Pack, promoting sustainable forms of access to the development, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved Welcome Travel Pack shall be provided to the occupiers of each dwelling upon first occupation.</p>	<p>To reduce vehicle movements and promote sustainable development.</p>	
11.	<p>No part of the development shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures, targets, monitoring and review mechanisms to promote sustainable modes of travel to and from the site.</p> <p>The approved Travel Plan shall thereafter be implemented in accordance with the approved details. In the event that the identified targets are not met, a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.</p>	<p>In the interest of highway safety, all in accordance with Policies ID3 of the North East Derbyshire Local Plan.</p>	

<p>12.</p>	<p>No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The CMP shall include, but shall not necessarily be restricted to, details of:</p> <ul style="list-style-type: none"> <li>• Parking of site operatives' and construction vehicles</li> <li>• Loading and unloading of plant and materials</li> <li>• Storage of plant, materials and waste</li> <li>• Construction traffic routing and access arrangements</li> <li>• Method of prevention of debris being carried onto highway</li> <li>• Wheel washing facilities</li> <li>• Hours of construction working</li> <li>• Temporary construction access arrangements</li> <li>• Arrangements for the turning of construction vehicles within the site</li> <li>• Proposed temporary traffic restrictions</li> <li>• Measures to protect the safety of pedestrians and other highway users</li> <li>• A highway condition survey (pre and post development)</li> <li>• Communication arrangements with local residents and businesses</li> </ul> <p>The development shall thereafter be carried out in full accordance with the approved CMP and adhered to throughout the construction period.</p>	<p>In the interest of highway safety, all in accordance with Policies ID3 of the North East Derbyshire Local Plan.</p>	<p>Y</p>
<p>13.</p>	<p>Notwithstanding the submitted details, prior to occupation of any dwelling, a revised refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how refuse collection will be undertaken safely and efficiently, including collection points and distances. The approved scheme shall thereafter be implemented in full.</p>	<p>To ensure that satisfactory and safe arrangements are provided for the storage and collection of refuse, in the interests of highway safety, amenity and the efficient operation of waste collection services, in accordance with policy SDC12 of the North East Derbyshire Local Plan.</p>	

	<b>Biodiversity</b>		
14.	No development shall commence (including site clearance and preparatory works) until a copy of the Natural England District Level Licence has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the licence.	To ensure that the development is carried out in accordance with the relevant provisions of wildlife legislation and to avoid harm to protected species, in particular great crested newts, in accordance with Policy SDC4 (Biodiversity and Geodiversity) of the North East Derbyshire Local Plan and the NPPF.	Y
15.	Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal (as appropriate) of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.	To prevent the spread of invasive non-native species, safeguard biodiversity, and ensure appropriate remediation of the site in the interests of protecting ecological assets, in accordance with Policy SDC4 of the North East Derbyshire Local Plan and the NPPF.	Y
16.	<p>Prior to the commencement of the development (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall be produced by an ecologist and shall include the mitigation measures detailed in the Ecological Appraisal &amp; Biodiversity Net Gain Assessment V2 (Envance, June 2024). It shall include the following sections:</p> <ul style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities.</li> <li>b) Identification of “biodiversity protection zones”, including retained vegetation.</li> <li>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to nesting birds, reptiles, badgers and hedgehogs. Reasonable Avoidance</li> </ul>	To ensure that construction activities are undertaken in a manner that avoids or minimises harm to protected and priority species and their habitats during the construction phase of the development, in accordance with Policy SDC4 (Biodiversity and Geodiversity) and Policy SDC12 (High Quality Design and Place-Making) of the North East Derbyshire Local Plan and the NPPF.	Y

	<p>Measures for reptiles shall also be applied to GCN, as individual GCN can be legally moved away from harm under a District level Licensing approach.</p> <p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <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>		
17.	<p>Prior to the commencement of the development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA. If the standard HMMP template is not used, the HMMP checklist shall be consulted to ensure all appropriate information is included. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site over the mandatory 30-year period and specify the appropriate management prescriptions to secure the predicted condition targets and for the sympathetic management to maintain all retained habitats, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here:  <a href="https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain">https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain</a></p>	<p>To secure the long-term protection, management and enhancement of habitats on the site, and to ensure that biodiversity net gain is achieved and maintained over the required period, in accordance with Policy SDC4 of the North East Derbyshire Local Plan and the statutory biodiversity net gain requirements set out in the NPPF.</p>	Y
18.	<p>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.</p>	<p>To protect bats and other nocturnal wildlife from the adverse effects of artificial lighting, and to ensure that lighting is designed in a sensitive manner that avoids</p>	

	<p>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.</p>	<p>unacceptable light spill, in accordance with Policy SDC4 (Biodiversity and Geodiversity) and Policy SDC12 of the North East Derbyshire Local Plan and the NPPF.</p>	
19.	<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"> <li>• universal integrated nest bricks at ratio of 1:1, in line with British Standard 42021:2022.</li> <li>• integrated bat boxes in 30% of dwellings.</li> <li>• bee bricks in 30% dwellings.</li> <li>• 2No. habitat piles.</li> <li>• fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.</li> </ul> <p>Prior to the occupation of the final dwelling, a statement of good practice including photographs should be submitted to the local planning authority to fully discharge this condition. This shall clearly demonstrate that the enhancements have been selected and installed in accordance with the above.</p>	<p>To secure measurable biodiversity enhancements and contribute towards achieving biodiversity net gain through the provision of integrated habitat features, in accordance with Policy SDC4 of the North East Derbyshire Local Plan and the NPPF.</p>	
	<b>Drainage</b>		
20.	<p>Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.</p>	<p>To protect ground water and surface water from pollution.</p>	Y
21.	<p>The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Strategy' 48293-ECE-XX-XX-DR-C-0010</p>	<p>In the interest of satisfactory and sustainable drainage.</p>	

	(issue P01) prepared by Eastwood, dated 20/03/2026".		
22.	<p>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:</p> <p>a. The Drainage Assessment, Issue 4, Document Ref: 48293-ECE-XX-XX-RP-C-0005, Dated: 20 March 2026, prepared by Eastwood Consulting Engineers and Flood Risk Assessment, Issue number 3, Document Ref: 48293-ECE-XX-XX-RP-C-0004, Dated: 10 May 2024, prepared by Eastwood Consulting Engineers, "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"</p> <p>b. And DEFRA's National standards for sustainable drainage systems (2025),</p> <p>have been submitted to and approved in writing by the Local Planning Authority.</p>	To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.	Y
23.	<p>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.</p>	To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.	Y
	<b>Connectivity</b>		
24.	<p>Prior to the commencement of development, details of a temporary pedestrian route connecting Central Street to the Five Pits Trail shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved temporary route shall be implemented in full and made available for public use prior to the closure of the existing informal footpath through the site and shall be retained and kept available for public use for the duration of the construction period.</p>	In the interest of connectivity from Central Street into the wider countryside and Five Pits Trail, all in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan and the NPPF.	Y

	The temporary route shall not be closed until a permanent pedestrian route providing safe and convenient access from the development to the Five Pits Trail has been provided in accordance with approved details as required by condition 25 below.		
25.	<p>No dwelling hereby approved shall be occupied until a scheme for the provision and upgrading of a pedestrian route linking the development site to the Five Pits Trail, including works to land outside the application site, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved scheme shall include full details of the route, surfacing, width, drainage (where required), and any associated infrastructure necessary to provide a safe and convenient pedestrian connection.</p> <p>The approved works shall be implemented in full in accordance with the approved details prior to the occupation of the 10<sup>th</sup> dwelling.</p>	In the interest of providing connectivity from the development to the Five Pits Trail.	
26.	<p>Prior to the commencement of development, details of the internal pedestrian footpath network (excluding highway footways) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>• the final routing and width of all footpaths</li> <li>• construction details, including surfacing and cross-sections</li> <li>• arrangements for ongoing management and maintenance</li> </ul> <p>The approved footpaths shall be provided in accordance with the approved details and made available for use prior to the occupation of the 10<sup>th</sup> dwelling and shall thereafter be retained and kept open and unobstructed for pedestrian use in perpetuity.</p>	In the interests of promoting sustainable travel, permeability and connectivity, and to mitigate the loss of existing informal pedestrian routes, in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan and the NPPF.	Y
	<b>Development</b>		
27.	Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to an off-site datum point which is to	In the interests of the appearance of the area and in accordance with policy	Y

	<p>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 accordance with the approved details and the levels shall be retained as such thereafter.</p>	<p>SS9 and SDC12 of the North East Derbyshire Local Plan.</p>	
28.	<p>Notwithstanding any submitted details, prior to the commencement of development, a scheme showing the positions, design, materials, height and type of all boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved scheme shall be implemented in accordance with the agreed details in respect of each phase or dwelling prior to its occupation and shall thereafter be retained as approved.</p>	<p>In the interests of the appearance of the area and in accordance with policy SS9 and SDC12 of the North East Derbyshire Local Plan.</p>	Y
	<p><b>Landscaping and Trees</b></p>		
29.	<p>Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.</p> <p>Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.</p>	<p>To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance Policy SDC2: Trees, Woodland and Hedgerows of the North East Derbyshire Local Plan.</p>	
30.	<p>Notwithstanding the submitted details, prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method</p>	<p>Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction</p>	Y

	<p>statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt within the TPP and AMS:</p> <ol style="list-style-type: none"> <li>1. Location and installation of services/ utilities/ drainage.</li> <li>2. Details of construction within the RPA or that may impact on the retained trees.</li> <li>3. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</li> <li>4. a specification for scaffolding and ground protection within tree protection zones.</li> <li>5. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</li> <li>6. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, and waste as well as concrete mixing and use of fires</li> <li>7. Boundary treatments within the RPA of trees to be retained.</li> <li>8. Details of all proposed access facilitation pruning.</li> <li>9. Methodology and detailed assessment of root pruning.</li> <li>10. Arboricultural supervision and inspection by a suitably qualified tree specialist</li> <li>11. Reporting of inspection and supervision</li> <li>12. Methods to improve the rooting environment for retained and proposed trees and landscaping</li> </ol> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>	<p>and to protect and enhance the appearance and character of the site and locality, in accordance with Policy SDC2: Trees, Woodland and Hedgerows of the Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>	
	<p><b>Public Open Space</b></p>		
<p>31.</p>	<p>Notwithstanding any submitted details, prior to the commencement of development above foundation level, details of the on-site play area and public open space shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p>	<p>To ensure the timely provision of high-quality public open space, play facilities and associated infrastructure, and to secure</p>	

	<ul style="list-style-type: none"> <li>• the final design and layout of the play area equipment</li> <li>• a final landscaping scheme for the public open space</li> <li>• the design, specification and location of any seating and refuse bins</li> <li>• a timetable for the delivery and implementation of all public open space, play equipment, landscaping and associated features</li> <li>• details of the long-term management and maintenance of the public open space</li> </ul> <p>The approved public open space, including all play equipment, landscaping and associated features, shall be implemented prior to the occupation of the 20<sup>th</sup> dwelling in accordance with the approved details and delivery timetable, and shall thereafter be retained, managed and maintained in accordance with the approved details for the lifetime of the development.</p>	<p>their long-term management and maintenance, in the interests of the amenity, health and well-being of future residents, in accordance with Policies SDC12 of the North East Derbyshire Local Plan and the NPPF.</p>	
	<p>Pre-commencement (P/C)</p>		