

## PLANNING COMMITTEE – 28 July 2020

**REFERENCE NUMBER:** 19/00335/OL      Application Expiry Date: 28 July 2020  
**Application Type:** Outline Planning Permission

**Proposal Description:** Outline planning application for up to 90 new residential units and site access with all other matters reserved (apart from access) (amended plans/amended title) (major development/Departure from development plan)

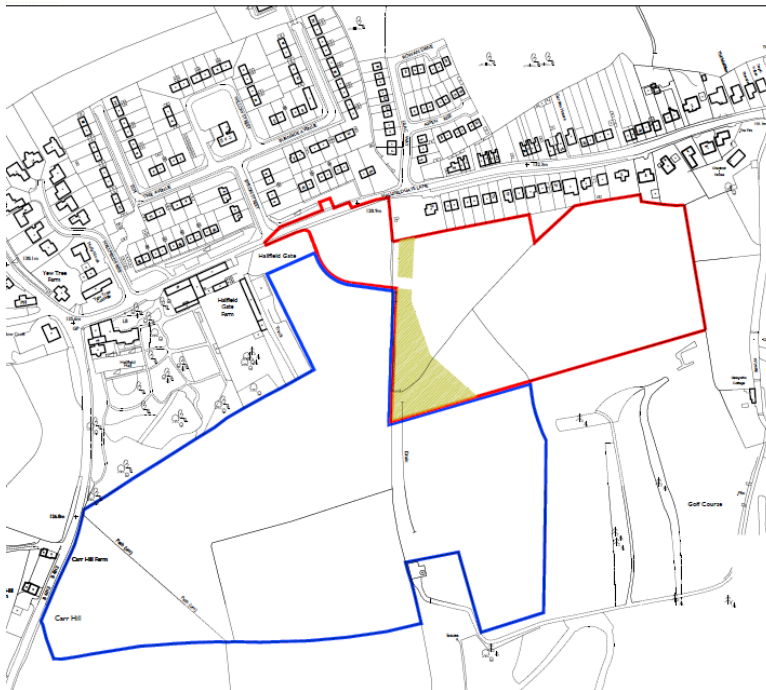
**At:** Land south of Hallfieldgate Lane, Shirland

**For:** Trustees of Ted Speed and Pauline Speed Hallfield Trust

**Third Party Reps:** 64      **Parish:** Shirland and Higham  
**Ward Name:** Shirland

**Author of Report:** Case Officer Phil Slater      **Date of Report:** 28 July 2020

**MAIN RECOMMENDATION: GRANT (subject to S106 Agreement)**

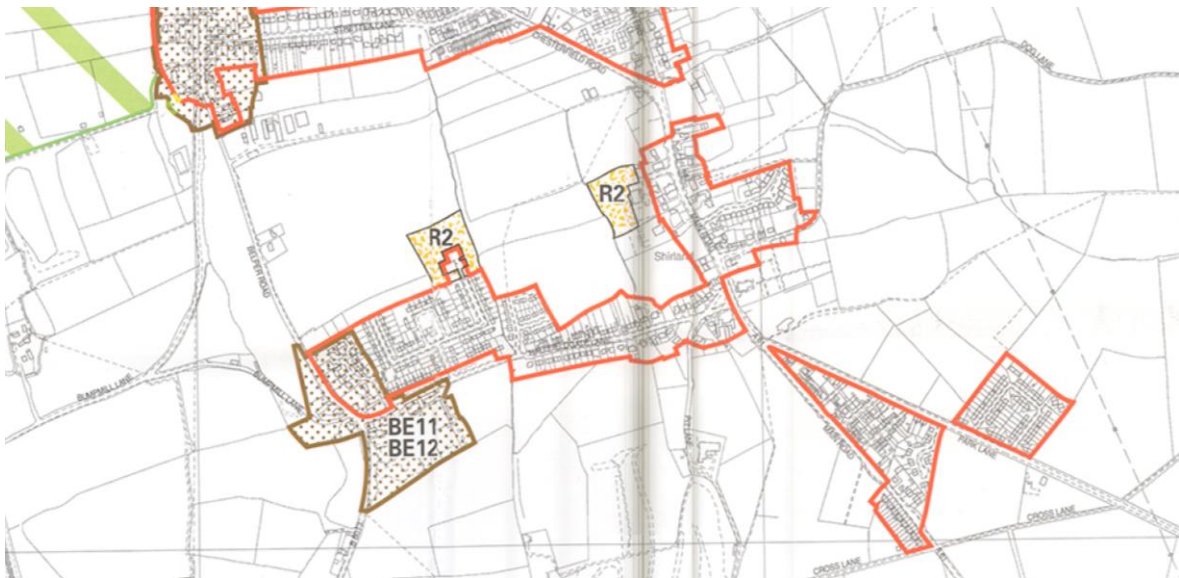


## **1.0 Reason for Report**

- 1.1 Councillor Cupit has called in the application to be determined by Planning Committee, and requests a site visit by the Planning Committee to highlight to Elected Members the importance of the open countryside, the inability of the limited surrounding roads and infrastructure to cope with this development, and therefore the complete unsuitability of this site for housing.
- 1.2 The Planning Committee is required to determine the application.

## **2.0 Proposal and Background**

- 2.1 The site is situated to the south of Hallfieldgate Lane, on the south western edge of Shirland, and lies outside of the defined settlement development limit (SDL) and within land designated as open countryside. To the west of the site lies the Hallfield Gate Conservation Area.



- 2.2 The northern side of the site directly bounds Hallfieldgate Lane before following the rear boundaries of houses fronting onto the road along its north-eastern edge. To the east of the site is Pit Lane, to the south-east is Shirland Golf Course and to the south-west are fields. The west of the site is bounded by a barn and agricultural buildings associated with Hallfieldgate Farm, now partially converted to residential and office use.
- 2.3 The site comprises approximately 4.5 hectares of pasture covering four fields divided by hedgerows and tree lines. These are located across a generally south-facing slope the ground level also falls towards either side

of a north-south aligned drainage ditch. There is a row of mature trees fronting Hallfield Gate Lane which are protected by Tree Preservation Orders.

- 2.4 This is an outline application with all matters apart from means of access reserved for subsequent approval. The application as originally submitted was for the construction of 120 dwellings with associated private and semi-private amenity spaces, areas of open space, associated landscaping and parking.
- 2.5 Access to the site is taken by a new priority junction with Hallfieldgate Lane, which will provide vehicular, pedestrian and cycle entry to the scheme. The position of this junction is determined by a gap in the existing trees and by a track serving the adjacent farm conversion.
- 2.6 The scheme includes market and affordable housing. The amount of affordable housing to be provided on site would be subject to further discussions with the Council.
- 2.7 The applicant has undertaken an independent OPUN design review at pre-application stage.

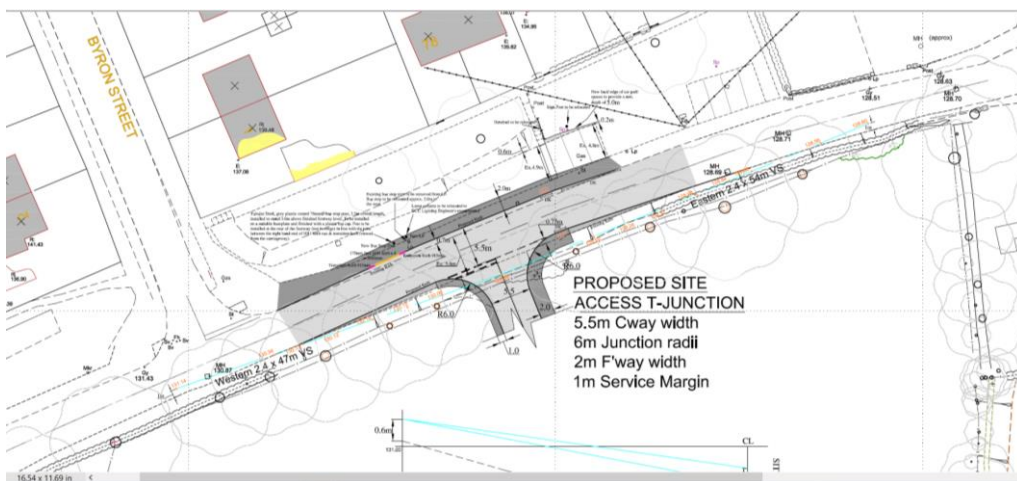
### **Amendments**

- 2.8 Following discussions with officers and comments from the Council's Landscape and Conservation Consultants the application has been amended and the numbers reduced to 90 dwellings.
- 2.9 The agent has submitted a revised illustrative masterplan (07/1657/101 Rev F), and a detailed drawing showing the proposed site access arrangements (drawing no JD119 – Figure 3.1 Rev C). In order to accommodate the access improvements the red line site location plan has been amended (07/1657/LP Rev N) (see above).
- 2.10 The revised Masterplan has reduced the site area to 3.95 hectares by pulling back the western boundary in order to increase the standoff between the proposed development and Hallfield Gate Conservation Area to the west. The revised masterplan now shows a scheme for up to 90 dwellings with those in the western field being located solely to the north east within the proposed main internal site road along with a revised layout for houses to the south east of the site such that the front of houses face towards the countryside. The scheme has also been amended to pull back the extent of housing in the south west part of the middle field and now includes a biodiversity enhancement and open space corridor which extends north to south along the majority of the west side of the middle field, excluding a strip of land for an internal site road.



**Illustrative Masterplan:**

- 2.11 The agent has submitted a revised plan for the proposed site access which includes a re-survey of the tree girths that potentially impact the junction visibility sight lines. It is evident that the sight line to the east clashes with the trunk of the nearest tree to the junction. The agent has proposed a 0.75m deep build out to form the new junction which provides clear sightlines in both directions and that stand clear of the existing trees. The final proposal now incorporate:-
- an amendment to the existing parking bays to accommodate the highway horizontal realignment, such that the existing parking space dimensions are maintained as a minimum;
  - proposed tactile pedestrian crossings incorporated such that they do not conflict with the parking bays;
  - confirmation via the longitudinal sections illustrated that there are clear sight lines along visibility splays with no interference; and
  - a relocated bus boarder/stop to the north side of Hallfieldgate Lane in accordance with DCC Highway's Public Transport Unit comments.



### **3.0 Relevant Planning History**

3.1 There is no recent planning history.

### **4.0 Consultation Responses**

4.1 The **Parish Council** has objected on the following grounds :-

- Hallfield Gate Lane is a busy road with heavy traffic particularly at peak times. We understand that the traffic survey was done on a midweek afternoon. The treatment of the junction at Hallfieldgate Lane and the A61 as two junctions represents an unfair view of the volume of traffic that will back up from the junction at those peak times
- The proposed development would have a large impact on the functionality of local doctors' surgeries and schools. The village school is currently at full capacity and turning children away.
- Routes around this area i.e. Chesterfield Road, Town End and Goose Green Lane are already extremely busy both in the morning and evening
- We note that a 'walk to school' club has been proposed; Councillors are extremely concerned about the safety of this route.
- The application suggests that traffic leaving the development would exit via the A61 however the Parish Council believes that in practice, the majority of vehicles bound for Chesterfield would turn onto Belper Road which will impact on the amount of traffic travelling through the conservation area of Higham.
- Concern about the foul sewage flow; the figure quoted is actually for the average flow not the peak flow as stated, the peak flow is still of an unknown quantity.
- The future maintenance of the balancing ponds is of concern, as it is not sufficient to State that it will be "undertaken by a management company in perpetuity". Who will pay for this and who is inspecting the area to decide when maintenance needs to be actioned?
- Apparently, an archaeological survey is not required as it is thought by the County department that the site has been opencast. This is not something that both local residents and the Parish Council are aware of, so the County Archaeologist may wish to re-visit this.
- Concern about how pedestrians would safely leave the development.
- The proposed development would greatly affect the street scene and views from the A61, and would significantly impact the amenity of vistas both looking towards and looking out of the village.
- The Parish Council are concerned about the impact on wildlife, and habitat destruction.

- The Parish Council are also concerned about the retention of mature trees which have TPO's, and have been a highly visual aspect of that part of the village for many years.
- To conclude this application is not sustainable on the grounds that it violates at least two of the primary objectives that the latest version of National Planning Policy Framework defines as 'sustainable development':

- 4.2 The **County Highway Authority** (HA) has commented that the development is proposed to be served by a single priority junction onto Hallfieldgate Lane, utilising an existing private driveway, which is currently used for access to offices. Given the proposed quantum of development and the proposal for a 5.5m wide access road, a single point of access is considered acceptable.
- 4.3 The applicant has undertaken a speed survey to enable the calculation of the required exit visibility splays. The survey was undertaken in 2017, however it is considered that the general speeds will still be comparable to those measured. The exit visibility splays calculated are 2.4m x 47m and 2.4m x 54m, which are considered acceptable given the measured speeds. However, whilst the application is supported by a drawing demonstrating the above splays, a recent site visit revealed that exit visibility in both directions, but particularly in the critical direction, was obscured by vegetation.
- 4.4 HA appreciate that cutting back of vegetation would temporarily increase the achievable visibility, however, given the extent of the flanking trees and hedges this issue is likely to be a recurrent problem throughout the growing season, and therefore a permanent solution should be found to ensure that an acceptable level of visibility is continuously available for future road users. The site appears to have significant controlled frontage to Hallfieldgate Lane and the required level of visibility should therefore be achievable.
- 4.5 The agent has submitted further information including a revised plans for the proposed site access. The HA have been re-consulted and have commented that the latest revised plans address previous highway comments with regard to visibility onto Hallfieldgate Lane, existing parking bays and the pedestrian crossing point and are now considered acceptable. **Accordingly, there are no highway objections to the proposal subject to conditions being appended to any consent.**
- 4.6 The **Derbyshire County Council Flood Team** as Lead Local Flood Authority (LLFA) initially commented that further information is required with regards to:-



- The applicant should understand the condition of any culverted sections and further connectivity of the ordinary watercourse to ensure free flowing discharge can be achieved.
  - According to the topographical survey the East parcel of the site falls away significantly southeast, it is therefore draining to a different catchment to the West parcel of the proposed site. The illustrative masterplan suggests that the entire site is to direct all surface water to the ordinary watercourse in the west of the site. The applicant should demonstrate no catchment transfer
- 4.7 Following the submission of further information the LLFA raised no objections and have recommended conditions be attached should permission be granted. The LLFA have commented that The LLFA need to see Natural Flood Management opportunities considered, as per NPPF chapter 157 (c).
- 4.8 **NEDDC Engineers** have raised no comments
- 4.9 The **Derbyshire Wildlife Trust (DWT)** have commented that reducing the density of development and retaining more greenspace is welcomed, although as the field at the west of the site has been removed from the proposals there is no scope to use the opportunity to secure additional biodiversity gains on this land as it is now outside the application boundary. The creation and management of high quality habitat for biodiversity value at the west as part of this application would help to offset the loss of a greenfield site that would have no presumption in favour of development.
- 4.10 The addition of a new swale at the south eastern corner provides increased opportunity to create high quality wetland / aquatic habitat that would benefit amphibians and other wildlife as well as increasing the botanical diversity within the soft landscaping. In relation to hedgerows & retained trees, DWT note the point that the layout is indicative and would be finalised at reserved matters stage; however, would like to reiterate the importance of adequate long-term protection for retained hedgerows and mature trees.
- 4.11 The three storey buildings provide an opportunity to incorporate nesting habitat for swifts. This species is often difficult to accommodate on many schemes due to its preference for nesting at height therefore DWT would like to encourage provision for swifts in any scheme of ecological enhancement at this site.
- 4.12 With regards to the final revised layout the changes are welcomed by the Trust. The updated masterplan provides improved habitat connectivity for wildlife around the site and ensures retained biodiversity habitats will

remain accessible and can be managed long-term at site level rather than becoming fragmented by individual householders.

- 4.13 The **Councils Environmental Health Officer (EHO)** has commented that as the supporting information submitted with the application indicates there is a requirement to undertake further works to address potential land contamination issues EHO are requesting pre-commencement conditions to ensure the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework (NPPF) 2019.
- 4.14 **Severn Trent Water** has not commented.
- 4.15 **Designing Out Crime Officer** has commented that there are no objections in principle, some of the detail within the, albeit indicative, illustrative masterplan will require amendment prior to the submission of reserved matters.
- The southern boundary of the site is adjacent to Shirland Golf Club, which is private land, containing a section of public footpath from east to west close to where the sites meet. Indicative detail shows a further footpath link from within the development site linking onto the public footpath. This creates two problems, one of a narrow link into the site from the an area of the golf course which is devoid of supervision, and secondly introducing a further link into the private space of the golf course which is likely to be a source of conflict between golfers and walkers.
  - The second proposed link further to the west of the site, which is a continuance of the east to west formal footpath route should suffice for connectivity, and the more easterly link into the site should be removed.
  - The site layout has a number of parking courts accessed under croft and by narrow pedestrian alleyways, which have the potential to be poorly supervised.
  - There are a number of footpath routes which are removed from the street and partially run close to the sides or rear of private curtilages.
- 4.16 **Derbyshire County Council Community Infrastructure** have requested £302,620.32 for the provision of 18 primary places in order to ensure sufficient primary capacity in the school planning area. In consideration of a strategy for accommodating increased numbers in the normal area due to residential developments, it is noted that recently approved applications indicate Shirland Primary School becoming oversubscribed. There is no physical capacity to extend Shirland to accommodate pupils arising from this and future development. The strategic response to increased demand in this locality is to extend provision at Mickley Infant School to provide additional Infant and Junior places. A primary contribution would be used towards securing additional places at Mickley Infant School.



- 4.17 £492,030.61 is also sought for the provision of 14 secondary and of 5 post16 places at David Nieper Academy towards Project A: Additional teaching and support accommodation.
- 4.18 **NEDDC Housing Officer** has commented that the provision of affordable housing on site would be the preferred option and to include affordable home ownership in the tenure mix, and with 2 and 3 bedroom houses.
- 4.19 **NHS Hardwick Group** have been consulted and have not requested any s106 contributions towards health provision.
- 4.20 **NEDDC Streetscene** have not raised an objections and have commented that access is required for a refuse collection vehicles which will not cross un-adopted roads unless and alternative solution is proposed by the developers.
- 4.21 The **Coal Authority** have commented that applicant has submitted a Coal Mining Risk Assessment (DAB Geotechnics, October 2019) which is informed by appropriate and up-to-date coal mining information for the proposed development and application site. This report identifies that there is the potential for shallow coal mine workings to underlay the application site. The report author recommends that a scheme of intrusive site investigations are undertaken to determine the exact ground conditions of the application site and the presence or otherwise of workings. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to the reserved matter stage.
- 4.22 The **County Council Archaeologist** has commented that the applicant has established that the proposal site has not been subject to opencast coal extraction, so its archaeological potential must be considered. Although the site lies adjacent to two historic settlement cores, at Shirland and Hallfield Gate, the historic mapping suggests that it lies outside the area of early settlement in each. There is no toft and croft suggested within the pattern of field boundaries and it seems likely that the site lay in the medieval open field. However, given the proximity of early settlement to each end of the development site some hitherto unrecorded activity in these zones is not implausible.
- 4.23 The site is also 450m from the Rykniel Street Roman road in an area which seems to be a focus of Roman activity between Derby and Chesterfield. A proportionate approach (now that the lack of open casting has been established) is for the applicant to submit the results of a geophysical survey of the site. This would enable archaeological potential/significance to be judged against NPPF para 189.

- 4.24 The agent has submitted a geophysical survey and DCC have confirmed that this has identified some possible archaeological features and have recommended conditions relating to a scheme of archaeological work prior to development commencing.
- 4.25 **NEDDC Parks Officers** (PO) have commented that the proposed site comprises of 120 dwellings which could attract an estimated £82,362.96 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £24,187.86. The nearest existing play facilities to the proposed development is at Shirland Village Hall, Main Road, Shirland. However, accessing this sites would involve crossing a main road and it would more beneficial to residents of the proposed new development, along with residents of existing properties in the vicinity, to develop a new on-site play area on this proposed development site.
- 4.26 Given the size of the development PO would recommend on site facilities be provided in the form of a good size LAP and LEAP. Ideally these would be same location within the development site, separated by fencing, with a minimum two entrances, not in the direct vicinity of any swale area, and not in a position overhung or overshadowed by trees.
- 4.27 The **DCC Landscape Architect (LA)** commented on the initial reduction from 120 to 100 dwellings that this reduction in development near Hallfield Gate Farm is welcome but do not consider it goes far enough and that the development here still impacts negatively on the setting of the Conservation Area and openness in a landscape which are considered to be of value.
- 4.28 With regards to the final reduction to 90 dwellings the LA has commented that it is welcomed that the proposed development in the field closest to Hallfieldgate Farm only occupies the North East corner and impacts to the Conservation Area should not be great. There is also less development proposed in the new layout along the steep area by the brook and SUDS area, which will help reduce visual impact from the South West. It is suggested that planting is included around rear garden fencing.
- 4.29 To the south of the development, whilst housing faces the outer edge and this will form a more attractive edge, there may be a conflict with keeping views open from the houses and restricting views of the development. The existing hedge to this boundary is rather sparse in places with gaps at low level allowing views into the site from the PROW and consider that it requires reinforcing with substantial additional native shrub planting and additional hedgerow trees. This would also help reduce the visual prominence of the turning heads to the roads and parking to house frontages.

- 4.30 Generally the site benefits from a good number of existing trees, however there is a lack of trees in the street scene within the development in some areas, some proposed tree planting is shown in gardens where there is no long-term guarantee that they will be retained. Additional tree planting would improve the street scene and help assimilate the development into the wider landscape.

## **5.0 Representations**

- 5.1 One **Ward Member (Cllr Cupit)** has commented with regards to the original submission:-

- Strongly object to this proposed development: it would be an inappropriate and unsustainable expansion into clear open countryside, which also serves as a vital accompaniment to the character of Hallfieldgate Lane and to its historic setting. It would cause irreparable damage to treasured open countryside (thereby also setting a dangerous precedent) and overload the already stretched rural infrastructure in this area. The proposals for up to 120 new dwellings on this site would result in a significant encroachment into what is currently noticeably open countryside and would comprise a visible and dense development completely conflicting with the surrounding linear housing pattern in the local area and particularly on this south side of Hallfieldgate Lane.
- The historic dwellings on Hallfieldgate Lane, and in nearby wider Shirland and Higham would also be harmed by this development, and the scale of this application would detract from the prevailing rural character of this area, as well as catalysing an urban sprawl at the expense of our cherished and distinct rural and historic villages.
- Shirland has already produced and approved new housing above its calculated need. Most notably, a large development of 92 homes is under construction on the opposite side of Hallfieldgate Lane and is already putting pressure on local roads, health and education services, and having a demonstrable significant adverse impact; even electric and telephone lines are at capacity.
- This additional significant number of homes would be the breaking point.
- The proposed access point onto Hallfieldgate Lane of 120 dwellings, and the associated hundreds of vehicle movements this would generate would cause severe highway issues. This is a narrow road that leads onto several dangerous and busy junctions and the road is already subject to considerable congestion issues. Both the immediate and wider transport network would therefore be unable to cope with the significant increase in cars as a result of this development.

- Request to call it in to be determined by the Planning Committee so councillors can fully assess the damage this development would cause.

5.2 **60 objections** have been received which can be summarised as follows:-

*Amended Plans*

- Amount of traffic on Hallfield Gate Lane at peak times
- increase in traffic
- The proposed access appears to be totally inadequate with no pedestrian footway and restricted motorist visibility. The traffic generated would outflow onto an already havoc strewn Hallfieldgate Lane.
- The infrastructure is already overloaded
- Problems with on street parking reducing road to single carriageway at best.
- The footpath to the north to the eastern side of the Hallfieldgate Lane carriageway is narrow - suitable for single-file only and the southern pathway is often used for parking
- Accident reporting in the area is exceedingly poor
- Reference is made to community facilities, utilities and services - some of which are available
- Already there has been approval for 92 homes to the north of Hallfieldgate Lane which are being built now and until the impact of these homes on the area can be properly assessed there should be no further consideration of extended development within the area by the District Council.
- the semi-rural nature of the area is again being eroded
- Whilst there has been minor tinkering at the edges it does not alter the fact that the site remains outside the settlement boundary and that on it's own should be sufficient for rejection.
- proposed development does not form a natural extension to the village but is more of a bolt-on which sticks out like a sore thumb
- Housing development in the local area already outstrips local need this large development of 100 houses outside of the village boundary when added to those houses already proposed or being constructed in the village constitutes an unreasonable expansion to this small village. The N.E. Derbyshire Five Year Housing Land Supply Statement 2018 shows that there is a projected over supply of 763 houses already.
- In reducing the application from 120 to 100 houses, the planning application has not changed significantly and this is still a substantial proposal, needlessly converting a greenfield site and still delivering considerable impact on the local area. (*officer comment – the scheme is for up to 90 dwellings*)

- The proposed development would also severely impact on the privacy of all existing properties along the boundary of the development, including No 43 Hallfieldgate Lane. The property is in a secluded location at the end of the row of houses with open fields to the side and rear. This development would mean houses directly overlooking the garden with consequent intrusion and noise.
- The proposed development would result in the change of use, and loss, of green field agricultural land and encroach out from the centre of the village into the open countryside in a way the other developments have not
- major concerns about the effect on wildlife
- The light pollution would be horrendous. We currently have low lighting at night
- There are no NHS facilities in the village
- The school is already full
- The land has almost certainly been subject to deep and drift mining, a great deal of which will be unrecorded as has so often happened in this region
- The inclusion of a 35metre space to the boundary of the conservation area, this is totally inadequate.
- Re: DCC Landscape comments that access onto Pit Lane is welcome development. Pit Lane is a single track unadopted road with no pavements. Pit Lane is wholly unsuitable if not dangerous route for children to take to and from school.
- With the reset and change to all our lives and the challenges that lie ahead due to Covid-19 there is no benefit for this housing development to go ahead with the loss of further green space. To pass this development would be a missed opportunity to change our mindset and the direction we need to travel in for a greener future.
- What will need to be done to prevent damage and injury from stray golf balls. Usual for an 8m high net fence along the boundary.

#### *Original Submission*

- the noise, dust, dirt and pollution caused by these building sites which have sprung up throughout the area
- The road network cannot cope with the number of vehicles currently and this will only be exacerbated once the current housing projects have been completed and are occupied.
- brownfield sites that could be developed to provide this, without having to resort to ruining existing green fields
- the number of houses required for this area have already been exceeded
- The Draft Local Plan 2014-2034 states that Shirland is allocated 192 houses to be built here within that time. 48 have already been built with

more developments of 92 and 40 also being approved. This application would take the number well over the councils own plan

- infrastructure is unable to cope
- unique separate value of Higham and Shirland will be lost
- the facilities of this area cannot cope - such as schools, doctors, dentists
- there is no shortage of new build houses
- the already significant increase in traffic not only on the A61 through Shirland but the very worrying increase of traffic on Hallfieldgate lane
- The document makes reference to two-way traffic flow along Hallfieldgate Lane at peak hours. one side (the northern, from Lilac Way towards the A61) provides parking for the older housing and is therefore only single carriageway, at best, with further problems on days when the council recycling or waste disposal vehicles or road cleaning is taking place.
- Considering the availability of alternative forms of transport reference is made to the available footpaths. The footpath to the north to the eastern side of the Hallfieldgate Lane carriageway is narrow – suitable for single-file only and the southern pathway is often used for parking by the homes on that side and is further narrowed by recycling bins positioned on the pavement there. The consequence is that pedestrians frequently need to walk on the road which is already narrowed by the parked cars on the northern side. This also has implications for parents with young children and wheelchair users.
- Footpaths along the B6013 to Higham do not exist on both sides of the road and in places pedestrians are forced to walk along the road as there is no footpath on either side. Increased traffic along this road will have an impact on pedestrian safety and inevitably it will be the preferred route for people driving to Clay Cross or further north.
- Accident reporting in the area is exceedingly poor
- Reference is made to community facilities, utilities and services - some of which are available, school, a shop in the next village (Higham), though where is the restaurant
- The land to the South of Hallfieldgate Lane is outside of the settlement development limit of Shirland. The scheme is a clear extension of the village into open countryside.
- The scheme pays little respect to adjacent conservation area.
- The depth of the gardens on certain plots look undersized thus making them in very close proximity to existing properties (*Officer note – the submitted layout is indicative only*)
- The privacy of residents who reside on the South of Hallfieldgate Lane would be affected
- The application is an inappropriate intrusion into our open countryside. I find it difficult to believe

- that the Council would ever consider granting planning permission on fields that are currently used as prime agricultural farming land, and have been for countless years
- access to the site is also completely inappropriate for the heavy construction traffic that will be required to build the development in the first place,
- land in question has never been subject to any coal extraction.
- Negative impacts on the street scene
- The developer has also made no plans to add facilities to the village
- Any building would destroy their habitat and potentially add to the destruction of rare animals and insects. The wildlife has been displaced due to the current building works North of Hallfieldgate Lane which has moved into the open countryside South of the lane, the proposed development would devastate it even further
- The proposed development does not preserve this area, as required by policy. The proposed development does not enhance this area, as required by policy
- The Masterplan cannot be defined as illustrative
- Neither the applicant, nor any of its sponsored supporting reports, have demonstrated, as they are required to do by policy, how this development will preserve and enhance the area
- Shirland Primary school is over subscribed according to Government data
- Local doctors surgeries already have long waits for appointments
- The impact of light pollution has been completely ignored by the applicant.
- Some of the buildings are three stories high (15m - 20m). The existing style and character of the neighbourhood is being ignored. The scale, height and footprint of the buildings is overbearing and will dominate our semi-rural landscape to the detriment of residents
- The proposed road layout shows four places where the development could potentially be extended to include land currently occupied by Shirland Golf Club.
- There is far more wildlife than is stated in the habitat survey.
- The habitat survey indicates there is no badger activity. There may be no badger set on this site but on four occasions in the last 3 months, late in the evening badgers seen crossing Hallfieldgate Lane from North to South onto these fields. Birds nest and breed all over this site.
- Concerns relating to flood risk and surface water drainage
- scheme would result in substantial harm to the significance of the Hallfield Gate Conservation Area as it does not comply with North East Derbyshire Local Plan Policy BE11
- The traffic survey carried out in 2017 is no longer valid as further new houses have been built since then



- Records show that this landscape is part of an historic environment. The irregular pattern of fields and hedgerows indicate that this landscape could have existed before the enclosure acts commencing in 1604. Historic maps show that the fields and hedgerows have remained virtually unchanged since 1882. It is well known that Shirland is an ancient village with farming heritage due to its inclusion in the Domesday book in 1087. In addition, a charter in 1243 allowed farmers to hold markets in the village. This establishes the ancient farming history and character of the area which provides the landscape amenity we enjoy today
- The proposed development fails to meet the requirements of Policy T2 Highway Access and the Impact of New Development
- Mature Trees and hedgerows provide boundaries to each of the individual fields proposed to be consumed by this development
- The Heritage Statement accompanying this proposal acknowledges that this development will impact the Heritage Assets in the sites vicinity

5.3 One **letter of support** has been received which has raised the following points (in summary):-

- Support new housing which will bring new customers into the area and support local businesses and services.

## 6.0 Relevant Policy and Strategic Context

6.1 The development Plan comprises the **North East Derbyshire Local Plan**. The policies applicable to this development are as follows:

GS1 Sustainable Development

GS9 Planning Obligations

GS10 Crime Prevention

BE1 General Design Principles

BE11 Development within and Adjoining Conservation Areas

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

- 6.2 Other relevant policy documents include the Successful Places Interim Design Guide.
- 6.3 The **Emerging Local Plan (2011-2033)** (ELP) is also relevant to this application, and Shirland is identified as a Level 2 settlement within the settlement hierarchy and the village is considered to have a good level of sustainability.
- 6.4 The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is anticipated that the Plan will be adopted by the end of 2020.

The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.

The following ELP policies are relevant to this application and are a material consideration.

SS1 – Sustainable Development

SS2 – Spatial Strategy and Distribution of Development

SS10 – North East Derbyshire Green Belt

LC1 – Housing Allocations

LC2 – Affordable Housing

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

#### National Planning Policy Framework

- 6.5 The National Planning Policy Framework 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 the 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

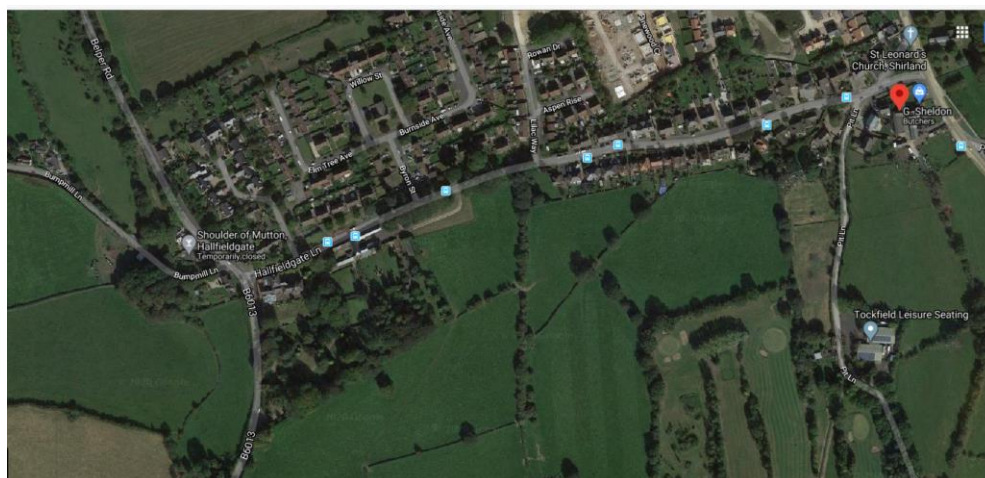
doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

## 7.0 Planning Issues

- 7.1 This is an outline application with all matters reserved (apart from access) for the construction of up to 90 dwellings. An illustrative masterplan has been submitted and detailed drawings of the proposed access point which would be by a new priority junction with Hallfieldgate Lane, which will provide vehicular, pedestrian and cycle entry to the scheme. The position of this junction is determined by a gap in the existing trees and by a track serving the adjacent farm conversion.

### Principle of Development

- 7.2 The application site is a Greenfield site located outside of, although adjacent to, the settlement development limits for Shirland which is a level 2 settlement within the settlement hierarchy and considered to have a good level of sustainability. The development of the site would, therefore, conflict with the saved North East Derbyshire Local Plan policies GS1, GS6 and H3 which generally seek to restrict new housing outside of defined settlement development limits.



Aerial photo of the site and surroundings

- 7.3 The National Planning Policy Framework (NPPF) confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.4 Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.5 Based on the latest published assessment of the Council's 5 year supply of deliverable housing sites, the Council has sufficient housing supply to exceed its 5 year requirements. Therefore, the saved planning policies within the adopted Local Plan relating to the supply of housing are not considered to be out of date and can be given due weight in the determination of planning applications although it should be borne in mind that there is no upper limit on the level of housing that may be granted planning permission.
- 7.6 However, despite the Council having an adequate supply of housing, as the settlement development limits and housing targets set out in the 2001-2011 Local Plan do not adequately address the needs of the District as of 2020 reliance cannot be placed on policies GS1, GS6 and H3. As such, Officers conclude that whilst outside the settlement development limits set out in the Local Plan there is no following presumption that planning permission should be refused.
- 7.7 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 is anticipated to be adopted at the end of 2020, however, as it remains unadopted. Therefore, despite proposing no change to the settlement limits in this location, Officers attach only limited weight to it in this case.
- 7.8 In these circumstances it is appropriate to undertake an assessment of the application based on the three strands of sustainable development as set out in the NPPF. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental. These issues are addressed as follows.
- 7.9 In the short term there would be **economic benefits** from the build phase of the development and in the longer term whilst there would be no direct employment provision on the site, there would be economic benefits to existing services within the Shirland and nearby villages. The development would also contribute to the Council's Growth Agenda through the provision of receipts to the Council.
- 7.10 There would be a number of **social benefits** from the grant of permission in that it allows occupiers of the new properties to support local services and increase the customer base for existing businesses. The scheme would provide 20% on site affordable housing and financial contributions

towards social infrastructure. The contributions to education are however required in order to mitigate the impacts of the development itself and are therefore of neutral benefit. These elements do however weigh in favour of the scheme.

- 7.11 With regards to the **environmental impacts** of the development these require careful consideration. In addition, policies of the extant Local Plan (NE1) and the Emerging Plan (SDC3) seek to protect the distinctive character of the District and are generally in accordance with the NPPF and so attract significant weight in the planning balance.
- 7.12 The applicant has submitted a Landscape and Visual Impact Assessment, and following discussions with officers has reduced the site area to increase the buffer to the Conservation Area and revised the masterplan to create a more outward facing development. The number of units proposed has therefore been reduced from the original 120 to 90 dwellings.
- 7.13 The revised scheme is predominantly concentrated in the field directly to the south of properties on Hallfieldgate Lane, and the field to the west, adjacent to the conservation area, now provides a buffer with properties only fronting Hallfieldgate Lane to the east of the proposed access road into the site. The development has also been reduced to the south of the proposed access road and a corridor of biodiversity enhancement and open space created that runs north to south.



Extract of indicative masterplan

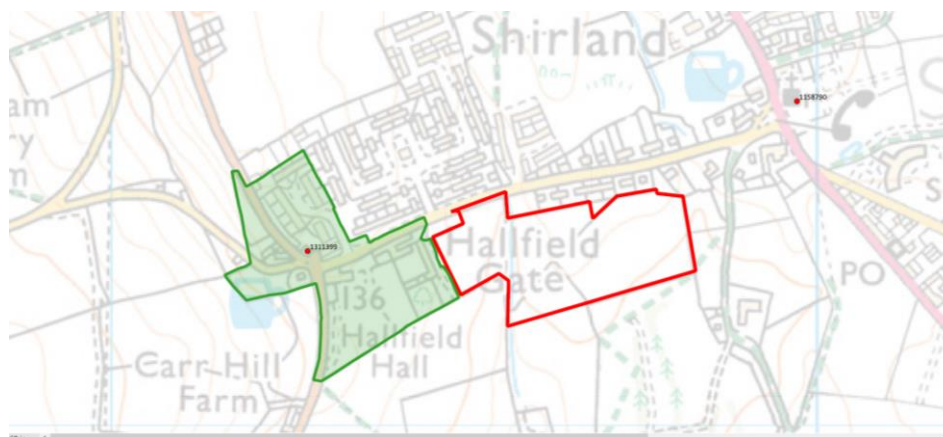
- 7.14 Officers consider that the revised masterplan showing development concentrated to the rear of the existing houses and bounding the golf course to the south would only have a localised impact on the existing landscape character. There would be views of the site from the existing

footpaths to the east and to the south west however particularly when seen from the south west the site would be seen against the backdrop of the existing housing. Whilst the rural character of the site would change from a green field to one of residential development Officers consider that the visual impacts would be localised and it is considered that the impact would be further mitigated by appropriate landscaping and the retention of existing trees.

- 7.15 In weighing these issues in the planning balance, Officers consider that there would be some social and economic benefits arising from the scheme and that the environmental harm is both localised and moderate. As such, the development of the site is considered to be broadly sustainable as set out in the NPPF and compliant with the relevant policies of the Development Plan. As such, the principle of the development is supported overall.

### **Impact on Heritage Assets**

- 7.16 The application site lies to the east of the Hallfieldgate Conservation Area which consists of a former small rural hamlet with Hallfield Hall the main focus. Views from the application site to the Hall itself are limited but the form and extent of mature landscaping viewed from the east hints at the high status of the building beyond.



Hallfield Gate Conservation Area (highlighted green)

- 7.17 Setting is not a heritage asset in itself but elements of a setting can make a positive contribution to the significance of an asset. In this instance Officers consider that the open countryside and hedgerows abutting the eastern Conservation Area boundary do contribute to the setting and the significance of the conservation area. Retention of an open area directly adjacent to the eastern boundary of the conservation area as shown with the revised masterplan would retain some open views and reduce any



harm to the conservation area. Officers consider that the harm to the heritage asset would, therefore, be less than substantial.



Extract of masterplan showing retention of open area adjacent Conservation Area

- 7.18 The proposed harm to the Conservation Area should be weighed against the policies for designated heritage assets as set out in the NPPF at paras 195 and 196, noting the 'great weight' to be placed upon the conservation of such assets, the 'clear and convincing justification' required for any level of harm to designated heritage assets, and the consideration of whether harm is outweighed by public benefits of the planning proposals. This is in general accord with the policies of the Council's own Local Plan which seeks to protect heritage assets from unacceptable impacts and also the policies of the emerging Local Plan which generally mirrors them.
- 7.19 In this case the main public benefits from the scheme would be the provision of 90 new dwellings including 20% affordable housing. As such the scheme would add to the local housing stock and result in some support for local facilities and services both during construction and after occupation. Officers therefore conclude that these public benefits outweigh the less than substantial harm to the Conservation Area and that the proposals would preserve the character of the Conservation Area.

### **Infrastructure**

- 7.20 The agent has confirmed that the applicant will meet all the requested infrastructure requirements of the various consultees. The requested s106 contributions are £302,620.32 for the provision of 18 primary places in order to ensure sufficient primary capacity in the school planning area for



Mickey Infant Project A; and £492,030.61 for the provision of 14 secondary and of 5 post16 places at David Nieper Academy.

- 7.21 With regards to a contribution to off- site open space and recreation, in view of the size of the development Parks Officers would recommend on site facilities be provided in the form of a good size LAP and LEAP. Ideally these would be same location within the development site, separated by fencing, with a minimum two entrances, not in the direct vicinity of any swale area, and not in a position overhung or overshadowed by trees. Officers consider that these matters can be controlled by planning condition.

## Highways

- 7.22 The application is made in outline with all matters except for access reserved for subsequent approval. County Highway Authority (HA) has commented that the development is proposed to be served by a single priority junction onto Hallfieldgate Lane, utilising an existing private driveway, which is currently used for access to offices. Given the proposed quantum of development and the proposal for a 5.5m wide access road, a single point of access is considered acceptable.



Photo of existing access arrangements

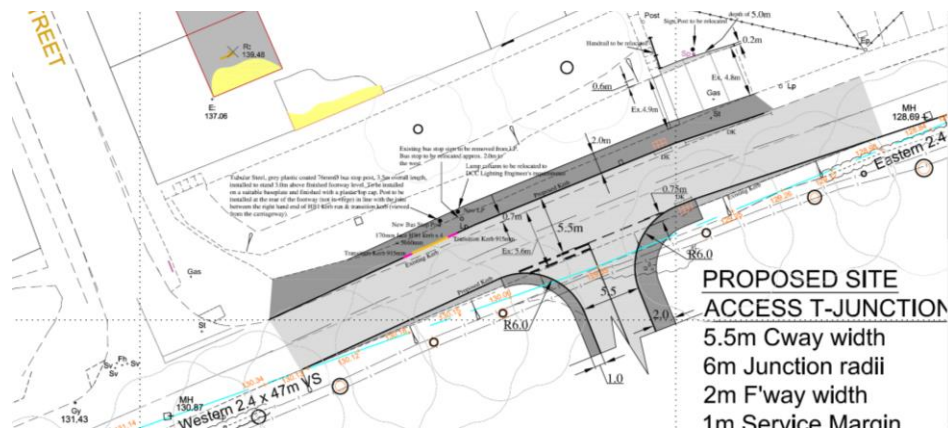
- 7.23 The HA have commented that the exit visibility splays calculated are 2.4m x 47m and 2.4m x 54m. These are considered acceptable given the measured speeds. However, exit visibility in both directions, but particularly in the critical direction, was obscured by vegetation.

7.24 The agent has submitted a revised plan for the proposed site access which includes a re-survey of the tree girths that potentially impact the junction visibility sight lines. It is evident that the tree girths intercepted the sight line to the east. As such, the agent has proposed a 0.75m deep build out to form the new junction which provides clear sightlines in both directions and that stand clear of the existing trees.

7.25 The agent has submitted a further revised access drawing (drawing no JD119 – Figure 3.1 Rev C) (see below) and an amended red line plan (revision N) in response to the email from DCC Highways dated 29th April 2020 and further to subsequent discussions between DCC’s Robert Smith and Armstrong Stokes and Clayton’s Jon Stokes.

The latest proposals now incorporate:

- an amendment to the existing parking bays to accommodate the highway horizontal realignment, such that the existing parking space dimensions are maintained as a minimum;
- proposed tactile pedestrian crossings incorporated such that they do not conflict with the parking bays;
- confirmation via the longitudinal sections illustrated that there are clear sight lines along visibility splays with no interference; and
- a relocated bus boarder/stop to the north side of Hallfieldgate Lane in accordance with DCC Highway’s Public Transport Unit comments



- 7.27 Concern has been raised by local residents regarding the highway implications of the development and the volume of traffic using Hallfieldgate Lane. The NPPF is clear in 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 do not consider that the 90 additional dwellings would result in a demonstrable harm to highway safety. Officers consider that the highway issues can be satisfactorily addressed by appropriate conditions and have no reason to conclude that the transport impacts of this development would be severe.

- 7.28 Therefore, in considering all the issues pertaining to Highway Safety the comments of the HA are clear in stating that the scheme is wholly acceptable from a highway safety point of view and Officers concur with that assessment..

### **Design and Layout**

- 7.29 Whilst the site is a greenfield site outside of settlement development limits, the agent has submitted a revised indicative masterplan which shows that 90 dwellings could be accommodated on the site. The masterplan shows a generally outward facing development with an active frontage onto Hallfieldgate Lane at the site entrance. In addition a biodiversity enhancement corridor and area of public open space is proposed running north to south in the south west part of the site.



Indicative Masterplan



- 7.30 This is an outline application, and therefore the layout is indicative and officers consider that the masterplan demonstrates some good design principles and has the potential to create an attractive place to live.

### **Impact on Neighbours**

- 7.31 The development lies adjacent to the rear gardens of no's 5 to 43 Hallfieldgate Lane, and the indicative masterplan shows additional planting to the rear of no's 11 to 17 and 25 to 41 which have shorter rear gardens and would provide a buffer from the proposed dwellings.



Aerial photo showing rear gardens of properties on Hallfieldgate Lane

- 7.32 Concern has been raised regarding the loss of privacy to the houses that back onto the application site; however the indicative layout shows that acceptable separation distances between the development and existing dwellings could be achieved. The application is in outline and therefore the masterplan is indicative only; however officers conclude that the development is unlikely to have an unacceptable impact upon the privacy or amenity of existing residents and would be able to comply with the Successful Places design guide in terms of separation distances.



Extract of masterplan showing indicative relationship between dwellings

- 7.33 Access would be via the existing access point off Hallfieldgate Lane, however it is not considered that traffic movements would have a significant detrimental amenity of any neighbours. The construction works associated with the development has the potential to cause some level of disturbance to existing residents, however officers consider that the issue can be addressed by a condition restricting the hours of construction work.

### **Archaeology, ground stability and drainage**

- 7.34 The DCC Archaeologist has commented that the applicant has now established that the proposal site has not been subject to opencast coal extraction, so its archaeological potential must be considered.

Although the site lies adjacent to two historic settlement cores, at Shirland and Hallfield Gate, the historic mapping suggests that it lies outside the area of early settlement in each. There is no toft and croft suggested within the pattern of field boundaries and it seems likely that the site lay in the medieval open field. However, given the proximity of early settlement to each end of the development site some hitherto unrecorded activity in these zones is not implausible.

- 7.35 The agent has submitted a geophysical survey and DCC have confirmed that this has identified some possible archaeological features and have recommended conditions relating to a scheme of archaeological work prior to development commencing.
- 7.36 The DCC Flood Team (LLFA) raise no objection following the submission of further information and have recommended conditions be attached should permission be granted. The LLFA have commented that they need to see Natural Flood Management opportunities considered, as per NPPF chapter 157 (c).
- 7.37 The LLFA have also commented that surface water discharge rates will need to be revised (down) at the detailed design stage as the greenfield calculation did not exclude significant areas of POS (including SuDS features) as per guidance. Consideration for the potential transportation of silt and surface water runoff during construction phase should be supplied if the application progresses to ensure the receiving watercourse is not affected by pollution as per Environment Agency Pollution Prevention Guidelines.



Extract of masterplan showing the indicative location of SuDS.

- 7.38 The water authority and NEDDC Drainage Engineers have not commented on the application; however conditions are proposed with respect to foul drainage works.
- 7.39 The Coal Authority have raised no objection and recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to the reserved matter stage.
- 7.40 The Council's Environmental Health Officer has raised no objections and has commented that there is a requirement to undertake further works to address potential land contamination issues. These can be controlled by pre-commencement conditions to ensure the site is suitable for its proposed use.
- 7.41 Concerns have been raised by residents in respect of drainage, balancing ponds and flood risk. However in this case the statutory consultees advise that there are no technical objections to the approval of the application and that the site can be adequately drained. These matters can be controlled by conditions to be addressed prior to works commencing on site.

- 7.42 Officers consider that in view of the above, and subject to the necessary conditions the development would be acceptable from archaeological, drainage, environmental health and ground stability perspectives.

### **Impact on Ecology**

- 7.43 The Derbyshire Wildlife Trust (DWT) have been consulted on the revised proposals and have not raised an objection, and with regards to the final layout have commented that the changes are welcomed by the Trust. The updated masterplan provides improved habitat connectivity for wildlife around the site and ensures retained biodiversity habitats will remain accessible and can be managed long-term at site level rather than becoming fragmented by individual householders.
- 7.44 The addition of a new swale at the south eastern corner provides increased opportunity to create high quality wetland / aquatic habitat that would benefit amphibians and other wildlife as well as increasing the botanical diversity within the soft landscaping. In relation to hedgerows & retained trees, DWT note the point that the layout is indicative and would be finalised at reserved matters stage; however, would like to reiterate the importance of adequate long-term protection for retained hedgerows and mature trees. If the council is minded to grant consent, the Trust will expect to see these comments taken on board at reserved matters stage and a detailed layout provided that incorporates suitable boundary treatments to protect the retained hedgerows and trees so that they can be managed appropriately as part of the communal greenspace rather than being the responsibility of individual householders.
- 7.45 The three storey buildings provide an opportunity to incorporate nesting habitat for swifts. This species is often difficult to accommodate on many schemes due to its preference for nesting at height therefore DWT would like to encourage provision for swifts in any scheme of ecological enhancement at this site.
- 7.46 Officers note the comments of the DWT and in particular that they do not raise an objection to the proposals. Officers are of the view that the suggested conditions from the DWT would ensure that the development would not have a detrimental impact on ecological interests.

## **8.0 Summary and Conclusion**

- 8.1 The application site falls outside of the settlement development limit for Shirland as identified in the adopted Local Plan and residential development in such areas is contrary to the saved policies of the Development Plan.



- 8.2 The Local Plan, however, covered a period to 2011 and so made provision for housing up to 2011 only. It's policies cannot be relied upon in this case and, in these circumstances, the development is considered, by Officers, to be broadly sustainable and not detrimental to the landscape character of the District or the wider countryside with any impact being localised and limited. Significant social benefits arise from the scheme by the delivery of housing with 20% affordable housing and s106 contributions towards education. There are also considered economic benefits arising from both the construction of new houses and the occupation in terms of the input to the local economy and to the Council through additional council tax and new homes bonus.
- 8.3 The revised scheme is also considered to preserve the character of the adjacent conservation area and any localised harm offset by the public benefits that accrue.
- 8.4 The proposed development is in outline only but has the potential to offer good design that would be in keeping with the character and appearance of the surrounding area. Furthermore the proposal would not result in a detrimental impact upon the privacy or amenity of neighbouring residents. There would be no technical issues weighing against the scheme and it would not have a detrimental impact on highway safety.
- 8.5 Human Rights have been considered in the assessment of the application.
- 8.6 Therefore, in conclusion, it is considered that the proposal accords with the policies of the Development Plan and it is recommended that subject to completion of the necessary s106 agreement and conditions that permission should be granted.

## **9.0 Recommendation**

- 9.1 That Planning Permission is GRANTED 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**

Education Primary	£302,620.32
Education Secondary	£492,030.61
Affordable Housing	20% on-site

### **Conditions**

1. Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority

before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.

REASON: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (called the “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is started.

REASON: The application is made in outline only and to conform with section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The application site shall be developed with a maximum of 90 dwellings.

REASON: For clarity and the avoidance of doubt.

4. The development hereby approved shall be carried out in accordance with the details shown on the following plans and documents:-

- 07/1657/LP Revision N - Location Plan
- JD119-Figure3.1 Revision C - Proposed Site Access
- Outline Travel Plan dated February 2020
- Geophysical Survey Report dated January 2020
- Coal Mining Risk Assessment dated October 2019
- Bat Emergence and Activity Survey – submitted with application
- Extended phase 1 Habitat Survey - submitted with application
- Flood Risk Assessment - submitted with application
- Phase 1 Contamination Assessment - submitted with application
- Transport Assessment - submitted with application
- Tree Survey - submitted with application

REASON: For clarity and the avoidance of doubt

## **Employment and Training**

5. 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.

REASON: In the interests of creating sustainable development in accordance with policy GS1 of the North East Derbyshire Local Plan.

### **On site Public Open Space**

6. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme for the delivery and future maintenance of all on site public open space, including a Landscape Management Plan and a timetable for implementation relative to the completion of dwellings hereby approved. Thereafter any approved scheme of open space shall be implemented in full in accordance with the approved timetable and shall be maintained in accordance with the approved scheme thereafter.

REASON: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

7. Prior to the first occupation of any dwelling a scheme for the provision of on-site LAP (Local Area for Play) and LEAP (Local Equipped Area for Play), ideally within the same location and, separated by fencing, 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.

REASON: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

### **Design, Character and Appearance**

8. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme for mitigating climate change through sustainable design and construction of the dwellings. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

REASON: In the interests of creating sustainable development in accordance with policy GS1 of the North East Derbyshire Local Plan.

9. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include an assessment of the reserved matters scheme against Building for Life 12 Criteria. Thereafter the details submitted as part of the BfL 12 assessment shall be implemented in full and retained as such thereafter.

REASON: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

10. 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 a datum point which is to remain undisturbed during 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.

REASON: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

11. Before any above ground works commence details of the proposed boundary treatments throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments scheme shall include a timetable for implementation relative to the occupation of plot numbers. The scheme shall be implemented in full in accordance with the approved timetable and shall be retained as such thereafter.

REASON: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

12. Before any above ground works commence precise specifications of the roofing and walling materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.

REASON: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

13. Prior to first occupation of any dwelling, a scheme for the provision of public art on the site including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be implemented in full in accordance with the approved timetable and retained as such thereafter.

REASON: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

### **Ecology**

14. No vegetation clearance shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

REASON: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

15. Prior to building works commencing above foundation level, a Biodiversity Enhancement 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. Measures shall include (but are not limited to):
- Details of integrated bat boxes in 25% of dwellings will be clearly shown on a plan (positions/specification/numbers).
  - Details of bird boxes (including swift boxes) in 25% of dwellings will be clearly shown on a plan (positions/specification/numbers).
  - Details of insect bricks in 10% of dwellings will be clearly shown on a plan (positions/specification/numbers).
  - Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows).
  - Summary of ecologically beneficial landscaping (full details to be shown in Landscape Plans).

REASON: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

## **Drainage**

16. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full in accordance with the approved details before the first occupation of the dwellings and retained as such thereafter.

REASON: In the interests of ensuring proper drainage of the site in accordance with policy CSU4 of the North East Derbyshire Local Plan.

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. Land at Hallfieldgate Lane, Shirland, Derbyshire Flood Risk Assessment, (March 2019 by Armstrong Stokes & Clayton Ltd) and also 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.

REASON: In the interests of ensuring proper drainage of the site in accordance with policy CSU4 of the North East Derbyshire Local Plan.

18. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 of the planning practice guidance.

REASON: In the interests of ensuring proper drainage of the site in accordance with policy CSU4 of the North East Derbyshire Local Plan.

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

REASON: In the interests of ensuring proper drainage of the site in accordance with policy CSU4 of the North East Derbyshire Local Plan.

### **Amenity**

20. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30am to 6pm Monday to Friday and 7:30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

REASON: To protect the amenity of all nearby property occupiers and users in accordance with policy H12 of the North East Derbyshire Local Plan.

### **Highways**

21. Prior to any works exceeding demolition and site clearance, a construction management plan or construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The approved

plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

22. No development shall be commenced until an adequate temporary access for construction purposes has been provided to Hallfieldgate Lane, generally in accordance with the application drawing and provided with visibility splays measuring 2.4m x 54 to the east and 2.4m x 47m to the west, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level. The temporary access arrangements shall be retained throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

23. Prior to any above ground works commencing a detailed scheme of highway improvement works for the provision of a new estate street junction formed to Hallfieldgate Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include minimum 5.5m carriageway, 2m footway and 1m margin, maximum gradient of 1:30 for the first 15m and 1:20 beyond and provided with visibility splays measuring 2.4m x 54 to the east and 2.4m x 47m to the west, including highway improvement works for the realignment of the carriageway, bus stop provision, relocation of existing parking bays and tactile crossing adjacent the site, in accordance with submitted drawing JD119 Figure 3.1 Rev C, together with a programme for the implementation and completion of the works. The highway improvement works shall be implemented in accordance with the approved details prior to the first occupation of any dwelling or approved timetable for implementation.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.



24. Prior to the first occupation of any dwelling on the site the junction to Hallfieldgate Lane shall be provided in accordance with submitted drawing JD119 Figure 3.1 Rev C.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

25. Within 28 days, or other such period of time as may be agreed with the Local Planning Authority, of the permanent access being constructed the temporary construction access to Hallfieldgate Lane shall be permanently closed and the existing vehicle crossover reinstated with full height kerbs and appropriate footway / verge construction in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

26. Notwithstanding the submitted information a subsequent reserved matters application shall include design of the internal layout of the site in accordance with the guidance contained in the "Manual for Streets" document issued by the Departments for Transport and Communities and Local Government and in accordance with the County Council's own residential design guide – DSP design guide - <http://www.Derbyshire.gov.uk>.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

27. The carriageways and footways shall be constructed in accordance with the details approved under condition 26 above, up to and including binder 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 public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways and footways 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.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

28. The details to be submitted as part of any reserved matters application shall include details of arrangements for the parking and manoeuvring of residents and visitors vehicles, together with secure cycle

parking. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

29. The details to be submitted as part of any reserved matters application shall include details of suitable turning arrangements to enable service and delivery vehicles to turn,. The development shall be carried out in accordance with the agreed details and in the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

30. The details to be submitted as part of any reserved matters application shall include details of arrangements for the temporary storage of bins on collection days. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

31. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained thereafter.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

32. Prior to the first occupation of any dwelling a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

REASON: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan.

### **Ground Conditions**

33. Prior to or concurrent with the submission of Reserved Matters a scheme for intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the submission of a report of findings arising from the intrusive site investigations and the submission of a scheme of remedial works. The approved scheme and any remedial works shall be implemented in full and retained as such thereafter.

REASON: To protect the environment and address any coal mining legacy issues and in accordance with Policy CSU6 of the North East Derbyshire Local Plan.

34. Prior to the commencement of the development hereby approved further works as deemed necessary in the DAB Geotechnics Ltd report 'Phase 1 Contamination Assessment Proposed Residential Development of Land to the South of Hallfieldgate Lane Shirland (Ref: DABGeot/17005/Final; dated 4th March 2019)' shall be undertaken by a competent person in accordance with good practice guidance for the investigation and assessment of land contamination.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 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.

The developer shall give at least 14 days notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

REASON: To protect the environment and address any contamination issues and in accordance with Policy CSU6 of the North East Derbyshire Local Plan.

35. No dwellings hereby approved shall be occupied until the approved remediation works required by 34 above have been carried out in full in compliance with the approved methodology and good practice guidance. If during the construction associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I report (DAB Geotechnics Ltd 'Phase 1 Contamination Assessment Proposed Residential Development of Land to the South of Hallfieldgate Lane Shirland (Ref: DABGeot/17005/Final; dated 4th March 2019)) submitted with the application and through the process described in above;

Upon completion of the remediation works required by 1 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect the environment and address any contamination issues and in accordance with Policy CSU6 of the North East Derbyshire Local Plan.

36. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition this condition.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: So as to record and advance understanding of a heritage asset in accordance with The National Planning Policy Framework and Policy GS7 of the North East Derbyshire

### **Trees**

37. Before development starts a detailed Tree Protection Plan showing the positions, species and crown spread of trees to be retained within the application site, together with measures for their protection for the duration of the works shall be submitted to and approved in writing by the Local Planning Authority. The means of protection shall be installed in accordance with the approved scheme before any other works commence on site and retained in position until all the building works hereby approved have been completed. The area within the fenced/protected area shall not be used for storage of the parking of machinery or vehicles and the ground levels shall not be altered.

REASON: In the interests of the appearance of the areas and in accordance with policies GS1, BE1 and H12 of the North East Derbyshire Local Plan