

PARISH

South Normanton Parish

APPLICATION Outline application for the erection of 48 dwellings and retention of the existing farmhouse with access and all other matters reserved

LOCATION Townend Farm Lees Lane South Normanton Alfreton

APPLICANT EPC United Kingdom plc

APPLICATION NO. 20/00185/OUT **FILE NO.** PP-08613793

CASE OFFICER Mr Peter Sawdon

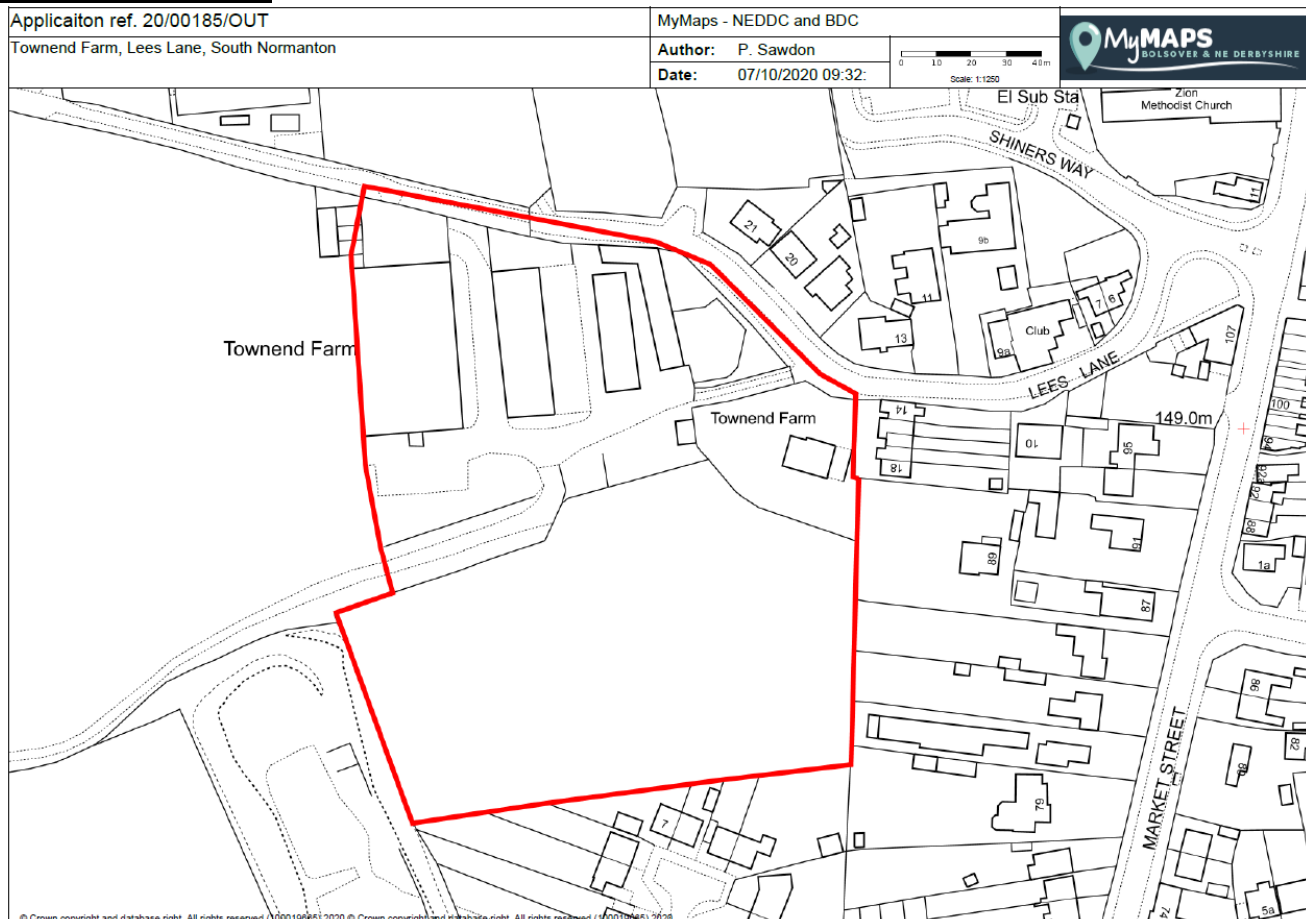
DATE RECEIVED 4th May 2020

SUMMARY

This application is referred to Planning Committee by case officer in consultation with the Planning Manager in view of the level of public interest in the scheme and to enable consideration of S106 matters by Planning Committee

In summary, the application is recommended for approval. This is an allocated site and the proposal is considered to represent sustainable development and accord with policy requirements. Sufficient contributions are being offered to meet the infrastructure requirements of the development.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 20/00185/OUT

SITE & SURROUNDINGS

The site is 1.97ha of land located to the south of Lees Lane at South Normanton that is allocated for housing development in the adopted Local Plan by virtue of policy LC1.

The site comprises the former Townend Farm, consisting of an area of recently demolished redundant agricultural buildings associated with that farm and an additional area of undeveloped land to the south of those buildings.

The site contains a number of trees and hedgerows on its internal and external boundaries; the site frontage in the area of the proposed entrance to the site currently comprises a mature hedgerow that contains a number of trees; a large number of these, especially on the frontage and within the central areas of the site that are shown to be cleared on the indicative layout.

Residential developments bound the site to its south, east and north eastern sides. A small industrial area borders the site to its south western corner with open countryside generally to the west and north, along with South Normanton Football Club, also to the north (west) to the opposite side of Lees Lane. The area of open land to the north of the site that is between the football club and the current urban edge is within the settlement framework and is allocated for Edge of Town Centre developments, which may include retail, office , leisure or residential uses.

The site is in close proximity to the existing Rough Close Works and falls within the Outer Explosive Safeguarding Zone associated with the operation of that site.

PROPOSAL

This is an outline application to erect 48 dwellings on this site; the existing farmhouse on site would be retained. Details of the site access are included with the application for determination, but all other matters are reserved for later approval.

An indicative plan is submitted showing:

- 48 dwellings of a variety of types and sizes with associated parking facilities;
- A pumping station;
- 3 areas of formal open space, one with a play area;
- 9 rural areas of semi-rural open space;
- A replacement species rich hedgerow around the site boundary;
- Approximately 40 'street trees' within the development; and
- Indicative new trees/planting within garden areas.

As the following plan is for indicative purposes only, the detail on this drawing is not submitted for formal consideration and would not form part of any planning permission granted:



Supporting Documents (as submitted with original application)

- Application Form and Certificates
- Indicative Site Plan
- Location Plan
- Planning Statement
- Bat Presence/Absence Survey
- Preliminary Ecological Appraisal
- Highways Feasibility Study

AMENDMENTS/ADDITIONAL INFORMATION

20/05/2020 - Drainage Strategy and Flood Risk Assessment

27/05/2020 - Design and Access Statement

15/06/2020 – Response to highways issues regarding visibility splays and vehicle turning including the following documents/plans: -

- NTP17013-007 – Visibility splays.
- NTP17013-008 – Autotrack manoeuvres of 11.997m length refuse vehicle.
- Vehicle tracking data sheet for refuse wagon.

08/06/2020 - Levels Survey ref. JPC3887-1A

13/06/2020 - Coal Mining Risk Assessment

29/07/2020 – Barn Owl Report

11/09/2020

- Tree Survey ref. AWA3269
- Biodiversity Impact Assessment V2.0
- Feasibility Study (Indicative Layout) ref. 17-464 002 REV H

25/09/2020

- Reptile Report
- Updated Design, Access and Sustainability Statement
- Rebuttal Statement

20/10/20 - agreement to S106 contributions

21/10/20 - Feasibility Study (Indicative Layout) ref. 17-464 002 REV I

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

Therefore, the proposals that are the subject of this application are not EIA development.

HISTORY

97/00129/FOREST	No Objections raised	Planting of a new deciduous woodland [<i>Consultation from the Forestry Commission</i>]
06/00580/FUL	Refused	Conversion of Bier to business use (Class B1) [<i>Small part of the north east corner of the current application site</i>]
20/00237/DETDEM	Prior approval not required	Prior notification for the demolition of the redundant agricultural buildings on site (excluding the existing farmhouse which is to be retained).

CONSULTATIONS

Archaeologist 15/06/2020

The site does not constitute a 'heritage asset' under the policies at NPPF chapter 16 and that no archaeological input is required.

Coal Authority 15/06/2020 and 23/06/2020

Following the receipt of a coal mining risk assessment in response to an initial objection, the

Coal Authority recommend conditions relating to investigation and, if necessary, mitigation in respect of any previous coal mining legacy that may affect the site. Conditions are suggested.

Derbyshire Wildlife Trust 18/06/2020 and 13/10/2020

Impacts of the development has for the most part been satisfactorily addressed. There will be a loss of biodiversity and the details in respect of replacement provision is unclear. A suitable replacement barn owl nest box will need to be provided off site and details of where the off-site provision can be made needs to be clarified. Off-site measures will be required to off-set the losses, including creation of nesting opportunities for Swallow. Conditions are suggested.

Drainage Engineer (Bolsover District Council) 21/05/2020

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Engineering Services).
2. The developer must ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Environmental Protection Officer 26/06/2020

Recommends conditions to deal with: -

- the identification of potential contaminants and if necessary, remediation for any contaminants present; and
- the need for a noise assessment and where necessary mitigation to deal with any noise issues identified.

Health and Safety Executive 10/07/2020

The Explosives Inspectorate has no comment to make on the planning application provided that the development is not a vulnerable building.

Highways (Derbyshire County Council) 28/05/2020, 20/07/2020 and 09/10/2020

Subject to confirmation that visibility splays can be achieved, then no objections and recommend conditions and advisory notes, along with a request for contributions to funding, through a S106 Planning Obligation, for investigation into, and subsequent implementation of, traffic management should they provide necessary taking into account a monitoring period of 5 years post completion of development. Notes that the indicative schemes do not demonstrate compliance with highway standards in terms of internal junctions and proposed accesses onto Lees Lane; any (later) reserved matters application would have to demonstrate compliance.

Housing Strategy (Bolsover District Council) 18/05/2020

No objections subject to completion of a s.106 legal agreement to secure the affordable housing offer made by the applicant.

Lead Local Flood Authority (Derbyshire County Council) 09/06/2020 and 27/07/2020

Following the submission of additional information to demonstrate that all options for a gravity surface water drainage network to dispose of surface waste have been explored and that the

proposal for a pumped drainage network is a last resort, have raised no objections subject to the inclusion of conditions.

Leisure Services (Bolsover District Council) 17/06/2020 and 09/10/20

Advises on the amount of land required and/or contributions necessary to ensure compliance with adopted policy. Revised proposals are short of normal requirements and space indicated for play equipment would not be sufficient to provide this with the necessary buffer to neighbouring dwellings, so financial contributions are sought for play equipment, and other off site recreation ground and semi-natural green space improvements off site, along with further contributions to quality improvements of built and outdoor sports facilities.

NHS Clinical Commissioning Group 23/06/2020 and 24/09/2020

Request for contributions to increase clinical capacity at Village Surgery at both of their sites based in South Normanton with a branch surgery in Pinxton. In response to a question from the agent, additional information was submitted regarding capacity at the existing surgery to justify the contribution request.

Strategic Planning (Derbyshire County Council) 22/06/2020

County Councillor Coyle is totally opposed to the application due to the narrowness of Lees Lane and the difficulties in accessing current properties. Other existing activities also impact on this accessibility, including football club traffic and the Carnfield Club. Councillor Coyle also observes that The Glebe Junior School has been extended beyond what is reasonable. The main building is listed and little or nothing else can be done.

The officer's comments confirm that all schools in the area, those being The Green Infant School, Glebe Junior School and Frederick Gent School, have sufficient capacity to take the additional pupils projected to arise from this development and so no education contributions are sought.

An advisory note relating to High-Speed Broadband provision is recommended

Urban Design 18/06/2020 and 13/10/2020

The indicative layout is not supported and does not demonstrate a design led approach.

Additional consultations

The following have also been consulted, but no comments were received: -

- Head of Regeneration
- Severn Trent Water
- Ramblers Association
- Peak and Northern Footpaths Society
- Derbyshire County Council (Rights of Way)
- Refuse

PUBLICITY AND REPRESENTATIONS

The Application was publicised by means of a site notice, press advert and 38 neighbour letters.

Initial publicity resulted in 28 letters of representation from the occupants of 26 properties.

Following the submission of additional and revised information further publicity was carried out that resulted in a further 4 letters of representation.

In addition, a letter of representation has also been received from District and Parish Councillor Andrew Joesbury.

The representations made raise the following issues: -

Principle

No need for additional houses in South Normanton – currently 23 for sale and 10 for rent, many at lower values.

Houses will not be affordable.

Village is already having three new-build sites; we do not need more housing. Should ensure existing new developments are full before new ones are allowed.

Effects of more housing is compounded by new developments in Alfreton, close to South Normanton.

Loss of an essential green space in an otherwise overpopulated 'village'.

No capacity at local nurseries, schools, doctors' surgery, dentists and on local roads. Also a strain on Police, Fire and Ambulance services, Bin Men and Postal Workers.

Huge expansion of South Normanton over many years that cannot be sustained.

If houses really are needed, perhaps this could be just on the land where the farm buildings stand.

The build is not on the local plan.

The density of the development at 48 dwellings exceeds the Council allocation by 8.

Development is not in character with surrounding property with nearest properties being small bungalows.

The negative impacts significantly outweigh the benefits of the planning policy.

5 year housing supply figures for Amber Valley show that supply is exceeding demand so there is no need for more dwellings.

Can the council not just find a development site somewhere else, maybe the site up ball hill where the industrial park was going to be built?

Sadly it is social housing that is needed, so ideally 40% and no less should be for social housing.

Amenity

Impact of construction traffic and noise and dust from construction – reference is made to quality of life and shift workers. Problems recently experienced from noise during demolition works.

Noise from new dwellings.

Loss of peaceful amenity currently enjoyed due to open aspect and views from existing dwellings – several photographs have been provided.

This is currently a sleepy little lane; it is a shame to destroy another semi-rural location.

Investment should be put into improving the quality of life for residents already living in the area.

Overlooking from new dwellings with loss of privacy.

Increase in air pollution.

Will damage ozone layer and add to global warming.

Will affect the nature evident in country walks and pathways at the end of Lees Lane.

Green space is good for mental wellbeing.

Increased light pollution.

Concern that smaller housing association housing may mean get people that don't look after property and gardens and are unruly and noisy on top of the increased noise, light and air pollution we would also have to encounter.

Will result in increased crime.

Highway Safety

No capacity on local roads; Market Street is already busy with tailbacks and long waits.

There are more minor accidents.

Local roads impacted from the use of the nearby A38 and M1.

Lee's Lane is very narrow/not wide enough and unsuitable. Narrow footpaths – will put pedestrians at greater risk. Already have to go into the road pushchairs/mobility scooters to pass by cars that are parked on the footpaths. Many parked cars on either side of the lane with nowhere else to park (several dwellings have no off-street parking); unsuitable for construction traffic. There have been issues with access for lorries accessing to demolish the farm buildings. Used as an overflow car park to The Hub, the football club, Carnfield Club and other local businesses. Instances where special events at venues result in much larger volumes of traffic and parking. Several instances of damage to cars from vans and coaches using the lane. Several instances of damage to property from vehicles. Road is often impassable due to parked cars. Parked cars already impact on available forward visibility for drivers. Instances where requests are received from users of the road to move parked cars to facilitate access. Emergency vehicles will not be able to access properties. Existing problems on bin collection days.

Will impact on Shiners Way/Market Street junction.

Mist and ice conditions make safety worse; the road is not gritted.

Lees Lane has inadequate street lighting.

Local roads already unsafe and over congested.

Note road surveys done, but did this take into account the count line was ripped out of the road and wasn't in use for days, it just lay in the gutter.

Instead of housing investment should be put into restricting traffic through the village and making roads safe for residents.

Traffic data is 3 years old and there is now more traffic. Some data included relates to old and remote examples. More spectators often visit the football match than referred to in the highway study.

Understand that the DDC Highways Engineer has been unable to visit the site due to Covid-19; that they are unwilling to 'agree' to the contents of the transport statement and also unwilling to check the evidence provided however they are willing to accept the conclusions of the report at face value. Would urge you to ensure any advice taken is underpinned by a site visit before making any recommendation.

No provision for sustainable transport, even though the planning statement states that there will be.

Visibility for vehicles using existing access will be harmed.

The mouth of Lees Lane is used to turn vehicles in.

Bin wagon often has to reverse down Lees Lane.

Another access to the site is needed. It is suggested that access could be taken from the end of Shiners Way, extending the road down the side of The Hub to negate the need to use Lees Lane so there would be no detriment to the residents of Lees Lane.

Ecology/Biodiversity

Development will have a significant and permanent impact. Loss of habitat and foraging areas and effect on wildlife. Loss of wildflowers on which important bees rely. The site is a hunting ground for owls.

Animals present on and around the site include various bat species, newts, frogs, toads, damsel, dragonflies, grass snakes, tawny owl, barn owl, little owl, many different species of birds, badgers, hedgehogs, foxes, hares, rabbits, deer, pheasants, partridge, many species of butterflies, various insect life, including bees.

Detailed reference is made to planning and other legislation in respect of the need to have regard to the conservation of wildlife and the need for licences in certain cases.

Despite the findings of the wildlife reports, bats must live somewhere in the immediate vicinity and the farm buildings are the most obvious place, so suggest further investigations are needed.

Trees should be kept.

Ponds are present despite the report saying there are none, as are grass snakes.

Consider further wildlife surveys should be required as those submitted are out of date and irrelevant.

A video of a badger foraging in a garden has been provided.

Concerns about the impact humans are having globally and although this is a small area, it will contribute.

The loss of the farm buildings will already have resulted in impacts.

Even if the areas where buildings are is built on why build on the greenfield parts; less houses would mean less impacts.

No suitable replacement barn owl nesting opportunities were provided prior to the demolition of the existing buildings.

Drainage

Existing periods of standing water and flooding in existing gardens and the application field. Water drains from gardens into the field. Possible impact of water levels in gardens adjoining the site that may worsen problems for existing residents.

Victorian sewers can't cope. Existing problem with existing combined sewers backing up on North Close in times of heavy rain; an open relief drain was installed as a 'temporary measure' so that excess sewage spills out onto our rear curtilage areas and over into the field where the new development is planned, will sewage running into new dwellings' gardens?

Health and Safety

Development is too close to Rough Close Works explosive manufacturers.

Understood houses could not be built on the land because of the required distance to the explosives factory.

Would greatly increase the numbers of residence and cars trying to evacuate down Lee's Lane. Worry that this would be a danger and not able to be carried out in a timely fashion.

Other

Devaluation of property. Residents should be compensated.

Properties didn't receive consultation letters.

POLICY

Local Plan for Bolsover District

Planning law requires that applications for planning permission be determined in accordance with saved policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include: -

- SS1: Sustainable Development
- SS3: Spatial Strategy and Scale of Development
- LC1: Housing Allocations
- LC2: Affordable Housing Through Market Housing
- LC3: Type and Mix of Housing
- WC4: Rough Close Works Explosive Safeguarding Zones
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC7: Flood Risk
- SC8: Landscape Character
- SC9: Biodiversity and Geodiversity
- SC10: Trees, Woodland and Hedgerows
- SC11: Environmental Quality (Amenity)
- SC12: Air Quality
- SC13: Water Quality
- SC14: Contaminated and Unstable Land
- SC15: Hazardous Substances Consent
- SC18: Scheduled Monuments and Archaeology
- ITCR5: Green Space and Play Provision
- ITCR7: Playing Pitches
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision
- II1 Plan Delivery and the Role of Developer Contributions
- II2: Employment and Skills

National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Paragraphs 7-10: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 54-57: Planning conditions and obligations
- Paragraphs 91, 92 and 94: Promoting healthy and safe communities
- Paragraphs 96 and 98: Open space and recreation
- Paragraphs 108-111: Promoting sustainable transport
- Paragraph 118: Making effective use of land
- Paragraphs 124-128: Achieving well-designed places
- Paragraph 153: Meeting the challenge of climate change
- Paragraph 165: Sustainable Drainage Systems
- Paragraphs 170 and 175: Conserving and enhancing the natural environment
- Paragraphs 178-181: Ground conditions and pollution

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design - adopted Interim Supplementary Planning Document

Parking Standards – Consultation Draft Supplementary Planning Document

ASSESSMENT

Issues

It is considered that the main issues in the determination of this application are:

- the principle of the development;
- highway safety considerations, including whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- landscape and visual impact of the development;
- whether the development can deliver a suitable design and layout and provides sufficient residential amenity;
- the ecology impacts of the development;
- potential contamination risks;
- drainage requirements;
- impacts on infrastructure, including recreation and leisure, education and health facilities; and
- heritage and archaeology impacts.

These issues are addressed in turn in the following sections of this report

Principle

This site is allocated by virtue of Policy LC1: Housing Allocations for housing development.

Policy LC1 states that in order to achieve sustainable development, the Local Planning Authority will impose conditions on planning permissions or seek to enter into a planning obligation to secure the expected requirements for each site as contained in the pre-amble to the policy and where relevant elsewhere in the plan.

The pre-amble to that policy states that the development of the site is expected to make minor improvements to Lees Lane and to contribute to increasing the capacity of local schools and GP surgery. In addition, the development will be expected to contribute to the provision of affordable housing.

Given the sites location very close to the centre of one of the District Council's larger emerging towns, with all of its amenities and transport connections, this is a highly sustainable site in location terms and subject to satisfying other criteria of the adopted Local Plan, the principle of housing development on the site is considered to be acceptable.

Access

The Highway Authority raises no objections to this proposal.

A Highways Assessment has been submitted in support of the application which indicates that the proposed access to site and the surrounding roads would be safe and not negatively impacted as part of this development. It has been identified that the development would not

cause unacceptable impact on highway safety and that the proposed access would be suitable.

The Highway Authority has considered the traffic and transport information submitted in respect of the above proposal and does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect. Certainly, there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network, with reference to Paragraph 32 of the National Planning Policy Framework.

Amended details have been submitted in respect of the main access design at the request of The Highway Authority that considers that the access as amended is now suitable and acceptable for the development.

Given the propensity for parking on Lees Lane the Highway Authority has requested funding, through a Section 106 Planning Obligation, for investigation into, and any subsequent implementation of, traffic management should this prove necessary taking into account a monitoring period of 5 years post completion of the development. The agent initially questioned this request in view of the fact that this appeared to relate to an existing problem not arising as a result of this development and therefore, questioned whether this met the legal tests for such contributions in that they should fairly and reasonably relate to the development. Whilst the applicant has not provided a written response to this question, it has been established in conversation with the Highway Authority that whilst the prediction in the Transport Assessment is that Lees Lane should be able to operate within normal parameters, they would wish to ensure that this can be appropriately monitored and should it provide necessary, implement a Traffic Regulation Order through funding in a S106 agreement to ensure that the function of the highway can be maintained. The applicant has agreed to make this contribution subject to this being capped at a maximum of £5000 (this sum is based on The Highway Authority's verbal comment to the case officer that this sum is what is normally sought to ensure appropriate funding for this work, but that the final cost is normally below this and any unspent monies are then returned to the applicants).

In addition to the S106 contribution request, the Highway Authority has suggested conditions and advisory notes Authority that are proposed for inclusion in the event of planning permission being granted.

Landscape and visual impact of the proposed development

Whilst this is presently an open field with hedged boundaries it does not form part of any distinctive or sensitive landscape. It is not important to features or views or other particular qualities and such the development is considered to accord with Policy SC8 in this regard. Given the site is bounded by existing housing developments the proposal will assimilate within those in terms of its general landscape and wider visual impacts.

Design, Layout and Residential Amenity

Indicative layout drawings have been submitted to show layouts containing 48 dwellings; it is important to remember however, that as an outline planning application, except for the main access into the site, such that all matters of detail on that layout are reserved for later

approval; indeed the submitted (revised) Design and Access Statement states that “the layout is likely to change again once the development reaches the reserved matters stage”.

Whilst the local plan states that the site is expected to deliver approximately 40 dwellings, this is not a fixed policy requirement and subject to any layout, which would be considered in detail at reserved matters stage, demonstrating compliance with adopted policy, a larger number of dwellings can be accepted on the site.

That indicative scheme shows a layout that would result in the loss of large parts of the frontage landscaping and that within the central parts of the development site. The ecology impacts of this are discussed later in the report, but in design terms, the loss of the frontage landscaping is inevitable as a result of the sites allocation for housing. That allocation was assessed on the basis of any development being accessed from Lees Lane and in view of the alignment of that road, the provision of the access and the necessary associated visibility splays, this will inevitably result in the loss of a large amount of the frontage landscaping.

The internal hedgerow within the site that would be lost is identified as species poor and in its current position does not represent a feature of any particular valuable public visual amenity. Whilst alternative layouts could make provision for some retention of that hedgerow, there is not considered to be a planning case to require this; other hedgerows on the site’s periphery are shown to be retained.

In consultation with the Council’s Urban Design officer it has been concluded that the indicative drawings are not considered to be based on a robust design led approach which demonstrates an understanding of site context, constraints and opportunities, and use of this information to develop conceptual ideas and design responses.

Whilst the actual details on these indicative drawings are not considered to represent an acceptable form and layout for the final design of the site, they do provide a useful function in showing that 48 dwellings could be accommodated on site. The revised drawing shows a mixture of 2, 3 and 4 bed detached and semi-detached dwellings, along with the retained farmhouse and areas of open space and an area for the required drainage pumping station.

Notwithstanding this, there are numerous factors that may affect the final number of units (up or down) that can be delivered by the development. These can include such things as the need to meet policy objectives in terms of public open space provision, different house types, layout or other design changes, including the need to demonstrate compliance with the Council’s design guide, which the indicative layout doesn’t fully achieve. For these reasons, it is difficult to say with any certainty that, in design terms, 48 dwellings or thereabouts could definitely be accommodated on site without further detailed drawing submissions. As full details are reserved for later approval, this would also include the final number of dwellings although it is considered that consideration to an upper limit to housing numbers can be considered, although the planning reasons for this are based on highway safety considerations. Given the submitted Transport Assessment has considered the suitability of the highway networks for a development of up to 50 houses, it is considered reasonable to limit the development to not more than this number.

Given the design concerns, it is also considered that the Design and Access Statement to accompany the application (and the submitted layout) is not acceptable and it is

recommended that a revised statement should be included with any reserved matters application should permission be granted to demonstrate a suitable design led approach to any reserved matters submissions.

In terms of the amenities of future residents the Environmental Protection Officer (EPO) has some concerns regarding the proximity of the site to the football pitch and the level of noise that may affect the local residents from use within the weekends and evenings. In addition, it would appear that there are floodlights that could impact on the local residents so this should be reflected in the layout design. The EPO also notes there is an industrial estate within relatively close proximity of the south west corner of the site so consideration of this should be made when developing the site layout to minimise any potential impact. In view of the presence of the noise sources surrounding the site, the EPO considers that an acoustic survey would be required prior to the submission of any reserved matters so that suitable mitigation measures can be agreed if necessary. In particular, consideration will be required of the potential impact on the local residents from the football ground. A condition to require the submission of such a report and to implement and mitigation identified as necessary is therefore recommended in the event that planning permission is granted.

Subject to controls over final design as discussed above, it is considered that a proposal can be designed at reserved matters stage that satisfies policies of the Local Plan in terms of design, layout and amenity considerations.

Ecology/Biodiversity

The Derbyshire Wildlife Trust (DWT) has considered the submitted ecology information and consider that the impact of the development has for the most part now been satisfactorily assessed.

In relation to habitats (excluding hedgerows) the development will result in a loss of biodiversity that can only partially be addressed through on-site post development measures and therefore further measures will need to be delivered off-site. In terms of good practice the development should try and demonstrate a net gain, but the measures currently proposed will need to be significantly improved.

In relation to hedgerows there will be a loss of existing hedgerow, but the proposed mitigation should result in the replacement of these hedgerows to provide a slight net gain of hedgerows. Any gain in terms of hedgerow habitat will clearly be in the medium to long term as it will take time for the hedgerows to establish and start to support a range of native flora and fauna. It will also be dependent upon sympathetic long term management.

In relation to barn owls, suitably sited replacement nesting boxes for the loss of the buildings containing barn owl nest boxes will be needed that should preferably be off-site away from the site as this may not be suitable for barn owl due to increased road traffic, noise and other disturbances.

Appropriate mitigation and compensation needs to be provided for swallows to ensure that there is no net loss of nesting opportunities for swallow as a result of the development.

The DWT consider that the measures set out in the submitted report are considered acceptable in relation to potential impacts to reptiles and could be included within a working method statement (a condition is recommended).

The indirect impacts on an adjacent Local Wildlife Site (LWS) have not been addressed specifically. However, the core of the LWS lies 200m to the west and there is already some commercial activity in and around this far eastern section of the LWS. It would be beneficial to see some of the replacement tree planting located along the boundary with the LWS essentially at the far end of the proposed gardens in this area.

In conclusion the DWT advise that off-site measures will be required in order to avoid a net loss of biodiversity and ideally to provide a measurable net gain for biodiversity. The exact nature of these off-site measures are unclear at the moment and if planning permission is granted this will need to be secured by condition or within a S106 agreement. If the developer already has a parcel of land that can be used as a receptor for the off-site compensation habitats we would advise that the Local Planning Authority seeks confirmation of this from the developer and a map of the land parcel with further details of the habitats to be created.

In respect of this latter point, the applicant is EPC United Kingdom plc that has a varied land holding in this area, including farmland and woodland, in addition to its nearby industrial operations. The applicants have agreed to the principle of an off-site mitigation proposal for inclusion in any S106 agreement, the final details of which can be agreed in consultation with the Derbyshire Wildlife Trust to ensure its suitability.

Subject to the inclusion of the recommended conditions and the completion of the S106 obligation in respect of off-site mitigation, it is considered that the proposals can provide for suitable mitigation for its biodiversity impacts so that it can be made to accord with adopted policies in this respect..

Contamination

The Environmental Protection Officer (EPO) has reviewed the historical files and whilst this site has been used for agriculture, there is the potential for contamination to have occurred from the use of fertilizers etc. as well as the former use of the farm buildings or any storage etc. within the buildings or the surrounding area. Due to the proposed sensitive end use proposed, the EPO would recommend that a condition be included in the event that planning permission is granted for this site, for further assessment of the site to be undertaken in respect of contamination and, where that assessment shows it to be necessary, to carry out appropriate mitigation to deal with that contamination.

Drainage

Foul Water

No consultation response has been received from the water company in respect of foul drainage and it must be assumed therefore that they do not have any objections to the proposal; the final design and provision of foul drainage is also a matter dealt with under the Building Regulations.

Surface Water

Following the submission of additional information in response to their initial comments, the LLFA has confirmed that it has no objections in respect of surface water drainage and has

recommended conditions relating to the final design, implementation and management of any drainage scheme, including details for surface water management during the construction period; these recommended conditions also cover the comments raised by the Council's Drainage Engineer and are recommended for inclusion in the event of planning permission being granted.

Recreation and Leisure issues

Green Space and Play Provision

Whilst acknowledging that an increased amount of open space has been shown on the revised indicative layout plan, the Leisure Officer has noted that this is still below that required by Policy ICTR5 Open Space. Additionally it would not be possible to install an equipped play area in the area indicated and maintain a 20m buffer zone from the nearest dwellings such that a contribution for off-site play area improvements will be sought instead, in line with the provisions of that policy. An advisory note drawing to draw any developer's attention to the need to ensure any reserved matters details comply with this policy requirement is proposed in the event that planning permission is granted and it will be necessary to secure any financial contributions to off-site play provision by means of a S106 Planning Obligation.

In addition and also in line with this policy, a s106 commuted sum contribution is also considered necessary to improve the following areas of green space, all of which fall below the 60% quality standard:

- Equipped Play Area: Market Street Recreation Ground / Post Mill Centre play area
Recreation Ground / Semi-Natural Green Space: Market Street Recreation Ground and Broadmeadows Open Space.

Using the current policy formula the commuted sum payable would be £858 per dwelling (index linked).

Built & Outdoor Sports Facilities

As required by policy ITCR7, contributions to make needed quality improvements to playing pitches and their ancillary facilities at Market Street Recreation Ground and Common Meadows Recreation Ground will be needed and will need to be secured via a S106 Planning Obligation.

Using the current policy formula the commuted sum would be £1022 per dwelling (index linked).

Education

The County Education Authority has advised that there is capacity at all affected schools to accommodate any additional pupils that are likely to arise from a development of this scale and are not therefore seeking any Education contributions.

Health Facilities

The NHS Clinical Commissioning Group has identified a shortfall at 'The Village' medical practice (that operates two sites at South Normanton and Pinxton) to accommodate the likely increase in patients arising from this development and as such is seeking a financial contribution of £23,040. However as this figure is based on an assumption of 48 dwellings and the fact that this figure may change at reserved matters stage it is recommended that this be amended to a £480 per dwelling sum in order to ensure that the contributions is

proportionate to the final layout and design. The applicant has agreed to this contribution and this would have to be secured through a S106 planning obligation.

Heritage and Archaeology

Whilst the site is close to the boundary of an area of particular potential for Medieval Archaeology, the Council's Archaeological Advisor has stated that the site retains no significant built heritage. In terms of below-ground archaeology there is perhaps potential for remains of the original farmhouse, though this lies beneath the modern farm buildings and is likely to be much disturbed. The paddock at the rear has experienced less disturbance but given the limited area and lack of known archaeological indicators it must be considered very low potential. On balance therefore, he concludes that the site does not constitute a 'heritage asset' as per NPPF chapter 16 and that no archaeological input is required.

Employment and Skills

Policy I12 of the adopted Local Plan seeks the submission of an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development and, where appropriate, during first occupation of the development. The agent has indicated that this requirement can be included as a condition (in the event of planning permission being granted) and such a condition is recommended as a means of ensuring compliance with this policy.

CONCLUSION / PLANNING BALANCE

This is an allocated site that can, subject to an appropriate final reserved matters design proposal, be developed in accordance with adopted policies of the Local Plan, subject to the inclusion of suitable planning conditions, including a limit on the maximum number of dwellings permitted, and the completion of the necessary S106 Planning Obligation.

RECOMMENDATION

The current application be APPROVED subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- 10% on-site affordable housing (for rent) provision (Policies LC2 and I12)*;
- Leisure contributions*: £858 per dwelling open space contribution; and £1022 contribution to built and outdoor sports facilities (Policies ITCR5, ITCR7 and I12);
- Off-site ecology mitigation (identification and provision of suitable land, as well as future management and maintenance of that mitigation);
- Health contribution* to be used to increase clinical capacity for Village Surgery at one or both of their sites - £23,040 is requested based on a 48 dwelling proposal, but given the outline nature of the proposals, this should be expressed as a £480 per dwelling contribution;
- Investigation into and ; subsequent implementation of traffic management, should this prove necessary, due to the propensity of parking on Lees Lane, taking into account a monitoring period of 5 years post completion of the development. Subject to a maximum sum of £5000*

*All financial contributions would be subject to indexation.

AND subject to the following conditions that are given in draft form, the final wording to be agreed by the Planning Manager in consultation with the Chair and Vice Chair of Planning Committee:

1. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the main entry point into the site off Lees Lane (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The proposed development is limited to a maximum number of 50 dwellings and any reserved matters application must be accompanied by a revised Design and Access Statement and Sustainability Statement. This shall demonstrate that the submitted reserved matters application proposal has followed a robust design led approach with appropriate regard to issues of sustainability.
4. The plans and particulars submitted in accordance with condition 1 above shall include:
 - a) a plan showing the location of, and allocating a reference number to, each existing tree on or overhanging the site which has a stem with a diameter, measured over the bark at a point of 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) the plan shall also show details of all hedgerows on and around the site, showing which hedgerows are to be retained;
 - c) details of the species, diameter of trees (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and hedgerow, and of each tree which is on land adjacent to the site and to which paragraphs (d) and (e) below apply;
 - d) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site and details of any reduction in height or width of any hedgerow;
 - e) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within 2m of any hedgerow and within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - f) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree and hedgerow from damage before or during the course of development.
 - g) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above and "retained hedgerow" means an existing hedge to be retained in accordance with the plan referred to in paragraph (b) above.

5. No removal of vegetation or work to buildings will take place between 1st February and 31st September 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.
6. Prior to the commencement of any groundworks on the site, a survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall have been undertaken and will have been submitted to and approved in writing by the Local Planning Authority.
7. No development will 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) must 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 and should include reptile and badger).
 - 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 must be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
8. A landscape and biodiversity enhancement and management plan (LBEMP) must be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The LBEMP must combine both the ecology and landscape disciplines and ensure that there is no net loss of biodiversity and ideally providing a measurable net gain. It should include the following:-
 - a) Description and location of habitat and species features to be created, planted, enhanced and managed including type and locations of bird boxes (c.25 integrated swift boxes), integrated measures for swallow, Barn Owl mitigation (based on section 4 of the Barn Owl Report prepared by TEP July 2020), hedgehog access gaps in gardens and details of habitat creation.
 - b) Aims and objectives of management for species and habitat.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).

- f) Details of the body or organization responsible for implementation of the plan.
- g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

The LBEMP will also include details of the legal and funding mechanism(s) by which the long-term (25 years) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

9. No development shall take place, other than site clearance works, 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) Proposed Residential Development, Land off Lees Lane, South Normanton, Level 1 Flood Risk Assessment, by JPC Environmental Services, referenced: IE20/042/REVA/DS, dated May 2020 “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.
10. No development, other than site clearance works, shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
11. Prior to commencement of the development, other than site clearance works, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
13. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in

relation to that contamination.

A. Site Characterisation - 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,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

B. Submission of Remediation Scheme - 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 must be prepared, 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.

C. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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 (referred to in PPS23 as a validation 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.

D. Reporting of Unexpected Contamination - 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 the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 in accordance with condition 3.

E. Importation of soil - In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

14. Prior or concurrent with the submission of any reserved matters application, a scheme of sound insulation 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 LA_{eq} (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LA_{eq} (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LA_{eq} (15 Minutes) (0700 hrs – 2300 hrs)

- All Habitable Rooms 45 dB LA_{max} to occur no more than 6 times per night (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LA_{eq} (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.

15. Prior to the commencement of development, an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The ESP shall be implemented as approved.

16. No part of the development can be of vulnerable construction, that being —
(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible

panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;

(b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;

(c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

17. No development will commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations must be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
18. Where the findings of the intrusive site investigations (required by condition 18 above) identify that coal mining legacy on the site poses a risk to surface stability, no development will commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works must be implemented on site in complete accordance with the approved details.
19. Before any other operations are commenced, except for site clearance, 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. Before any other operations are commenced the new junction shall be formed to Lees Lane and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in the non-critical direction i.e. to the left out of the site and 2.4m x to the tangent of the bend in the critical direction i.e. to the right out of the site measured along the nearside carriageway edge, in accordance with details that will have first submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The area in advance of the visibility sightlines shall be constructed as footway and form part of the publicly maintainable highway.
22. Before any other operations are commenced (excluding creation of the new access, the subject of condition 22 above), any redundant vehicular and pedestrian access to

Lees Lane shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

23. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out, in accordance with Derbyshire County Council's Design Guide Delivering Streets and Places, and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

24. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, including service / delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.