

APPLICATION NO. 19/00713/FL

APPLICATION Application for Erection of 8 semi-detached and 5 detached bungalows, associated highway works, access, car parking, landscaping and outdoor amenity space. (Major Development) (Additional Information)

LOCATION The Old Station Station Road Killamarsh Sheffield

APPLICANT Mr T Rusling – Akroyd & Abbott

CASE OFFICER Phil Slater

DATE RECEIVED 12th July 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Clough

REASON: concerns that's this is an overdevelopment; concerns that the potential of 20 plus cars accessing the overused road and junction. Sheffield Road is extremely busy road that backs up in both directions.

The Site Inspection Group is to visit the site to assess the impact of the proposals on the site, its surroundings and highway safety issues.

1.0 SITE DESCRIPTION

- 1.1 The application site is located within the Killamarsh Settlement Development Limit and is the site of the former Killamarsh station with industrial warehouses to the rear, and existing residential development to the north, and east.
- 1.2 To the rear (west) of the site runs the Trans-Pennine trail.
- 1.3 The site is currently vacant and is a previously developed site. The site is allocated for housing (14 dwellings) in the Emerging Local Plan.

2.0 PROPOSAL

- 2.1 This is an application for the erection of 8 semi-detached and 5 detached bungalows, associated highway works, access, car parking and outdoor amenity space.
- 2.2 The development would provide on-site parking to allow for 2 parking spaces per dwelling, with rear gardens which abut the trans-pennine trail. Access to the site is via Station Road.

3.0 AMENDMENTS

- 3.1 The scheme has been revised following comments from the Police and Derbyshire Countryside in respect of the rear site boundary and also to address Officers comments with regards to softening the frontage car parking.
- 3.2 The rear boundary to the trans-pennine trail is proposed to be a 1.8m high hoop top railing set back 1m from the existing hedgerow which would form the boundary to the trail.

4.0 PLANNING HISTORY

- 4.1 NED/07/00865/FL - Erection of 14 detached two storey dwellings with integral garages (Major Development). Granted subject to s106. This permission is extant.

5.0 PLANNING POLICY CONSIDERATIONS

North East Derbyshire District Local Plan

- 5.1 The Development Plan comprises the North East Derbyshire District Local Plan. The policies most relevant to the determination of the application are as follows:

GS1 Sustainable Development
GS9 Planning Obligations
GS10 Crime Prevention
BE1 General Design Principles
H3 New Housing Outside Settlement Development Limits
H12 Design and Layout of New Housing
T2 Highway Access and the Impact on New Development
T4 Travel Plans
T5 Walking and Cycling
T9 Car Parking Provision
R5 Providing for Children's Play Space through New Development
CSU4 Surface and Foul Water Drainage
CSU6 Contaminated Land

North East Derbyshire Local Plan: Publication Draft (PD):

- 5.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and whilst under examination the Local Plan is currently paused. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded limited weight in decision making.
- 5.3 The following Local Plan: Publication Draft policies are considered relevant to this application and are a material consideration:
- SS1 – Sustainable Development
SS2 – Spatial Strategy and Distribution of Development
LC1 – Housing Allocations
LC4 – Type and Mix of Housing
SDC11 – Flood Risk and Drainage
SDC12 – High Quality Design and Place-Making
ID1 – Infrastructure Delivery and Developer Contributions
ID2 – Provision and Safeguarding of Transport Infrastructure
ID3 – Sustainable Travel
- 5.4 Within this plan Killamarsh is identified as a Level 1 Town within the settlement hierarchy.

- 5.5 Other relevant policy documents include the Successful Places Interim Design Guide.

National Planning Policy Framework

- 5.6 The National Planning Policy Framework (NPPF) is relevant in the determination of the application. The NPPF states that decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay or where policies which are most important for determining the application are out of date granting permission unless policies in the framework that protect areas or assets of particular importance provides a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on 12 July 2019 with a determination date of 11 October 2019. An extension of time has been agreed until 13th March 2020. Site notices were posted on Station Road and consultation letters sent to all properties which adjoined the application site.
- 6.2 One **Ward Member** has called-in the application for a committee determination on the grounds that:-
- There are concerns that this is an overdevelopment in terms of the type of properties being considered on such a small piece of land. Although this particular road has a mixed tenure of properties, the types being considered either needs to be adjusted or reduced further.
 - Serious concerns in relation to the potential of an additional 20 plus cars accessing this already over used road (partly un-adopted) and junction, without any changes being considered. Station Road into Sheffield Road is an extremely busy road that backs up in both direction at busy times and this is due to increase when the new local theme park opens at Rotherham Valley, later this year.
 - The site really needs to be seen by the Committee Site Inspection Group.
- 6.3 The **Parish Council** has raised no comments.
- 6.4 The **Highway Authority** (HA) has commented that subject to conditions there are no objections to the proposals from a highway safety point of view. The HA have commented that whilst the hardstanding areas fronting Station Road have been reduced in width sufficient width has been retained, however parking spaces should be a minimum depth of 5.5m.
- 6.5 HA have also commented that the fronting section of Station Road is not adopted and the applicant should consider future maintenance arrangements.
- 6.6 The **Councils Environmental Health Officer (EHO)** has commented that the application is supported by a report prepared by CoDa Structures 'Phase 1 & 2 Engineering and Environmental Assessment Station Road Killamarsh (Ref: 6154 revision A; dated 14 May 2019)' which would appear to be an updated version of a report prepared in 2007. The update appears to be limited to the

consideration of the contaminant concentrations encountered during the 2007 works with more recent generic assessment criteria for assessing potential risks to human health.

- 6.7 It is EHO view there is a requirement for further characterisation of the site to inform a more robust assessment of the potential risks to human health and the environment. Therefore EHO would request pre-commencement conditions are attached to any permission granted.
- 6.8 The agent has submitted a revised phase 1 and 2 Engineering and Environmental Assessment and the EHO has commented that although the revised report provides some additional information in relation to the current circumstance at the site it is EHO view further site characterisation is required to determine whether the proposed remediation will be adequate to address the contaminant linkages identified in the conceptual site model. Therefore, EHO would recommend that conditions are attached to any permission granted.
- 6.9 *Potential sound impacts* - As the proposed development site lies in relatively close proximity to a large industrial area with units which would appear to have extraction systems on the façade facing the proposed development site EHO would have some concerns regarding the potential for an adverse impact on the amenity of any future occupants. Therefore we would recommend a condition is attached to any permission granted.
- 6.10 **DCC Infrastructure** have commented that based on current projections no s106 contribution towards education would be required at this time.
- 6.11 The **Employment and Skills Officer** has requested a condition relating to maximising employment and training opportunities.
- 6.12 **NHS England** have been consulted and have not provided any comments.
- 6.13 The **DCC Flood Team** (LLFA) initially recommended a holding objection until such time as the applicant submits further information.
- 6.14 The agent has submitted a Flooding and Drainage Assessment and the LLFA have commented that they have reviewed the information submitted by the agent which was received on 7th November 2019. The LLFA has *no objection* subject to conditions relating to the detailed design and associated management of the surface water drainage on site and a condition relating to any additional surface water during construction.
- 6.15 **NEDDC Drainage** initially commented that there is insufficient information submitted.
- 6.16 The agent has submitted a Flooding and Drainage Assessment and the Drainage Engineers have been consulted and have raised no further comments.
- 6.17 **DCC Archaeology** have commented that the site retains no archaeological significance and there is no need for archaeological/heritage work under the current planning application.

- 6.18 **Derbyshire Wildlife Trust (DWT)** initially commented that no ecological information has been submitted in support of the application.
- 6.19 The agent has submitted a Preliminary Ecological Appraisal and the DWT have commented that the ecology report and survey have been undertaken using current best practice measures and provide suitable biodiversity enhancements for the application. The report provides a sufficient assessment as well as some reptile survey effort which is considered sufficient for the habitats and overall size of the development proposal. In line with the recommendations within the report, if the council is of a mind to grant permission then DWT recommend conditions to protect biodiversity.
- 6.20 **NEDDC Street-scene** have commented that Station Road is a narrow road with very little off road parking and they would need to know what the developer plans to do with regards the bin presentation issue.

If the road will be adopted, access would be required for an RCV which has a GVW of 32t with a 22.8m turning circle and will not access or cross any block paved, gravelled or any other un-adopted areas, therefore any properties located beyond these areas will have to present their bins at a nominated collection point adjacent to the public highway.

If the development remains un-adopted, and the developer wishes us to access the development, the developer may propose an alternative solution to ensure that the private/un-adopted road in question is of a suitable construction and is approved and signed off by the highway authority (Derbyshire County Council) rather than the developer; this will be of a satisfactory standard to ensure that damage will not be incurred to our vehicles and/or the road surface.

This would be a matter for NEDDC Streetscene to negotiate agreement terms that we consider to be acceptable to indemnify the Council and safeguard our position, to access private/un-adopted roads.

The agent has confirmed that the road will be constructed to adoptable standards and will be offered for adoption to the Highway Authority.

- 6.21 **NEDDC Parks** have commented that the proposed site comprises of 13 three bed dwellings. This could attract an estimated £10,885.42 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £3,196.76. This estimate is based on the last available update (April 2019) to Appendix 2 of the council's Supplementary Planning Document.
- 6.22 The nearest existing facilities to the proposed development are at Campion Drive, Killamarsh and Quarry Road, Killamarsh. Campion Drive Play Area – which is a small play area and nearest – and Quarry Road Play Area are both owned and maintained by North East Derbyshire District Council and may benefit from additional / replacement equipment to increase the play value to local residents and it would be more appropriate to allocate any s106 monies to facilities in the locality, as with the previous development at this location, rather than specific to a particular play area.

- 6.23 It is unclear as to whether any of the apparent existing trees/hedges may be retained. Should land adjacent to any trees for retention be utilised for the delivery, use or storage of site equipment/materials etc., then sufficient consideration will be given to avoid damage being caused to the trees.
- 6.24 The **Coal Authority** have commented that as the site falls outside of the Development High Risk Area then standing advice applies.
- 6.25 The **Crime Prevention Design Advisor** has commented with regards to the revised scheme that there is now a 1.8m high hoop topped rail shown across the rear boundary. If the Local Planning Authority are content that this finish is sufficient to provide adequate privacy from the adjacent Trans Penine Trail in combination with the proposed planting buffer, then he would agree that this is acceptable from a security perspective, given that the planting buffer should provide additional protection to bring to a level roughly commensurate with the 2m high fencing previously advised.
- 6.26 This rail should extend along the side boundary of plot 1 to the pavement edge as previously recommended. Secure gates for individual plots are still not shown and should be added close to each front elevation.
- 6.27 **DCC Countryside Services** have commented that the revised Site Plan Layout, Revision D shows a hooped top railing at 1.8m in height along the sites western edge. Considering the elevated position of the development plot above the Trans Pennine Trail, this would mean the top of this metal railing would stand approximately 2.6m above the trail which is too high and visually imposing for a non-natural structure. The current hedgerow may offer some disguise through summer months but through the winter this fencing would be quite visible.
- 6.28 The Site Boundary Sections Plan, Section 2 shows a vegetation buffer to be situated parallel to the hooped top railing. DCC question the location of the proposed vegetation buffer as it appears to be located on top of the old brick built platform where there is no growing medium. The applicant should clarify its proposals for the location as well as the species intended to be used in this buffer. Planting should not be of dense coniferous species that will overshadow the hedgerow and which will prevent healthy growth. Typical species of the existing hedgerow should be used. The Preliminary Ecological Appraisal Report identifies this hedgerow being of high ecological value and an important part of the wildlife corridor.
- 6.29 The Site Boundary Sections Plan, Section 1 shows a footpath immediately to the south of plot 1. This footpath is not depicted on the site layout plan and suggest there may be plans to make connections to the old railway bridge that spans the Trans Pennine Trail. Countryside Service owns the majority of this bridge and if connections are to be made they refer to previous comments on this application about the need to communicate more detailed information on the relationship between the development and this bridge.
- 6.30 The agent has provided clarification on the above points:-
- The height of the rear boundary treatment is based on the requirement to provide security in relation to access to the rear gardens of the dwellings. the agent considers the design of the fence and offset from the trail

including the enhanced landscape buffer is a good approach to achieving a balance between security and amenity in this location;

- The agent is happy to enhance the existing buffer strip with existing hedge species and will undertake the necessary work in this location to ensure that correct environment for the enhanced planting is provided as part of the approved landscaping scheme; and
- The footpath to the south of plot 1 is the existing footpath to the bridge. This is outside the application boundary. The application does not propose to change this or create new linkages to it.

6.31 DCC have not raised an objection and have requested that an old chain link fence with concrete posts that divides the site and the Trans Pennine Trail be removed. It would also assist future management of the hedgerow and development buffer strip. This is requested as part of any conditional hedgerow enhancement.

6.32 The **Trans-Pennine Trail Officer** has commented on the revised scheme and still has concern regarding the closed corridor the development will have in terms of fencing / planting.

6.33 The alignment of the Trans Pennine Trail (TPT) is still not clearly represented on the plans submitted or mentioned within the application. This should be addressed by the applicant and was noted previously. The TPT provides a well-used utility and recreational route for local residents to enjoy.

6.34 The installation of a hooped top railing at 1.8m is noted to replace the current chain-link fence. This is a concern in relation to the lower level of the Trans Pennine Trail and could result in an area that could feel intimidating for Trail users.

6.35 Should planting be in the vicinity of the fencing care must be taken to ensure the fence can be maintained and the planting does not deter light from accessing the Trail. It is still unclear from the plans if there is any intention to connect to the bridge that is currently stepped and in Derbyshire ownership.

6.36 Following clarification from the agent (see para 6.28 above) the TPT Officer has confirmed that they support DCC Countryside comments.

6.37 **2 objections** from local residents have been received. The **objections** raised can be summarised as follows:

- Inaccuracies in the application form
- How will Killamarsh be expected to cope with the numerous and often substantial housing developments continuously bolted on to the village, particularly over the past 20-30 years. There surely must be a legal limit to this with regards the management of local services and resources. For example, both local primary schools are over-subscribed and many local children have to use schools in surrounding towns. The GP surgery is full and has a waiting list and this may also be the case for the dentist.

(Officer Comments: Derbyshire County Council and NHS have been consulted and no financial contribution to either school or GP surgeries have been requested. DCC have confirmed that relevant shared normal area infant, junior, and primary schools and the secondary school would

have sufficient capacity within the next five years to accommodate the additional pupils arising from this development)

- Road congestion caused by extra housing but without paying attention to the road infrastructure creates danger. This is particularly an issue at the junction of Station Rd and Sheffield Rd.
(Officer Comment: The Highway Authority have not raised an objection. The site benefits from an extant permission for 14 houses which would result in greater impact than the development currently under consideration).
- Putting this many properties on a tiny piece of land (0.45ha) amounts to overcrowding.
(Officer Comment: the development conforms to the councils design guide 'Successful Places' in terms of parking standards and outdoor amenity space. The rear gardens are generally in excess of the guidance and it is not considered by officers to represent overdevelopment of the site)
- The proposed site for building appears to be classed as a Brownfield site. Because the land has remained untouched for many years it was able to regenerate unhindered in to a small area of woodland and meadow.
(Officer Comment: the site is previously developed land and benefits from an extant permission for 14 houses)
- Gas and Leachate pollution dangers/concerns
(Officer Comment: the agent has submitted a phase 1 and phase 2 land contamination report which the Councils Environmental Health officer has been consulted. No objections have been raised and conditions are recommended)
- Station Road not suitable for turning lorries delivering building materials or bin wagons.
(Officer Note: the Highway Authority has not raised an objection and conditions are recommended in respect of bin collections)

6.38 **2 letters of support** have been received which can be summarised as follows:-

- Support the application of the bungalows being built, but are concerned as to where we will park the cars that are currently parked on that side of the road. Will parking be available in between the bungalow driveways or has any alternative space been allocated?
(Officer comment: on-plot parking is proposed for the new dwellings and a turning head for refuse/delivery vehicles. The parking spaces provided are in accordance with the councils design guidance. No additional visitor parking or parking for existing residents is proposed)
- Also, do you have any plans for the banking outside the terraced houses?
(Officer comment: the area of banking to the south of the bungalows within the application site boundary would not be developed and would remain a landscaped area.)
- Support for the redevelopment of vacant brownfield land
- Support for the traditional railway inspired architecture.

7.0 PLANNING CONSIDERATIONS

7.1 The primary planning considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the character of the site, the amenity of neighbouring uses and highway safety.

8.0 PLANNING ASSESSMENT

- 8.1 This is a full application for residential development comprising the erection of 8 semi-detached bungalows and 5 detached bungalows, associated highway works, access, car parking and outdoor amenity space at The Old Station, Station Road, Killamarsh.

Principle of Development

- 8.2 The site is a previously developed (brownfield) site located within the defined Settlement Development Limit for Killamarsh which is identified as a level 1 settlement in the Emerging Local Plan. The site has also previously been granted permission for 14 houses and which a material start has been made on site.
- 8.3 The site is allocated in the emerging local plan as a housing site for 14 dwellings. The scheme is proposed to deliver a scheme of self-contained bungalows.
- 8.4 The redevelopment of this site would be in accordance with policies GS1, GS5 and H6 and the principle of the development is therefore considered to be acceptable.

Affordable housing

- 8.5 As the scheme is for less than 15 dwellings and has a site area of less than 0.5 hectares there is not a requirements to provide affordable housing.

Provision of Supporting Community Infrastructure

- 8.6 Derbyshire County Council has commented that they do not require a contribution towards education in this instance, and the NHS have not commented on the application.
- 8.7 Council Parks officers have commented that the proposed site of comprises of 13 three bed dwellings. This could attract an estimated £10,885.42 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £3,196.76. This estimate is based on the last available update (April 2019) to Appendix 2 of the council's Supplementary Planning Document.
- 8.8 The nearest existing facilities to the proposed development are at Campion Drive, Killamarsh and Quarry Road, Killamarsh. Campion Drive Play Area – which is a small play area and nearest – and Quarry Road Play Area are both owned and maintained by North East Derbyshire District Council and may benefit from additional / replacement equipment to increase the play value to local residents and it would be more appropriate to allocate any s106 monies to facilities in the locality, as with the previous development at this location, rather than specific to a particular play area.
- 8.9 In this instance the land owner has already paid £5,600 under a unilateral undertaking (UU) for application NED/07/00865/FL; therefore taking off the UU the s106 monies due would be £5285.42 and the 10 year maintenance fee of £3,196.76.

Highways

- 8.10 The site is designed to accommodate 13 new bungalows and would deliver improvements to this section of Station Road. The scheme will deliver 2 off street parking spaces per dwelling which would be in accordance with the Councils Successful Places Design Guidance.
- 8.11 The Highway Authority have commented with regards to the revised plans that these do not materially alter previous highway comments made with regard to the proposal. Whilst the hardstanding areas fronting Station Road have been reduced in width, sufficient width has been retained, however in line with previous comments it is advised that such parking spaces be provided with a minimum depth of 5.5m.
- 8.12 Bin storage areas that were previously located along the frontage of the development have now been relocated to the rear of the properties. On new developments HA would seek to avoid bins on the pavement where possible as these can create an obstruction. Accordingly HA would ask that bin dwell areas for use on refuse collection days be provided adjacent Station Road, within the site curtilage clear of all parking areas and retained thereafter free from impediment to designated use.
- 8.13 In conclusion therefore there are no highway objections to the proposals subject to conditions. Officers consider that matters such as the bin dwell area and car parking dimensions can be addressed by conditions. Some of the parking spaces are of sufficient depth however there is space within the site curtilage to increase the depth of the other spaces.
- 8.14 The Councils Refuse Team has commented that Station Road is a narrow road with very little off road parking and would need to know what the developer plans to do with regards the bin presentation issue. If the road will be adopted, access would be required for an RCV which has a GVW of 32t with a 22.8m turning circle and will not access or cross any block paved, gravelled or any other un-adopted areas, therefore any properties located beyond these areas will have to present their bins at a nominated collection point adjacent to the public highway. If the development stays un-adopted, and the developer wishes Refuse Vehicles to access the development, the developer may propose an alternative solution to ensure that the private/un-adopted road in question is of a suitable construction.
- 8.15 On this issue, the agent has confirmed that the road will be constructed to adoptable standards and will be offered to for adoption to the Highway Authority.
- 8.16 The Highways Authority has commented that the fronting section of Station Road is not adopted; however officers consider that the issue of bin collection could be satisfactorily addressed by condition requiring the developer to either nominate a bin presentation area or provide a road of an adoptable standard to take the Refuse Vehicle.

- 8.17 Concern has been raised by representations regarding increased traffic and displacement of cars parking currently parking on Station Road; however officers place considerable weight on the advice of the Highway Authority as a statutory consultee and who have raised no objection.
- 8.18 The NPPF is clear that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Officers therefore do not consider that the 13 dwellings would result in demonstrable harm to highway safety and that the highway issues can be satisfactorily addressed by appropriate conditions.

Design and Layout

- 8.19 The proposal is for a mix of 8 semi-detached bungalows and 5 detached bungalows located on the west side of Station Road. The street scene in the vicinity is a mix of terraced houses, semi-detached and detached houses and some bungalows at the northern end of Station Road. There is also a mix of materials.
- 8.20 The proposed development of 13 bungalows would each have its own parking to the frontage and private rear garden area. The design of the dwellings and red brick materials are considered to be of a good quality and would enhance a currently derelict site.
- 8.21 The layout has been amended following discussions with officers, the frontage parking has been softened by the introduction of some additional landscaping. Officers consider that the design, materials and layout of the development would be appropriate in this location and would offer a visual improvement over the existing derelict site.
- 8.22 To the rear of the site runs the Trans-Pennine Trail(TPT) and the revised plans propose a hooped railing 1.8m in height set back by 1m from the existing hedgerows along the western site boundary. The trail is set at a lower level than the application site, and whilst some concerns were initially raised by DCC Countryside Services and also the TPT, officers consider that the railings offer a suitable solution that would not appear as a solid barrier but would provide necessary security for the rear gardens of dwellings. DCC and TPT Officer have requested that an old chain link fence with concrete posts that divides the site and the Trans Pennine Trail be removed as this would also assist future management of the hedgerow and development buffer strip. This is requested as part of any conditional hedgerow enhancement. Officers consider that this can be addressed by planning conditions.
- 8.23 The proposed garden areas generally exceed with the guidance set out in Successful Places and are considered to be acceptable, and do not in officers view represent an overdevelopment of the site.
- 8.24 The councils Environmental Health Officer (EHO) has commented that as the proposed development site lies in relatively close proximity to a large industrial area with units which would appear to have extraction systems on the façade facing the proposed development site, EHO would have some concerns regarding the potential for an adverse impact on the amenity of any

future occupants. Therefore EHO would recommend a condition is attached to any permission granted.

- 8.25 Overall the design of the scheme is considered to accord with Successful Places and officers consider that the scheme is acceptable in design terms.

Impact on Neighbours

- 8.26 To the east of the application site and located at higher level and on the opposite side of the road are semi-detached houses. The front of the proposed bungalows would face the front of the existing properties at around 18m separation which is in excess of the 12m recommended by Successful Places.
- 8.27 To the north the application site abuts the side garden of no.10 which has a single 1st floor window which overlooks the application site. The proposed dwellings are bungalows with no windows in the northern side elevation. Officers consider that the proposals would not have an impact on the privacy or amenity of this adjacent property.
- 8.28 In summary it is considered that the proposed development would be acceptable in terms of privacy and amenity of neighbours. It is also considered that the proposed development will provide adequate standards of privacy and amenity for future occupiers of the new dwellings.

Ground stability, noise archaeology and drainage

- 8.29 DCC Archaeology have commented that the site retains no archaeological significance and there is no need for archaeological/heritage work under the current planning application.
- 8.30 With regards to drainage, the DCC Flood Team (LLFA) have been consulted and initially raised a holding objection. The agent has subsequently submitted a Flooding and Drainage Assessment and the LLFA have been re-consulted and have confirmed that they have no objections subject to conditions relating to surface water and dealing with additional surface water during construction.
- 8.31 Yorkshire Water has raised no objection subject to conditions.
- 8.32 With regards to land contamination the applicant has submitted a Phase 1 and 2 Engineering and Environmental Assessment which the councils Environmental Health officer has been consulted. No objections have been raised, however the EHO considers that there is a requirement for further characterisation of the site to inform a more robust assessment of the potential risks to human health and the environment. Therefore the EHO would request pre-commencement conditions are attached to any permission granted.
- 8.33 In summary, officers consider that subject to conditions the development would be acceptable from a drainage, environmental health and ground stability perspective.

Impacts on Ecology

- 8.34 The agent has submitted a Preliminary Ecological Appraisal and the Derbyshire Wildlife Trust (DWT) have commented that the ecology report and survey have been undertaken using current best practice measures and provide suitable biodiversity enhancements for the application. The report provides an assessment as well as some reptile survey effort which is considered sufficient for the habitats and overall size of the development proposal. In line with the recommendations within the report, if the council is of a mind to grant permission then DWT recommend conditions to protect biodiversity.
- 8.35 Officers therefore consider that subject to conditions the ecology and nature conservation impacts of the proposed development have been addressed.

Conclusion

- 8.36 The application site is a previously developed site within the defined Settlement Development Limit of Killamarsh which is a level 1 town with good levels of sustainability. The site has previously been granted permission for residential development and is proposed as an allocated housing site within the emerging Local Plan. The principle of residential development has therefore been established.
- 8.37 The development is considered to provide a safe access to the public highway, ecological, drainage, ground stability and contamination issues can all be addressed through appropriate conditions on any permission granted. In addition the design of the scheme is broadly consistent with the principles set out in the successful places design guide. Furthermore the proposal would not result in a detrimental impact upon the privacy or amenity of neighbouring residents.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to Conditions
<u>Environmental Health:</u>	No objections subject to Conditions
<u>Drainage:</u>	No objections subject to Conditions
<u>DCC Countryside:</u>	No objections
<u>DWT</u>	No objections subject to Conditions
<u>Neighbour:</u>	Objections and support
<u>Ward Member:</u>	call-in and request for site visit
<u>Parish Council:</u>	no comments

10.0 RECOMMENDATION

That Planning Permission is APPROVED subject to the prior completion of a section 106 (legal) agreement in accordance with the Heads of Terms set out below and conditions, the final wording of which is delegated to the Planning Manager (Development Management),

Section 106 Heads of Terms

Open space contributions: £5285.42 + £3196.79 ten year maintenance fee.

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
 - 2801:0111-D Site Plan Layout
 - 2801:0112 Site Boundary Sections
 - 2801:0110 Site Location Plan
 - 2801:0108 revision C Levels Site Plan
 - 2801:0107 Site Sections and 3D View
 - 2801:0104 Proposed House Type A
 - 2801:0105 Proposed House Type B
 - 2801:0107 Proposed House Type C
 - 2801:0109 Proposed House Type D
 - Flooding and Drainage assessment
 - Phase 1 and 2 Engineering and Environmental Report
 - Preliminary Ecological Appraisal Report

Unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

Employment and Training

3. Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

Sustainable Design and Character

4. Before any above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - details of the removal of the existing chain link fence and concrete pots on the boundary with the Trans-Pennine Trail (TPT)
 - a schedule of proposed plant species, size and density and planting locations including hedgerow enhancement details adjacent to the TPT
 - an implementation programme
5. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. Prior to the first occupation of the dwellings the boundary treatments shown on the approved drawings shall be erected and retained as approved thereafter.
7. The development shall be carried out in accordance with the finished floor levels and finished ground levels shown on drawing 2801-0108 revision C.
8. Before any above ground works starts, precise specifications (including the manufacturer, range and colour details where applicable) of the walling and roofing materials to be used 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.

Amenity

9. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30 to 6pm Monday to Friday and 7:30 to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
10. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour (2300 hrs – 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

Ecology

11. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

12. Prior to the commencement of work on site (including clearance of refugia piles, vegetation or groundworks), a Reptile Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include reasonable avoidance measures and a watching brief. The Method Statement shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.
13. Prior any above ground works commencing, a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. This management plan should provide details, but not limited to: wildlife friendly fencing, bat and bird boxes and their locations, native planting including hedgerow planting.
14. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to and approved in writing by the Local Planning Authority for approval. Such approved measures must be implemented in full.
15. No removal of hedgerows, trees, shrubs other vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Drainage

16. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to :-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

17. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. Coda Structures (04/02/2020), Flooding & Drainage Assessment for the Proposed Re-Development of the Old Station, Station Road, Killamarsh, Revision A, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing
18. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, 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.

Highways

19. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
20. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
21. The carriageway of Station Road and the proposed footway fronting the site shall be constructed in accordance with details first to be submitted and agreed, in writing, by the Local Planning Authority up to and including at least base level, prior to any above ground works commencing. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
22. Highway' surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse).

23. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked (spaced being of minimum dimensions 2.4m x 5.5m). Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
24. The proposed driveways to Station Road shall be no steeper than 1:14.
25. Prior to first occupation of any dwelling, details of the proposed arrangements for future management and maintenance of the proposed street i.e. the un-adopted section of Station Road and new footway fronting the development shall be submitted to and approved in writing by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details.
26. Prior to first occupation of the dwellings a scheme for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation and retained as such thereafter.

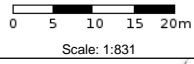
Land Contamination

27. Prior to commencement of development hereby approved an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
28. Prior to commencement of development hereby approved:

Where the findings of the site investigation and risk assessment indicate there is an unacceptable risk to human health and/or the environment a detailed remediation scheme to bring the site to a condition suitable for the intended use must be submitted, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

29. The dwellings hereby approved shall not be occupied until the approved remediation works required by 27 above have been carried out in full in compliance with the approved methodology. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

30. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with good practice guidance, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.



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Date: 24/02/2020

