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PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 24 January 2020

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 3 February 2020** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

Simon Hobbs
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1 (a) s Apologies for Absence

To receive apologies for absence (if any)

1 (b) s Declarations of Interest

To receive declarations of interest (if any)

1 (c) s Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

1 (d) s Petitions

To receive petitions (if any)

2. Site visit (as determined by the Executive Director - Economy, Transport and Environment after consultation with the Chairman and/or Vice Chairman in accordance with the Code of Practice):-

(i) Cotmanhay, Ilkeston

Following the site visit the meeting will reconvene at 1:00pm in Committee Room 1, County Hall, Matlock

3. Minutes (Pages 1 - 10)

To confirm the non-exempt minutes of the meetings of the Regulatory – Planning Committee held on 16 December 2019 and 6 January 2020

To consider the non-exempt reports of the Executive Director - Economy, Transport and Environment on:

- 4 (a) Proposed Erection of 40 Bed Care Home, 66 Extra Care Apartments, 18 Extra Care Bungalows, Public Café/Restaurant, Public Hair Salon and Reinstatement and Improvement of Existing Grass Sports Pitch to Provide Additional Amenities for the Local Community at the Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston. Applicant: Derbyshire County Council. Code No: CD8/0719/29 (Pages 11 - 66)
- 4 (b) Current Enforcement Action (Pages 67 - 68)
- 4 (c) s Outstanding Application List
- (to be circulated at the meeting)
- 4 (d) Current Appeals/Called in Applications (Pages 69 - 70)
- 4 (e) s Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers
- (to be circulated at the meeting)

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Agenda Item 3

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 16 December 2019.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, A Griffiths, R Iliffe, R Mihaly, R A Parkinson, and B Wright.

Apologies for absence were received on behalf of Councillors D Charles, L Grooby and P Smith.

76/19 DECLARATIONS OF INTEREST There were no declarations of interest

77/19 SITE VISIT In accordance with the Planning Code of Practice Members visited the site at Hollis Lane Chesterfield which was the subject of an application being reported to the Committee (see Minute No. 78/19).

78/19 LINK ROAD EXTENDING FROM THE JUNCTION OF HOLLIS LANE AND SPA LANE TO TERMINATE AT THE SOUTHERN EXTENT OF THE CHESTERFIELD TRAIN STATION CAR PARK, INCLUDING A NEW SHARED CYCLE/FOOTPATH ADJACENT TO THE PROPOSED LINK ROAD AND ANCILLARY DEVELOPMENT, CHESTERFIELD APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD2/0819/40

Details of the application together with comments received from consultees and following publicity were given in the published report to the Committee.

The report explained how the proposed development under this application was the first phase of a two-phased scheme for the construction of a link road (“the Hollis Lane Link Road”) which, in its entirety, would connect Hollis Lane, (at the junction of Spa Lane, east of the Lordsmill roundabout) to Crow Lane (located by the entrance of the Chesterfield railway station) and the Brimington Road/Brewery Street roundabout junction.

The scheme was planned to bring significant economic and public benefit through providing sustainable infrastructure links toward the Chesterfield Waterside Development area and in aspiration for future HS2 development at the station. The development under this application, in itself,

would provide a second route towards the station and would help to alleviate traffic congestion around St Mary's gate, the town centre and the existing direct access from the highway to the station.

The development would include highways, cycle and footway links and indicative landscaping. Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions.

Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions. He considered that any heritage, highways, ecological, drainage, archaeological, amenity or other impacts in their assessment were of limited weight in the 'planning balance' and, where necessary, could be mitigated by way of condition and would not outweigh the public benefits of the proposal. The proposal was considered to be acceptable being in line with development plan policies identified the NPPF and other policy documents identified which were material considerations

The application was accordingly recommended in the report for approval subject to a set of conditions (or conditions to substantially similar effect).

Representations had been made by an individual objector, and Chesterfield Borough Council.

The individual spoke before the committee for three minutes. , She supported the broad objectives of the project but was concerned that there had been no attempt to reduce the demand for travel, the consideration of alternative options and prioritisation towards walking, cycling and public transport. She contended that:

- traffic should be restricted to the town centre to improve the public realm for the benefit of all;
- there should be improved access for walking, cycling and public transport.
- Phase 1, as designed, would not be accessible for buses and the walking and cycling path leaves users vulnerable;
- there was no evidence that traffic would be reduced on St Mary's Gate;
- the application undermined local planning policies; and
- the scheme would increase traffic and congestion. Phase 1 would lead to a small increase, with Phase 2 creating significant additional traffic.

She asked the committee to give consideration to the design for a priority bus-route to the station with an area for an interchange and turning circles; people walking and cycling along the shared path should be provided

with a safe, priority route direct to the station and that priority should be given to people crossing the road at the junction of Hollis Lane and the A632.

In response to the speaker, the planning officer stated that sustained transport was a priority and there was nothing to indicate buses would not use the route in the future.

Mr Seymour as the Principal Transportation Strategy Manager, then spoke on behalf of the County Council as the applicant. He recognised the previous speaker's concerns and confirmed that the project would allow for bus routes, in due course, between the site and the Town Centre. There was work still to be done around the Chesterfield Station Masterplan which would be led by the district council, following which there would be further availability of resources.

Alan Morley as the Strategic Planning Manager of Chesterfield Borough Council then spoke on its behalf. He confirmed its support for Phase 1 of the scheme as proposed under the application (subject to certain conditions). It was in keeping with successive local plans.

A supporting letter from the chair of Chesterfield and Staveley HS2 Delivery Board had been circulated to members at the meeting, which referred to Phase 1 as offering considerable benefits to the transport infrastructure in and around the station, and being an important step in delivering the comprehensive regeneration of the area covered by the emerging Chesterfield Station Masterplan. .

Councillor Mihaly questioned whether there was evidence to give empirical support to the claim that the proposal under the application would alleviate traffic at St Mary's Gate. The planning officer who was invited to respond explained that, without having such evidence directly, reliance could be placed on the expert opinion in this respect which had been received from the Council as highway authority. The formation of a second route towards the station as was proposed under the application was therefore in itself predicted to help to alleviate traffic congestion around St Mary's Gate.

Members expressed concerns as to whether the construction of the phase 1 road in isolation would allow bus services to operate over it. It was then proposed that an additional provision should be provided under conditions to a grant of permission to require the submission to the Council as Planning Authority for approval before commencement of a detailed highway design to ensure that the length of road to be constructed under the development would be capable of accommodating regular use by bus services, and compliance with that design.

RESOLVED that planning permission be granted subject to the conditions set out in the Report to Committee (or conditions to substantially similar effect) and the inclusion of an additional condition to require the submission to the Council as Planning Authority for approval before commencement of a detailed highway design to ensure that the length of road to be constructed under the development would be capable of accommodating regular use by bus services, and compliance with that design.

79/19 PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.162 (PART) – PARISH OF BELPER The report of the Executive Director sought authority for the Director of Legal Services to make a Public Path Diversion Order for the permanent diversion of part of Public Footpath No.162 in the Parish of Belper, in the interests of a landowner, Belper Rugby Union Football Club (under a long term lease from the Council).

. The report explained that the Club was growing and had a shortfall in capacity for changing facilities, so it intended to renovate an old pavilion near the footpath. It had concerns about the security of this building and the wider premises, particularly with regard to safeguarding the large numbers of young people who frequented the site. There had been a history of vandalism, theft and dog fouling on the Club's wider premises which led to the Club installing security fencing with locked gates across the footpath. The Club had found that these security measures had been effective in reducing such crime on the site. However, the fencing and gates obstructed the footpath. They were installed before the footpath was officially recorded in 2018 by the confirmation of a Definitive Map Modification Order which added Public Footpath No.162 to the Definitive Map and Statement. To ensure that the Club could maintain the security of the site, it was proposed to divert the public footpath.

As was described in the report with reference to an attached plan, the proposal was to divert approximately 58 metres of the existing footpath to the front of the old pavilion onto a route to the rear of the old pavilion, but still in the wider premises, approximately 73 metres long, with a surface of rolled stone and a recorded width of 2 metres, except at a point near the building where it narrowed to 1.5 metres. . The footpath was in the Derwent Valley Mills World Heritage Site, along with much of the river corridor between Cromford and Derby. It contributed to the value of the World Heritage Site because its route formed had part of the access drive to Bridgehill House (a demolished former Strutt residence). The proposed diversion would take the footpath off the line of the drive for a short distance before re-joining it.

Informal consultations on the proposal had been carried out. The Local Member, Councillor Chris Short, Belper Town Council, and Amber Valley Borough Council, had not objected to the proposal.

Two objections to the proposal had been received from members of the public which were detailed in the Executive Director's report with his comments in response.

RESOLVED (1) that The Director of Legal Services be authorised to make an order under Section 119 of the Highways Act 1980 for the permanent diversion of part of Public Footpath No. 162 in the Parish of Belper in the interests of the landowner, as outlined in the Executive Director's report; and

(2) that should objections be received to the making of the Order that could not be resolved then the matter be forwarded to the Secretary of State for determination.

80/19 OUTSTANDING APPLICATIONS RESOLVED to receive the list on decisions outstanding on 16 December 2019 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 6 January 2020.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, A Griffiths, L Grooby, R Iliffe, R Mihaly, P Smith and B Wright.

Apologies for absence were received on behalf of Councillors D Charles and R A Parkinson.

01/20 DECLARATIONS OF INTEREST There were no declarations of interest

02/20 SECTION 73 APPLICATION SEEKING PERMISSION FOR DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 1 OF PLANNING PERMISSION CW1/0212/168, TO EXTEND THE DURATION OF THE DEVELOPMENT AT HEATHFIELD NOOK ROAD, HARPUR HILL, BUXTON SK17 9PW APPLICANT: MR WRIGHT CODE NO: CW1/0319/104

The Executive Director reported that this application related to previously granted planning permissions for the infilling of land with waste materials at Heathfield Nook Road, Harpur Hill Buxton. The development had been partly carried out but should have been completed by 4 July 2018. The application was seeking permission to extend the duration of the period allowed for development for a further two years to enable the applicant to complete the development in that time. The site forms part of a wider field parcel which was currently in agricultural use. The site was not situated within a Conservation Area (CA) and the development did not impact upon the settings of any listed buildings. The adjoining land was currently being developed as part of a housing scheme and would potentially be impacted by the proposed. However, the impacts were not considered to be significant and would be for a temporary period.

Details of the application together with comments received from consultees and following publicity were given in the report of the Executive Director Economy, Transport and Environment.

An objection had been made by Network Rail in relation to site drainage. However, the Executive Director was satisfied that the site drainage system

was adequate and would not have a significant impact on the Network Rail's railway land or warrant refusal of the application.

He did, however, believe technical drainage details needed to be submitted along with a management and maintenance plan to ensure that the French drain was maintained properly to avoid any impact on the railway. The recommendation therefore included a recommended condition to require this.

The Executive Director having regard to all of the relevant considerations referred to in the report, had formed the opinion that the extension to the duration of the development was acceptable. It would be beneficial to have the site restored and functioning as agricultural land. The completion of the development would not, in his opinion, generate significant amounts of traffic or pollution and related nuisances. Having taken into account the objection and comments made by Network Rail, subject to the recommended conditions, he was satisfied that the proposal would accord with the DDWLP and the adopted HPLP, and it was recommended for approval.

Councillor Grooby pointed out that whilst a latest date for completion of 6 January 2021 was projected in the report and indicated in one of the conditions set out in the recommendation, this would only allow about a year rather than 2 years. The Head of Planning confirmed that the report should have specified a latest date of 6 January 2022, to provide up to two years from the grant of a new permission for the completion of the remaining development, including restoration.

RESOLVED that planning permission be granted subject to the conditions set out in the report to the committee on the application by the Head of Planning, except for an amendment to change the latest date in the condition for duration of the completion of the development to 6 January 2022.

03/20 CONSOLIDATION OF EXISTING PLANNING PERMISSIONS, ERECTION OF NEW CANOPY BUILDING (TO ENCLOSE EXISTING STORAGE OPERATIONS) AND MODULAR WEIGHBRIDGE OFFICE BUILDING, AMENDMENT TO SITE BOUNDARY TREATMENT, RATIFICATION OF THE DEVELOPMENT BOUNDARY AND INSTALLATION OF BIOMASS BOILER AND DRYING FACILITY (PARTIALLY IN RETROSPECT), THE OLD IRONWORKS, CROMPTON ROAD, ILKESTON APPLICANT: STANTON RECYCLING LTD CODE NO: CW8/0819/41

The Executive Director reported that this matter concerned a partly retrospective application for a planning permission for development that would provide for a new canopy structure for the storage of waste at the applicant's premises at Crompton Road, Ilkeston Adjacent to the Erewash Canal; the extension of a concrete retaining wall; the waste activities in the area of the applicant's premises which forms the application site (and which

are currently regulated by a number of existing planning permissions) being brought under the control of a new overall permission subject to a single set of conditions (referred to as 'consolidation'); a consolidated site boundary that would be extended so as to include further areas of the premises which are also currently used for waste activities; the retention of a biomass boiler to be fed with waste wood including ancillary wood drying equipment and a heat exchanger; and) the retention of a modular office building.

Details of the application together with comments received from consultees and following publicity were given in the report of the Executive Director Economy, Transport and Environment.

In conclusion, the Executive Director considered that the proposed consolidation of the existing planning permission conditions, the ratification of the site boundary to regularise areas of the site which were currently used for waste activities, the proposed new canopy structure, the retention of a biomass boiler and associated drying skips and heat exchanger, the extension of a concrete retaining wall and retention of a modular office building is acceptable in this established industrial setting.

He had considered the objection raised by Trowell Parish Council in respect of lorries using Corporation Street and driving through the village of Trowell. HGV routeing in accordance with the details submitted with this planning application would generally avoid this. The County Council as Highway Authority had raised no objection in respect of the application and stated that the proposed development under conditions was unlikely to increase traffic generation. He considered that the issue of adherence by HGV drivers to the routeing would be resolved sufficiently and reasonably by including a suitable condition.

Therefore, subject to conditions, he did not consider that the development covered by the application conflicted with national or local planning policies. He did not consider that there were any material considerations which rendered the development unacceptable for a grant of permission as sought by the application, subject to appropriate conditions. It was therefore recommended for approval, subject to conditions.

Councillor Smith suggested requiring a sign to be provided at the site entrance that would remind HGV drivers on leaving the site to adhere to the routeing. The Head of Planning, on being invited by the Chair to respond, indicated that this could become a useful and reasonable additional requirement within a condition, which he would be able to support.

RESOLVED that planning permission be granted subject to the conditions set out in the Executive Director's report except for an amendment

to add to the condition regarding HGVs (numbered 31 as a draft condition) a requirement for the developer to erect at the site entrance and then maintain a sign to remind drivers of HGVs the highway route from the site they had to take.

04/20 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

05/20 **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

06/20 **MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** Consideration of this item was deferred to the next meeting.

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Agenda Item No. 4.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

3 February 2020

Report of the Executive Director – Economy, Transport and Environment

- 1 PROPOSED ERECTION OF 40 BED CARE HOME, 66 EXTRA CARE APARTMENTS, 18 EXTRA CARE BUNGALOWS, PUBLIC CAFE/RESTAURANT, PUBLIC HAIR SALON AND REINSTATEMENT AND IMPROVEMENT OF EXISTING GRASS SPORTS PITCH TO PROVIDE ADDITIONAL AMENITIES FOR THE LOCAL COMMUNITY AT THE FORMER ORMISTON ACADEMY AND PLAYING FIELDS, BENNERLEY AVENUE, COTMANHAY, ILKESTON
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD8/0719/29**

8.223.19

Introduction Summary The proposal is submitted as an application for planning permission for the development of an extra care complex, which would consist of a 40 bed care home, 66 extra care apartments, ancillary businesses and associated parking, 18 extra care (over 55's) bungalows and an improved sports pitch with additional parking provision. The development is proposed on the site of the former Ormiston Academy School grounds. The site is not situated in a Conservation Area (CA) or in the setting of any listed buildings or a Neighbourhood Plan Area (NPA). The proposed site borders the Erewash Canal which is a Local Wildlife Site (LWS).

The proposed development is considered to be of good design and situated in a location which is in need of regeneration. It is not considered that the development would result in any significant impacts on the environment or the amenity of the area, subject to appropriate controls. The applicant has demonstrated how there is a need for the development to take place, relating to the closure of an existing facility nearby.

An objection has been raised by Sport England regarding the loss of playing field space. It considers the proposal to be contrary to its Playing Field Policy. Sport England does not believe the development and off-site contribution would deliver sufficient tangible sports benefits in the area to offset the playing field loss associated with the development. Following publicity, a representation concerning a business has been received which is also in objection, and which refers to concerns relating to the development's impact on highway capacity and noise concerns. These factors have been taken into consideration in the planning balance when assessing the planning merits of

this proposal. I am satisfied that these concerns can be addressed by planning conditions. A legal agreement is also recommended to secure an off-site contribution in compensation for the loss of playing field.

The proposal is considered to be contrary to Sport England's Playing Fields Policy and Guidance, and does not fully accord policies of the development plan and the National Planning Policy Framework (NPPF). However, there is a need for the development in order to meet the demand for extra care accommodation in the area. I have therefore recommended that the application is authorised for a grant of permission with conditions subject to firstly consulting the Secretary of State for Communities and Local Government (as required by the Town and Country Planning (Consultation) (England) Direction 2009) on the basis that the Council is minded to grant planning permission for the development, subject to the recommended conditions and a legal agreement.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** The site is located off Bennerley Avenue, Cotmanhay, Ilkeston, on the former Ormiston Academy School site. The site is approximately 3.6 hectare (ha) of which 2.54ha is green space and playing field land. Two existing Severn Trent easements run from the north of the site to the south. The majority of the school site was cleared, when the Ormiston Ilkeston Enterprise Academy and Bennerley School consolidated onto a single site on King George Avenue in 2013. Two former school buildings remain on site to the east of the dwellings along Vernon Street and Bennerley Avenue. These buildings are owned and operated by Amber Valley Borough Council and Erewash Borough Council, for the Pupil Support Unit and Alternative Provision Team.

The majority of the northern part of the site is made of hardstanding and rubble mounds. A large amount of the green open space on the site was formerly used as the school playing field. A pair of football goal posts still stand which shows where the school football pitch was once situated. Adjacent to the dwellings along Bennerley Avenue, to the rear of the dwellings along Richmond Avenue, are red brick boundary walls with stone coping stones and cranked palisade fencing with a galvanised grey finish. The red brick walls vary in height as the site slopes east to west. Along the perimeter of the rest of the school site is 2.4m high galvanised palisade fencing. Bennerley Avenue is lined with mature trees which run along both sides of the road.

The Erewash Canal runs along the eastern boundary of the school site. The Canal is navigable and is a LWS (Site Reference No. ER215). Adjacent to the site's eastern boundary is the Erewash Green Belt boundary, a Public Right of

Way (PRoW) and the Harvey Hadden and the Erewash Valley cycle route. The PRoW (Ilkeston Footpath E6/81/1) runs along the Erewash Canal and is part of the Erewash Valley Trail.

There are residential properties located directly adjacent to the site, along the north, east and south boundaries. The site is situated within a Development High Risk Coal Mining Area. The site is not located within a Flood Storage Area or a Flood Zone. The site is not situated within a CA or within the setting of any listed buildings or a NPA.

Proposed Development

The development would comprise a 40 bed care home, 66 extra care apartments, 18 extra care bungalows, a public café/restaurant, and a public hair salon, and would also reinstate and improve the existing grass sports pitch (to provide additional amenities for the local community). The residential element of the proposed development would be situated on the previously developed area of the site where the former school buildings were located, which have now been demolished. The care complex and parking facilities are proposed to be located on part of the playing field land, which was once associated with the former school. The site is owned and operated by Derbyshire County Council (DCC), however, the Council intends to carry out the proposed development in partnership with third parties, including the non-profit Housing 21. This partnership enables DCC to provide a 40 bed care home on site as part of the overall proposal.

The galvanised palisade fencing along the eastern boundary of the site, along the Erewash Canal, would be replaced as part of the proposed works. The fence would be replaced with 2.4m high weldmesh palisade fencing and would be finished in black. To enable the development, a small number of trees are proposed to be removed from the site. Replacement tree planting would be provided along Bennerley Avenue and across the site. In addition to this, a native buffer zone of planting and wooded meadow is proposed between the Erewash Canal and the main building to create an attractive landscaped area for the residents. External green gym equipment is also proposed for use by the residents. Within the buffer zone area and adjacent to the Canal would be an enclosed amphibian pond. To the north-east of the site an allotment area would be created that could be used by residents. The avenue of trees along Bennerley Avenue would be extended into the site, to create a sense of arrival to the 'community hub'.

The proposed main entrance area in the main building would contain a public café. The building entrance would also have an external terrace, which would be detached from the existing courtyards and would contain water features. The main entrance would be connected to the DCC wing and extra care apartments building by glazed links.

The buildings in the complex would be constructed using red brickwork and would have Polyester Powder Coated Aluminium (PPC) windows and doors. The brick work would be broken up by using a recessed brick band and bronze and opaque spandrel panels. The eastern elevation of the main building would have curtain glazing and brick work features. The application states that the buildings have been designed to maximise the use of natural light.

The complex would primarily have a tiled roof, the DCC care wings would have red clay roof tiles, while the buildings in the extra care part of the complex would have grey slate roofs. The roof of the main entrance and shared area would consist of TECU 'Bronze Metal' shingle roofing and a green roof. The extra care apartment's south elevation roof space would contain photovoltaic panels.

The bungalows would be split into three blocks, each with a central courtyard area, to be used for parking. Each courtyard would utilise the existing platform levels remnant from the former school building blocks. The site of the proposed bungalows would retain the existing level changes, which include two 1.5m level drops. The proposed orientation of the bungalows has been amended so as to show gable ends fronting onto Bennerley Avenue, in reference to the old school buildings. This also improves the natural surveillance to the primary elevations of the buildings and maximises on the number of bungalows on the site, whilst not restricting access.

The proposed bungalows would also be constructed using red brick with feature brickwork on the primary and rear elevations. The bungalows would have PPC windows and doors with an opaque feature porthole on the northern elevations. The application states that both the bungalows and the extra care apartments are all designed with accessibility in mind, and to comply with Lifetime Homes Design Guide 2011.

The existing red brick boundary wall along Bennerley Avenue and along the boundary to the proposed extra care bungalows, would be retained and made good. The brick walls would be improved with new coping stones and piers, and the existing railings would be removed. Sections of the existing brick wall would be removed to create wider entrances to the parking courts off Bennerley Avenue. The new vehicle opening has been designed to the minimum requirement to ensure the correct visibility is achieved and that the safe tracking of emergency/service vehicles is not compromised.

The development proposes 110 car parking spaces, 15 accessible spaces, as well as 18 cycle spaces on the site. The car parking provision at the site would be broken up into separate areas in order to avoid a large expanse of parked cars. This would also aid the split of allocated parking for visitors, staff, and residents.

Due to the topography of the existing site, the proposed development would involve a cut and fill operation to create a suitable development platform. This would involve a total of 9,694.05m³ of material being cut from site and 23,893.61m³ of fill material, providing an overall net fill requirement of 14,199.56m³. In addition to this, 6,300m³ of topsoil would be imported and used across the site. The imported material would be clean uncontaminated material, which the application states would pose no risk of pollution to the Canal.

The bungalows would, however, adopt the levels of the previous building platforms and step alongside the existing Bennerley Avenue. The existing retaining walls around the site would be maintained to achieve this. The main care centre is proposed at around +55m Above Ordnance Datum (AOD) in order to create a level area around the main building. The levels would then drop back to existing levels within the meadow areas.

The development includes the provision of a 55m x 91m grassed junior football pitch on the residual playing field area. The proposed sports pitch would be set at around +58m AOD and would contain gabion retaining walls and a stair access to the east. In addition to this, the perimeter of the sports pitch would have a 3m high sports weldmesh fencing with a 1m high ball stop netting to goal ends. No external lighting is proposed for the football pitch.

The proposal includes lighting bollards to the east and south of the building along the pathway, as well as to the main entrance. Lighting columns are proposed within the car parking areas and along the proposed highway from Bennerley Avenue and Vernon Street. The application states that all external lighting (with the exception of security or safety lighting) would switch off between 23.00 hours and 07.00 hours. In between these hours, the external lighting would be controlled via a daylight photocell.

Consultations

Local Member

Councillor Flatley has been consulted on the application and has made the following comments:

"I am fully supportive of this development including the 40 bed residential care home, the extra care apartments and the bungalows on Bennerley Avenue.

My primary concern however is the proposed highways arrangements. I feel that the extended loop road being proposed between the PRU and the new facility would be better as a one way system through Vernon Street/Bennerley Avenue as those streets currently suffer from limited parking making the road difficult to navigate, something that would be exasperated with construction traffic using those two roads."

Erewash Borough Council - Planning

“Erewash Borough Council Planning Policy team support this development and welcome the diverse mix of proposed housing available on the site. The reasons for supporting the development are outlined below.

- *The proposed development achieves in theory the promotion of healthy and safe communities (NPPF Chapter 8). The proposed development promotes social interaction between people who might not otherwise come into contact with each other through mixed-use development and a strong neighbourhood centre.
The development is also replacing a playing field with an equivalent or better provision in terms of quality in a suitable location on the site (NPPF Chapter 8, paragraph 97c.)*
- *The proposed development will see the creation of high quality buildings and places. A clear design vision has been set out through the Design and Access Statement. The designs proposed will help to raise the standard of design more generally within the area whilst fitting in with the form and layout of the surroundings. These points are all set out in Paragraph 12, Achieving Well Designed Places, in the NPPF.*

Erewash Core Strategy 2014

- *Policy 7 – Regeneration: The proposed development is encouraging high quality housing and mixed residential neighbourhoods with access to a range of local facilities. It also provides open spaces to meet the needs of the existing, as well as new members of the community.*
- *Policy 8 – Housing size, Mix and Choice: consideration has been given as to the needs and demands of the elderly as part of the overall housing mix.*
- *Policy 10 – Design and Enhancing Local Identity: the proposed development would create an attractive, safe, inclusive and healthy environment for residents. It is welcomed that the development would demonstrate good quality design, hopefully acting as a catalyst for enhanced design in nearby locations across North Ilkeston.*
- *Policy 14 – Managing Travel Demand: The location of the proposed development is accessible by local transport routes with regular bus services passing within a short walk. Appropriate amounts of car parking spaces are provided throughout the site.*
- *Policy 17 – Biodiversity: A buffer zone has been proposed to protect and reinforce the Erewash Canal which runs to the east of the application site.*

Erewash Borough Local Plan Saved Policies 2005 (Amended 2014)

- *Policy H1 – Urban Consolidation: The proposed site is within the urban framework of Ilkeston. The proposed development will redevelop currently underused land in a wider urban setting and provide much-needed housing in Ilkeston.*

Other Comments

The proposed development site appears in Erewash Borough Council's 2019 Strategic Housing Land Availability Assessment in which it is judged to be deliverable within 0-5 years. The site was included after discussions with colleagues in the County Council's Estates Department."

Note: Erewash Borough Council (EBC) has explained that the Strategic Housing Land Availability Assessment (SHLAA) has not yet been published. However, the site assessment makes reference to the site being suitable to deliver 84 units.

Erewash Borough Council - Environmental Health Officer

The Environmental Health Officer (EHO) raises no objection to the application but advised the following:

"In order to minimise noise disturbance to the occupiers of adjacent residential property construction work and deliveries to the site should only be permitted between the following hours:

*7.30am and 6.00pm, Monday to Friday,
8.00am and 1.00pm Saturday, and
no work on Sundays, Bank and Public Holidays*

Any external lighting should be so designed and installed so that it does not cause nuisance to the occupiers of nearby residential properties.

The Environmental Noise Impact Assessment by Impact Acoustics (ref IMP 5716-1) provided in support of the application recommends maximum plant noise level criteria, minimum construction attenuation values and gives an assessment of the noise level for outdoor living areas based on the specific design layout. Deviations from these recommendations and the design layout used could affect the findings of the Noise Impact report and should be referred back to a suitably qualified person to confirm that there will be no detrimental effect from such deviations. Details of such changes and their effects should be notified to the local planning authority in the form of a report for prior approval.

The Noise Impact Assessment was formulated without prior knowledge of the type of plant to be installed. The applicant should provide a detailed specification of the plant to be installed and confirmation that this will comply with the maximum plant noise level criteria detailed in the Noise Impact Assessment to the Planning Authority for prior approval.

The proposal indicates that the sports pitch will be relocated so that it will be closer to existing residential properties and it is implied that access to the "general community" will be improved compared with the existing pitch which

can only be accessed through a community group. I am concerned that the repositioning of the pitch may detrimentally affect the amenity of those residents who live closer to it by virtue of noise and anti –social behaviour. It is difficult to envisage how these aspects can be controlled if access to the pitch is to be open.

Contaminated Land

A Phase 1 desk study has been submitted to support the application. Potential pollutant linkages have been identified within the initial conceptual model in the desk study report and therefore recommendations have been made by the consultant for a Phase 2 intrusive investigation. Based on the findings of the Phase 1 desk study Erewash Borough Council are in agreement with these recommendations. It is also noted that a large scale cut and fill exercise will be undertaken as part of the proposed development, it is possible that a materials management plan will be required for the movement of soils.”

Therefore, the EHO has suggested a number of conditions to address the matter raised above.

Environment Agency

No objection to the proposal subject to the inclusion of conditions regarding contamination and drainage systems for infiltration of surface water to the ground.

Coal Authority

No objections are raised in respect of this proposal, subject to the County Planning Authority imposing a grampian condition for the undertaking of a scheme of intrusive site investigations and the submission of a report detailing the findings, any remedial works and or mitigation measures considered necessary and then the implementation of the identified remedial works and mitigation measures. The Coal Authority also states, prior to the intrusive site investigation works beginning on site, the boreholes will require written consent from their Licensing and Permitting Department due to the nature, depth and distribution of the boreholes.

Lead Local Flood Authority

No objection subject to conditions been imposed requiring the submission of details indicating how additional surface water run-off from the site will be avoided during the construction phase, as well as a detailed design and associated management and maintenance plan of the surface water drainage for the site.

Sport England

Sport England provided the following comments:

“Having reviewed the information provided, the two main elements of relevance in terms of sports provision are a proposed off-site contribution towards changing facility improvements at Manners Avenue Playing Field (Abbotsford), and a regraded/improved on-site natural turf pitch on the residual playing field at the application site, with accompanying community use commitment.

Although the off-site contribution is acknowledged as being supplementary to the sports proposals initially presented in the application, and to represent some potential additional sports benefit, having undertaken further consultation and engagement with the Football Foundation and Derbyshire County FA on the revised scheme, and given careful consideration to the latest proposals and mitigation measures being advanced, it is not judged that the benefits of the revised application would deliver sufficient tangible sports benefits in the area to offset the playing field loss associated with the development.

*In the light of this, Sport England maintains its **objection** to the application.*

However, should, on the balance of planning considerations, the Council nevertheless be minded to approve the application, then alongside the proposed unilateral undertaking for off-site sport investment at Manners Avenue (Abbotsford), planning conditions would also need to be imposed to require further details of the specification for the remodelled on-site sports pitch to ensure it would be fit for purpose and represent a genuine qualitative enhancement, as well as more details of the community access and management arrangements.”

Cadent Gas Limited

No objection raised subject to the inclusion of an informative note for the applicant if the application is approved.

Severn Trent Water Limited

Severn Trent was consulted on this application.

Canal and Rivers Trust

No objection subject to conditions requiring the submission of a method statement for any remediation and construction operations near the Canal, as well as a Construction Environmental Management Plan (CEMP) and details regarding the disposal of surface water to Erewash Canal.

Highway Authority

No objections have been raised but the Highway Authority has noted that the current information and plans demonstrate that the new roads within the site do not meet adoptable standards.

Publicity

The application has been advertised by site notices and a press notice in the Ilkeston Advertiser, with a request for four representations have been received providing comments on the proposal, one of which raises an objection. The main points raised are summarised below:

Representation 1 (on behalf of Sustrans Ltd)

“There are aspirations to create a walking and cycling bridge crossing over the Erewash canal to provide a link from Cotmanhay to Bennerley Viaduct. The preferred option for the location of this bridge would be a crossing following the orientation of the viaduct and western embankment. This would cross the canal from the end of the existing western embankment and land on the public open space to the south-east of the proposed Bennerley Avenue Care Centre development.

On this open space west of the canal ramped earthworks and path works would be required to connect to the proposed bridge. The attached drawing shows illustrative proposals that were developed for a 2017 Heritage Lottery Fund application and which shows the indicative location of this bridge crossing.

We want to ensure that the proposed Bennerley Avenue Care Centre development takes account of these aspirations and does not prevent them for taking place in the future – subject to permissions and sufficient funding being secured.”

Representation 2 (Individual Respondent)

The respondent expresses general support for the purpose of the development, but raises concerns about the following:

- Parking and access for the site. Parking on Bennerley Avenue (and it is assumed on Vernon Street as well) is very limited, and always busy. The road is often heavily parked, with vehicles on both sides of the road which makes it quite a challenge to get a car on and off the drive safely.
- Parking on double yellow lines and in front of the old gates that the plans intend to reopen for access to the bungalows, and cars would continue to park opposite them. It is not understood how refuse lorries would be able to turn in the space as per the plans, or indeed for anyone to be able to easily access the new bungalows.
- Emergency vehicles would struggle to gain access without damaging vehicles parked on the street.
- The mixture of a one way and two way system would not function well - it might perhaps be more effective for Bennerley Avenue and Vernon Street to also be one way only, unless the intention was to limit vehicles passing through the new site.

- A permit scheme for residents of Bennerley Avenue and Vernon Street (if possible) might make the on-street parking situation more manageable.

The respondent also commented that *“it is brilliant that the site will be developed and used for such a great community purpose, but due to the position of the space and its limited access, we're not sure that the current plans really take this into account properly.”*

Representation 3 (concerning a local business)

The respondent objected to the proposal, raising the following points of concern:

- The proximity of the bungalows to the business as potential receptors of noise from the business operations.
- The amount of traffic accessing and egressing from the site.
- Bennerley Avenue being too narrow to accommodate large vehicles, mainly due to the amount of vehicles which are parked on both sides of the road.
- The number of vehicles associated with the operation of the business and its customers, which have to enter and leave its premises.
- The respondent recalls a meeting which helped explain that a one way system was to be incorporated to help traffic flow, but is unable to identify evidence of this within the application.
- The respondent would have no objection to the main building if the access problem was resolved but would still object to the bungalows.

Representation 4 (Individual Respondent)

The respondent states:

“My main concern is the provision, if any, of transport from the site. I know it does not seem far to Cotmanhay Road for bus stops but the incline up Bennerley Avenue will not be easy for the elderly. Perhaps a bus could be re-routed there or else some type of Connect shopping service and this would obviously need for the provision of double yellow lines down the left hand side of Bennerley Avenue to ensure access.”

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the Adopted Erewash Core Strategy (2014) (ECS) and those policies from the Erewash Borough Local Plan 2005 (EBLP) which have remained saved policies following the adoption of the ECS in 2014. The National Planning Policy Framework (NPPF) (2019), Ministry of Housing,

Communities and Local Government (MHCLG): National Design Guide (September 2019) and the associated Planning Practice Guidance (PPG), Erewash Green Space Strategy (GSS) (2000's), Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System (2005), The Professional Practice Guidance (ProPG) on Planning and Noise for New Residential Development (2017) are also material considerations. Sport England's Planning Policy Statement – A Sporting Future for the Playing Fields of England and Playing Fields Policy and Guidance, as amended (August 2018) is also of relevance to this proposal.

The main relevant development plan policies that must be taken into account when considering this proposal are listed below:

Adopted Erewash Core Strategy (2014) Policies

A: Presumption in Favour of Sustainable Development.

1: Climate Change.

6: The Role of Town and Local Centres.

7: Regeneration.

8: Housing Size, Mix and Choice.

10: Design and Enhancing Local Identity.

13: Culture, Sport and Tourism.

14: Managing Travel Demand.

16: Green Infrastructure, Parks and Open Space.

17: Biodiversity.

Saved Policies from the Erewash Borough Local Plan 2005

H1: Urban Consolidation.

H12: Quality and Design.

E6: Mixed Use.

T2: Parking.

T7: Pedestrians and Disabled People.

T9: Travel Plans.

S6: Local Shopping Facilities.

S10: Advertisements.

EV11: Protected Species and Threatened Species.

EV14: Protection of Trees and Hedgerows.

EV16: Landscape Character.

R3: Cycle Parking.

R5: Public Open Space, Sports Facilities and Allotments.

DC7: Development and Flood Risk.

The most relevant paragraphs from the NPPF for this proposal are:

11: The presumption in favour of sustainable development.

43-48: Decision-making.

54-56: Planning conditions.

64b: Delivering a sufficient supply of homes.

80, 82: Building a strong, competitive economy.
 91, 92, 95, 97: Promoting healthy and safe communities.
 103, 108-111: Promoting sustainable transport.
 117,118,121-122: Making effective use of land.
 24 -127, 131: Achieving well designed spaces.
 148, 150, 151, 156, 163, 165: Meeting the challenge of climate change, flooding and coastal change.
 170,174,175,178-183: Conserving and enhancing the natural environment.

The key planning considerations for this development are:

- Need for the development.
- Housing supply.
- Playing field and open space.
- Design and visual Impact.
- Ecological impacts.
- Landscape impacts.
- Noise impacts.
- Highway safety and traffic impacts.

Need for the Development

The supporting information accompanying this application sets out a justification for the development. The proposed scheme originated as a proposal for replacement of the accommodation provided by for the nearby Hazelwood Care Home, which is facing closure, and is located approximately 560m north of the proposed site. The Hazelwood Care Home is a 30 bed specialist residential care facility. The scheme would be able to re-home the existing Hazelwood residents. The applicant states that *“The population of Ilkeston as a whole is statistically older than the national average. In response to this, good quality housing provision for the elderly is highly important for the long term sustainability of the community.”* The 40 bed care centre would also ensure there is future provision at the facility for the local community. The provision of the extra care and specialist care facility would provide care accommodation for up to 142 residents.

Paragraph 64 of the NPPF states *“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development: ... (b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students)”*.

It is the applicant’s intention that the integrated scheme, incorporating extra care accommodation and elements for community use, would help create a

community hub *“with quality residential units and public space.”* Taking this into consideration and the above statement regarding population, the applicant believes that the proposal *“contributes to this local need by providing a range of supportive and well serviced dwellings at the heart of a new community hub.”* In addition to this, *“the Extra Care dwellings are proposed to have a mixed tenure with options for affordable rent and for shared ownership, providing affordable housing and reflecting the local need for this type of property.”*

It is also stated in the Design and Access Statement accompanying the application that *“The proposed sports pitch provides facilities for community use which replaces the existing football pitch within the former Ormiston Academy Playing Fields. The new pitch provides high quality amenity space which is a much improved and more easily accessible facility than the former pitch. This facility also promotes intergenerational activities on the site supporting the concept of the site as a community hub.”*

Paragraph 118 (c) of the NPPF states that planning decisions should *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.”*

It is evident that the area of site, which contained the school buildings, is in need of regeneration due to its dilapidated state.

The proposal demonstrates that there is a need for the development to take place in order to accommodate the existing occupants of the Hazelwood Care Home and to provide future care provision in the area. The development would meet the needs of the wider community through the provision of extra care facilities, ‘over 55’ housing and sports provision. Therefore, I am satisfied that there is a justified need for the proposed development and that it accords with the NPPF in this respect.

Housing

The provision of extra care ‘over 55’ bungalows and extra care apartments would provide a mix of housing which would potentially have a wider benefit on the area and potentially for Ilkeston, as it would enable people aged over 55 or those with extra care needs to move into suitable accommodation.

Paragraphs 3.9.1 to 3.9.4 of the ECS identify that it is important to have a ‘right’ mix of the housing across the plan area. *“Older persons research indicates that a majority of the elderly population interviewed would wish to remain in housing that they currently occupy for as long as possible. Respondents to surveys have also indicated that if they had to move to properties in the future their aspirations tend to be for two bedroom*

bungalows, although some would consider houses or flats” ... “Because of the preference of elderly residents to remain in their family homes, this housing is not becoming available for new families, as evidenced by the high degree of under-occupation found by the 2001 census.”

The proposed provision would encourage the over 55s to relocate to the accommodation provided at the site and would help meet local need and demand for ‘over 55’ properties. Consequently, it should be beneficial to the housing market around Ilkeston, by creating opportunities for more family dwellings to become available.

The proposal would contribute to housing mix and help meet both local needs and demands for ‘over 55’ housing. Therefore, I consider the proposed development complies with policies 1, 7, 8, 10 of the ECS, saved policies H1 and H2 of the EBLP and the NPPF.

Playing Field and Open Space

There is a large area of open green space on the site which was formerly used as school playing fields. However, it is not identified in the existing Erewash GSS or on the Erewash Policies Map (2014). The applicant states that the existing sports pitches are of poor quality due to its uneven surfaces and ground water problems. The playing field has largely been unused since 2011 after the closure of the school, although it has sometimes been available to facilitate community events, as well as organised and unofficial sporting events. It is understood that the former school buildings were demolished in 2016 and that the grounds have, since that time, largely been vacant, although the playing field has recently been used by a community group for sporting activities.

EBC has been consulted on the status of the Erewash GSS. EBC has advised that the Strategy is extremely dated and has not been used to inform the drafting of new policies or decisions on planning applications for some while. It was the intention of EBC to update this document but it was not completed and, therefore, left the Council with an advanced but unadopted draft of a Play Strategy. Therefore, little weight can be attributed to the guidance within this document when assessing this development. The most appropriate guidance is considered to be contained within the NPPF at Paragraph 97 and the ECS Policy 16 (4).

The NPPF at Paragraph 97 advises that playing fields should not be built on unless:

“a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

ECS Policy 16 (4) states that *“Parks and Open Space should be protected from development and deficiencies should be addressed in Local Development Documents. Exceptions may be made if the park or open space is shown to be underused or undervalued, the development is a small part of the Green Infrastructure network and will not be detrimental to its function, or the development is a use associated with parks and open spaces. Alternative scheme designs that have no or little impact should be considered before mitigation is provided (either onsite or off site or through contributions as appropriate). Where parks or open spaces are under used or undervalued, the reasons for this should be explored and where possible addressed prior to alternative uses being permitted.”*

Saved Policy R5 of the EBLP states that *“Applications for the redevelopment or change of use of public open space, sports facilities or allotments will only be permitted where:*

- 1. it is demonstrated that there is no longer a continuing need for the space or facilities on recreation or amenity grounds;*
- 2. a suitable alternative is made available of equivalent or greater quality and quantity and at least as well located in terms of meeting local needs; or*
- 3. it is for a recreation or amenity purpose that clearly outweighs the loss of the facility or space concerned.”*

Sport England's Policy, as set out in Sport England's Planning Policy Statement – A Sporting Future for the Playing Fields of England, seeks to protect all areas of existing playing fields. It is Sport England's policy to oppose any planning application which will result in the loss of playing field land, or prejudice the use of all or part of a playing field unless it is satisfied that the application meets with one or more of five specific exceptions. The substance of these exceptions are incorporated within Paragraph 97 of the NPPF.

The proposed development would result in the loss of the majority of the playing field at the site. Part of the playing field (in the south-western part of the site) would be retained to accommodate a natural turf playing field for football and/or other sports use. The development would provide an improved sports pitch which would have a high quality grass surface, with increased levels of accessibility and parking that could be used by the local community. Approximately, two thirds of the existing playing field at the site would, however, be lost as a result of the proposed new built development.

The applicant engaged in early discussions with Sport England in an effort to find a site for off-site investment that could help mitigate the loss of playing field. The applicant has identified a site at Abbotsford Community Centre which requires improvement to its changing facilities which are used by local sports clubs and teams. The applicant has proposed that a sum of £40,000 be made available to undertake these works with the assistance of EBC who own the community centre site. It is envisaged that any grant of permission would be proceeded by the completion of a section 106 obligation, which would commit the Council as the application site owner to the provision of this financial assistance (as provided for in the Officer Recommendation below).

Sport England has been consulted on the application and the proposals put forward by the applicant to offset the loss of playing field land at Abbotsford Community Centre. However, Sport England has maintained its objection to the loss of this playing field land. Its view is that the off-site contributions put forward in the application, to compensate for the loss of playing field land, would not deliver tangible sports benefits in the area sufficient to offset the playing field loss associated with the development.

The existing site has remained underused for a significant period of time and currently only the existing sports pitch is in use, by a single community group. The access for the community group is a recent development, and the site currently remains inaccessible to the wider community. The proposal would have benefits in that it would make the site available to the wider local community, extending the range and choice of sporting facilities available to the local community. It would also provide a pitch of a higher quality to those currently on site. The proposals for off-site contribution would supplement the proposed sports facilities on the application site and would provide some additional benefits to sport.

There are policy tensions for this proposal, in terms of the loss of playing field land, however, I am of the view that the need to provide the care facility and extra care accommodation in the area would outweigh the impact of the loss of playing field land. I do not find the development to be wholly unacceptable in this location. The development would depart from the aims of the policies set out above, however, for the reasons set out above, I do not consider this to be so significant such as to justify the refusal of the application, taking into account the proposed contribution of £40,000 towards off-site facilities that would be secured through a legal obligation as referred to above.

Design and Visual Impact

The applicant has considered various layouts, positions and scales for the development which is detailed in the application. The applicant considers that the most suitable design and layout has been chosen. The applicant held public exhibitions and carried out engagement with local community groups which has influenced the overall scheme design.

The site is overlooked by a number of residential properties which are predominately two storey in height and located along Richmond Avenue, Nelson Street, Fisher Court, Hawkins Court and Rodney Way. The proposed main entrance/shared area and extra care building are considered to be key vistas of the site and would be highly visible from the two access roads. The entrance and care home are proposed to be two storey in height, the extra care accommodation would be three storey. The scale of the building reflects its location, the care home building has been designed to correspond with the residential aspect of the project. The three storey extra care section of the building would be set back from the entrance wing; the design is simple with residentially scaled openings to break up the mass of the building along its frontage.

EBC, in its consultation response, commented on the high quality building design and welcomed that the development would demonstrate good quality design, hopefully acting as a catalyst for enhanced design in nearby locations across North Ilkeston in compliance with Policy 10 of the ECS and Chapter 12, Achieving Well Designed Places in the NPPF.

Paragraph 131 of the NPPF states that *“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

This western elevation is the most visually prominent elevation and contains the entrance to the building complex. This elevation would be visible from Bennerley Avenue, Vernon Street and the connecting junctions off Cotmanhay Road. The proposed building is set back away from the main highway and from existing residential properties. The proposal also includes the planting of trees and hedgerows along this elevation, including the extension of the avenue of trees along Bennerley Avenue that would help to partially screening and break up the frontage. The existing pupil referral building, adjacent to the site, would also partially screen the proposed new building complex. Therefore, I do not consider that the development would have a strong or dominant presence on the surrounding built landscape.

Along the east boundary of the site, adjacent to the Erewash Canal, the main building would be set back from the Canal. Green amenity space would be created between the main building complex and the Canal that would consist of hard and soft landscaping, including a native meadow and tree planting. The proposed fencing would be finished in black so it would be recessive and not visually imposing. This combination of soft and hard landscaping would soften the visual impact of the development on users of the Erewash Canal and Footpath Ilkeston E6/81/1. The visual impact upon the potential users of the foot path is considered to be negligible.

The bungalows would be located adjacent to other residential properties and would reflect the local context of the area. The application states that the position of the bungalows was developed in sensitivity to the dwellings along Richmond Road, ensuring privacy to the rear of properties. The layout of the bungalows allow the windows to overlook the road to increase natural surveillance to this side of the street and to encourage a sense of more activity.

The use of the different roof styles, colour and materials help to separate between the uses of the main building complex. The bungalows and the main building complex incorporate similar materials and style into the designs, such as the use of grey slate roof tiles and the redbrick and feature brickwork. The proposed buildings also use similar materials to that of the neighboring properties.

Policy 1 of the ECS requires *“All development proposals will be expected to mitigate and adapt to climate change, and to comply with national targets on reducing carbon emissions and energy use.”*

The supporting information describe the development as incorporating passive designs where possible to reduce the buildings carbon emissions and energy use. This includes windows that have been designed to maximise the use of natural light, as well as ventilation with heat recovery systems and LED lighting to improve energy efficiency. Additionally, the design incorporates solar photovoltaic panels into the roof of the proposed main building.

Policy 1 of the ECS also requires that *“All new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Urban Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible.”* The site lies within Flood Zone 1 where there is a low probability of fluvial flooding occurring. However, the drainage strategy includes discharging surface water into two locations to the two combined sewers which cross the site. Surface water would be able to be stored on the surface of the community pitch in events in excess of the 1 in 30-year event, attenuation tanks are also proposed across the site. The Lead Local Flood Authority (LLFA) has requested further details to be submitted to ensure the development does not increase flood risk and that the principles of sustainable drainage are incorporated. A condition is recommended to require the submission of these details.

I am satisfied that the proposed development would not have strong or dominant presence on the surrounding built landscape and would have a limited visual impact. The residential aspect of this application is considered to be suitably located and within the context of the surrounding area. The location of the main building complex is also considered to be suitably located

and of a good quality design. The development demonstrates a good use of materials, which is consistent with the proposed residential units and the residential properties within the area. Therefore, I am satisfied that the proposed development complies with policies 1 and 10 of the ECS, saved Policy EV14 of the EBLP and the NPPF.

Ecology

The development site borders the Erewash Canal which is a LWS. The proposed development and associated works could potentially have an adverse impact on the designated site. In addition to this, the site has remained vacant since the demolition in 2016, which has left behind areas of rubble and unmanaged vegetation growth which consist of amenity grassland, improved grassland, tall ruderal, ephemeral, dense scrub, spoil heap and scattered trees. The playing field has been maintained since the closure of the school in 2011.

A Phase 1 Ecological Survey of the site has been undertaken and the survey report identifies that there was no evidence of badger activity within or immediately adjacent to the site. However, it is noted that there is suitable habitat within 30m of the application site that was not assessable at the time of the survey. Therefore, an additional walkover badger survey is recommended to determine whether badgers are present within a 30m buffer of the site three months prior to the development commencing.

The survey report also notes that no evidence of amphibians, bats and reptiles were found on site. However, Great Crested Newts (GCNs) were recorded within 300m of the site but on the other side of the Erewash Canal. There is potential habitat on site to support amphibians in the form of improved grassland, tall ruderal, dense scrub and refugia in the rubble and log piles, however, the potential impact on the species has been assessed to be low.

There is a record of common species of bats which include common pipistrelle and an unidentified pipistrelle species in the local area. The report acknowledges that there is low potential on site to support bats within a single scattered willow tree. The tree is proposed to be removed as part of the works and, therefore, it has been assessed that the development could have a low to moderate impact on the species.

Furthermore, the report states that the development could result in a moderate impact upon reptile species. It is noted that no evidence of reptiles has been identified on site, however, the site does have potential to support reptile species and several records of grass snake have been identified within 200m of the site, as well as multiple common lizard records and an adder record over 1km from the site. There is also some limited potential for reptiles to be present within the improved grassland, tall ruderal, refugia piles and grass cutting heaps of the site.

Paragraph 170 of the NPPF states that *“the planning system should contribute to and enhance the natural and local environment’ by minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*

Sufficient survey work has been undertaken to demonstrate likely absence of protected species on site, however, due to the potential of the site to support protected species, further survey work would be required to confirm or discount their presence prior to work commencing on site as a precautionary measure.

The development proposals incorporate a number of ecological mitigation and enhancement measures which includes the retention of a stand-off strip of 10m at the edge of the site for the protection of riparian mammals, and this would help to avoid direct and indirect impacts on reptiles and other species. An area of ‘wildflower grassland’ has been incorporated into the landscaping plan along the site periphery in the vicinity of the Canal, which should provide appropriate terrestrial habitat for reptiles, and for their prey, compensating for the loss of these habitats within the site. To ensure that the wildflower grassland, trees and other forms of planting are appropriately managed, I am recommending a condition to require details of their maintenance and management to be submitted.

The development also includes the creation of a pond adjacent to the Ereshash Canal which would also be of benefit to reptiles and their prey. The pond would also be enclosed by a rubble pile and log piles located along the eastern and south eastern boundary. These features would contribute towards compensating the loss of the reptile habitat as they would act as refugia/hibernacula. I am satisfied that the ecological impacts have been satisfactorily mitigated and compensated for in relation to reptiles. These enhancements included within the proposal demonstrate a net gain for these species, and I consider the development to be acceptable in this respect.

As regards the lighting on site which can potentially impact on species such as bats, the application states that lighting would be directed downwards and that the lighting scheme has been designed to minimise its impact on any sensitive biodiversity feature or protected species. No external lighting has been proposed within the meadow area adjacent to the Canal. It is not considered that the lighting proposed would have a significant impact on bats or on the wider environment.

I do not consider that there would be any significant ecological impacts from this development, subject to the recommended conditions being imposed requiring further ecological survey works to be conducted prior to development starting on site and the identified mitigations and enhancements measures being secured by an appropriate condition. Therefore, I am satisfied that there

are no ecological barriers to the determination of this proposal and that it would accord with Policy 17 of the ECS, saved policies EV10, EV11, EV12 of the EBLP and the NPPF.

Landscape

The applicant has submitted a detailed Landscape Strategy which considers the potential landscape impacts and the visual impacts on the users of the Erewash Canal corridor. This takes into account the visual receptor sensitivity and the magnitude of change from view points along the footpath of the Erewash Canal. It concludes that the view point from north-east (200m) would have a minor adverse impact, (where the proposed scheme would cause a slight deterioration in the existing view) due to the retention of a wooded area on the edge of the Canal and tree cover screening the new building. The effect from the viewpoint south-west (200m) is considered to be moderate adverse (where the proposed scheme would cause a noticeable deterioration in the existing). This is a result of the development being sited on a slightly elevated position over the Canal and the rear elevation of the DCC care wing and garden being visible. However, it is acknowledged that there would be significant tree cover as part of the development to mitigate this impact.

The landscape masterplan for the proposed development demonstrates that views into the site can be mitigated through the creation of a native meadow and a tree planting area adjacent to the Canal corridor. In addition, there would be other amenity trees planted within the wider grounds and, while it is not clear at the present time what species these might be, an appropriately worded planning condition could ensure the planting of a number of larger, long-lived species that would also assist in mitigating any adverse visual effects in views from the Canal. The Canal and River Trust has expressed the need for vegetation along the Erewash Canal to remain accessible to be maintained.

Direct landscape impacts would be relatively minor constituting the loss of a single tree and small tree group, as well as the loss of some open playing field. Overall, these impacts are not considered to be significant given that the proposed landscaping scheme which proposes to plant additional trees and create both formal and informal gardens. Overall, landscape impacts would be negligible.

The extension of the tree avenue along the road and in front of the new development would help to integrate the development in to the existing landscape. However, it is recommended that the proposed avenue of trees should also be lime trees and this species could form part of the garden area to the rear of the development which would bring the landscape scheme together as a whole. Therefore, I recommend conditions be imposed to require the submission of a final detailed landscaping scheme for the whole

site which includes precise details regarding tree and shrubs species and a five year maintenance scheme.

I am satisfied that the proposed development would not impact significantly upon the surrounding landscape. The main tree assets along Bennerley Avenue are proposed for retention and the proposed landscaping scheme, in both public and private realm, would deliver enhancements for both the residents and wider community. Therefore, I consider the development to accord with policies 1, 10, 16 and 17 of the ECS and the NPPF.

Noise Impacts

The site is, currently, largely vacant and the existing dominant sources of noise in the area are largely from traffic using the main road (Cotmanhay Road) and from the railway line to the east. The nearest noise sensitive receptors are the existing residential properties, as previously described above, and the potential occupants of the bungalows and the extra care accommodation. The main source of noise created by the proposed development would be from an increase in vehicle movements to and from the site, the use of the football pitch by the local community and temporary construction noise during the construction phase of the development.

Paragraph 180 of the NPPF (2019) states that *“decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

A Noise Impact Assessment (NIA) has been undertaken by the applicant and a report of the findings has been submitted with the application. The assessment considered existing background noise levels in the area, assessed the potential internal noise for the proposed accommodation and dwellings, design elements of the new buildings, external plant equipment and vibration levels. The report concludes that noise levels have been recorded and assessments made in accordance with the relevant standards. Internal criteria have been set and calculations made in order to determine the minimum construction details required in order to meet the desired level within

the proposed residential dwellings and satisfy the local council's requirements. The report states the proposed development can demonstrate compliance with the NPPF with regards to sound.

The community football pitch would be accessible to the local community which would be a source of noise that could potentially impact on residents which live in close proximity to the site. The applicant has stated that access to the pitch would be controlled and restricted to certain times of the day. The proposed hours of use of this facility would be every day between 10.00 hours until dusk, and would not exceed 21.00 hours. Considering the proximity to the residential properties, it is likely that they would, on occasions, experience some noise disturbance from the use of the football facilities, but it is not considered likely to be significant. However, a condition should be imposed to restrict the hours of use of this facility to reduce the noise impact on the neighbouring residential properties and the occupants of the proposed scheme.

The EHO has noted that the NIA was formulated without prior knowledge of the type of plant to be installed. It is necessary to know what plant equipment is to be used on site to ensure that the development complies with the noise levels in the NIA. Therefore, a condition is recommended to require a detailed specification of the plant to be installed to be provided and confirmation that this would comply with the maximum plant noise level criteria detailed in the NIA.

The Environment Agency and EBC's EHO both have regulatory responsibilities in relation to the control of noise pollution. They were consulted on the application and neither consultee has raised any objections to the proposal on noise grounds.

As detailed above, concern has been raised within a representation regarding the impact of noise from their business on the proposed adjacent properties. The respondent acknowledges that their daily operations can be noisy when conducting certain activities on site. Paragraph 182 of the NPPF states that *"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses... Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."* This business is situated within what is already a residential area and the proposed erection of additional residential properties is considered appropriate for the area.

I am satisfied that the development would not impact significantly on the amenity of nearby residents in terms of noise and would accord with policies 16 and 13 of the ECS and the NPPF in this respect. However, given the

proposed developments close proximity to residential properties, a condition is recommended to restrict the hours of use for the sports pitch.

Traffic and Highway Safety

The access to the site would be from the existing access on Bennerley Avenue, which previously served the former school site, and Vernon Street. Both streets are unclassified roads which primarily cater for residential properties, which mostly do not benefit from off-street parking. These streets are therefore restrictive to traffic due to on-street parking, which has resulted in an informal one way system being adopted by local residents. The proposal would result in an increase in vehicles accessing the site from staff, residents, visitors and goods vehicles.

The application is supported by a Transport Assessment (TA) which concludes that the proposed development would have a negligible effect on the operation of the highway junctions associated with the proposal. The assessment explains that the vehicle trips associated with the development would be distributed north and south on Cotmanhay Road, reducing the overall impact on the highway network.

The TA states that the “... *development would have a negligible effect on the operation of the Bennerley Avenue/Cotmanhay Road junction.*” The modeling data suggests there would be a negligible increase in queues and delays and that the effects of the proposal would not be noticeable, during peak times, to other road users.

The TA further states that the internal access road would form part of a one way traffic management system. This builds upon the existing informal one way traffic system currently used by local residents. It is proposed that vehicles would access the care facilities and playing field via Bennerley Avenue and egress the site via Vernon Street to minimise the effects of the development on Bennerley Avenue and Vernon Street.

Concerns are raised in representations about the impact of the development on the highway and associated traffic. Concerns are expressed about the increase in traffic from the site as a result of the construction works, however, such impacts would be temporary and would not result in any long term effects.

The overall increase in traffic generated from the site once occupied and the access and egress from the site are important factors to consider. However, it is not considered that the increase in traffic flows associated with the proposed development would have any significant adverse effect on the operation of Cotmanhay Road. Furthermore, a significant number of vehicle movements would have occurred on Bennerley Avenue and at the junction of Cotmanhay Road and Bennerley Avenue when Bennerley School was operational.

Concerns are also expressed about parking on both sides of the Bennerley Avenue. Off-street parking is incorporated into the proposal and for the proposed residential properties, therefore, the likelihood of significant on-street parking taking place as a result of the development would be minimal. A representation also raised the question whether or not a permitting system for local residents, along Bennerley Avenue and Vernon Street, would be implemented. The applicant has advised that there is currently no intention for a Residents' Parking Permit Scheme to be introduced. There are also no proposals for bus access to the site; the nearest bus stop to the site is situated along Cotmanhay Road and between Bennerley Avenue and Vernon Street.

The Highway Authority has not raised any objections to the proposed development. The submission of a construction management plan/ construction method statement, and the provision of a wheel washing facility on site has been advised and I have recommended conditions accordingly.

Paragraph 110 of the NPPF states that applications for development should *"Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use."*

Cycle storage on site has been incorporated into the proposals, close to the main entrance. In addition to this, the building includes staff amenities, such as shower and changing facilities, to encourage staff to cycle or walk. A Travel Plan designed to promote and encourage sustainable transport at the site has also been provided with the application.

I do not consider that the proposed development would result in adverse impacts on highway safety or on the amenity of the area. I am therefore satisfied that the proposal would accord with ECS policies 14 and 15 and the NPPF. However, conditions are recommended to prevent any unacceptable impact on highway safety or impact on the highway network.

Regeneration and the Socio Economic impacts

The existing brownfield site is largely vacant and has only recently been brought back into use after a local community group started using the part of the former playing field. The proposed development would regenerate the site and would potentially create a community hub for the local community of Cotmanhay, Ilkeston. It would provide investment into the area, housing for the over 55's, as well as community facilities.

Policy 7 of the ECS states *"Local regeneration initiatives will be supported in other areas of recognised regeneration need. Major new development proposed in close proximity to areas of recognised regeneration need should*

be designed and implemented to assist in addressing those needs.” The ECS identifies that *“The primary focus for regeneration within Erewash follows the spatial strategy of urban concentration as set out at Policy 2.”* The urban area of Ilkeston falls within this category.

In addition to the jobs that would be retained from the existing Hazelwood Care Home, the development would generate new job opportunities for the local community. The Economic Statement within the Design and Access Statement identifies that the proposal could result in an additional 15 new care home staff, 21 extra care staff, between 7-10 kitchen/café staff and between 1-3 hair salon staff. This would have a positive impact on the local community, and the application states that *“... unemployment statistics for Ilkeston are higher than the national average”* and that, *“... the area has seen higher than average levels of deprivation compared to the rest of the county, and has the second highest level of unemployment within all the Wards in Derbyshire.”*

The construction phase would also potentially have a positive impact on the local economy of the area. The applicant intends to use local traders, businesses and suppliers where possible over the approximate two year period. This development would provide inward investment into the local area which could possibly have wider economic benefits for Ilkeston.

The development would regenerate a site that has been largely unused since the closure of the school, it would help to meet the needs of the local community and provide new employment opportunities. I am satisfied that the proposal would accord with ECS policies 4, 6 and 7 and the NPPF.

Arboricultural Impacts

Paragraph 175 of the NPPF states that *“When determining planning applications, local planning authorities should apply the following principles:*

- b) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;”*

The trees on site are not protected by any Tree Preservation Orders (TPOs) and are not considered to be of a Category A value. No trees on or adjacent to the site have been designated as ancient or veteran. The tree survey identifies the trees on site to be primarily Category B (moderate quality) and C (low quality) value trees. The proposed development would involve the removal of only one tree (T17 - goat willow) and one tree group (G18 - field maple), of Category C value. New trees would be planted across the site to compensate for the loss of these trees and to mitigate the visual impact of the development. The development of bungalows would encroach upon the root protection zones of some trees. However, it is considered that this would not

have a detrimental impact upon the health of the trees, but I am recommending that an Arboricultural Method Statement, to provide details of how the necessary tree protection can be implemented, be submitted. I am satisfied that the proposal would accord with saved Policy EV14 of the EBLP and the NPPF.

Conclusion

In conclusion, the proposal is for a substantial development, consisting of the erection of an extra care facility for over 55's and a sports pitch, as well as ancillary works. The development is considered to meet the needs and demand for over 55 housing provision and would assist in providing a good housing mix for the area. The overall layout and location of the proposed development, demonstrates a good and sustainable design. The proposed development would potentially increase noise in the area as a result of traffic and use of the sports pitch. However, I do not consider that this would be to an unacceptable level and the use of the sports pitch would be restricted by condition. It is not considered that the development would generate significant amounts of traffic and would not have an adverse impact on the connecting highway infrastructure. I do not consider that the development would generate any significant environmental or amenity impacts which cannot be controlled and/or mitigated by way of condition.

The development would result in the loss of playing field land, however, it would have benefits in that it would make the site available to the wider local community, provide a pitch of a higher quality and extend the range and choice of sporting facilities available locally. The proposals for off-site contribution would supplement the proposed sports facilities and would be of some additional benefits to sport. The loss of the playing field, when balanced against the need to provide the extra care facilities, is not considered to be so significant so as to recommend the refusal of the application. The application is therefore recommended for approval subject to the recommended conditions and a prior completion of a legal obligation.

(3) **Financial Considerations** The correct fee of £39,419 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

If the Committee is in favour of granting planning permission, the application will have to be referred to the Secretary of State for Communities and Local Government for him to decide whether to call it in for his own determination. The Town and Country Planning (Consultation) (England) Direction 2009 (the 2009 Direction) requires certain types of application for planning permission to

be referred for consultation to the Secretary of State before any planning permission can be granted by the local planning authority.

The 2009 Direction requires local planning authorities to consult the Secretary of State in this way where there is a Sport England objection to a planning application on land owned by a local authority, or used by an educational institution, and the local authority is minded to grant permission.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendations.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No. 8.223.19
Design and Access Statement, External Lighting Statement, and Transport Assessment all received 2 July 2019.
Cover Letter, Building Sections, Exceedance Flow Route, Existing Site Plan, Proposed Fire Appliance Tracking, Location Plan, Proposed Tracking, Proposed Adoptable Highway Works Details, Proposed Adoptable Highway Works, Proposed External Lighting, Proposed External Works Detail, Proposed First Floor Plan, Proposed Ground Floor Plan, Proposed North, South, East & West Courtyard Elevations, Proposed Visibility Splays, Proposed Refuse Vehicle Tracking, Topographical Survey, Utilities Survey and Tree Constraints Plan all received 3 July 2019.
Air Quality Assessment, Arboricultural Impact Assessment, Bennerley Tree Schedule, Extended Phase 1 Survey Report, Strategy and Environmental Noise Impact Assessment all received 5 July 2019.
Travel Plan received 8 July 2019.
Application Form received 9 July 2019.
Report On Desk Study and Supplementary Information Template received 9 July 2019.
Response To LLFA Comments received 12 July 2019.
Proposed Site Plan, Response to Landscape Comments and Response to Travel Plan Comments all 16 September 2019.
Proposed Visibility Splays received 18 September 2019.
Proposed Refuse Tracking For Adoptable Highways received 22 October 2019.

Proposed Typical Bungalow Elevations and Conservation and Design
Comments received 11 November 2019.
Ecology Conditions Exceptional Circumstances received 22 November 2019.
Landscape Strategy Document received 27 November 2019.
Illustrative Masterplan, Landscape General Arrangement, Planting Strategy,
Proposed North, South East & West Elevation, Proposed Roof Plan,
Bungalows One + Two Elevations, Bungalows Three + Four Elevations,
Bungalows Five + Six Elevations, Enclosure Elevations, Proposed Second
Floor Plan, Proposed Site Plan, Site Sections, Proposed External Levels
Sheet 1 of 2, Proposed External Levels Sheet 2 of 2, Proposed Drainage
Strategy 1 of 2, Proposed Drainage Strategy 2 of 2, and Proposed External
Works all received 29 November 2019.
Environmental Health, Mesh fence Photograph, Boundary Arrangement,
Proposed Cut and Fill, and River Canal Trust all received 2 December 2019.
Desk Based Site Summary for Reptiles received 20 December 2019.

Consultation Responses from:

Derbyshire County Council – Sustainable Travel Team received 17 July 2019
and 10 December 2019.
Derbyshire County Council – Landscape Team received 23 July 2019 and 24
September 2019.
Derbyshire County Council – Conservation and Design received 24 July 2019,
23 September 2019, 21 November 2019 and 4 December 2019.
Environment Agency received 26 July 2019.
Cadent Gas received 30 July 2019 and 31 July 2019.
Lead Local Flood Authority received 30 July 2019, 26 September 2019 and 09
January 2020.
The Coal Authority received 30 July 2019 and 11 December 2019.
Erewash Borough Council – Environmental Health Officer received 31 July
2019, 17 December 2019 and 10 January 2020.
Councillor Flatley received 1 August 2019.
Sport England received 2 August 2019, 8 October 2019 and 14 January 2020.
Derbyshire County Council - Ecology received 9 August 2019, 11 September
2019 and 6 December 2019.
Erewash Borough Council –Planning 19 August 2019 and 9 December 2019
Highway Authority received 19 August 2019, 12 November 2019 and 13
January 2020.
Canal and Rivers Trust received 20 December 2019.

Relevant Correspondence

Erewash Borough Council – Planning Policy dated 6 November 2019
Agent - Draft Pre Commencement Conditions listed dated 13 November 2019.
NHS Trust – Section 106 Developer Contributions dated 26 November 2019.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that:

- 7.1 The Secretary of State for Communities and Local Government be **consulted** on this application in accordance with the 2009 Directions, on the basis that the Council is minded to grant planning permission for the development.
- 7.2 Provided that the Secretary of State decides not to call in the application for his own determination, planning permission be **granted** subject to conditions substantially in accordance with the schedule of draft conditions set out below, with effect from the completion of an agreement or undertaking which creates a planning obligation enforceable by Erewash Borough Council under Section 106 of the Town and Country Planning Act 1990, to secure a sum of £40,000 for improvements for sport at the Abbotsford Community Centre.

Schedule of draft conditions

Commencement

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area

- 3) The development shall take place in accordance with the details contained in the 1APP form dated 2 July 2019, Design and Access Statement dated 21 June 2019, Geo Insight report reference EM6-527738-79776, Transport Assessment dated June 2019, Cover Letter dated 28 June 2019, Air Quality Assessment dated June 2019, Arboricultural Impact Assessment dated 28 June 2019 reference 19-0490, Bennerley Tree Schedule reference 18-2875, Extended Phase 1 Survey Report ref 18-2776 dated 25/02/19 Revision 1, Flood Risk Assessment and Drainage Strategy reference CWA-18-286 dated May 2019 Revision B, Environmental Noise Impact Assessment Reference IMP5716-1 dated March 2019, Travel Plan, Report on Desk Study dated 10 April 2019, Residential/Dwelling Units – Supplementary Information Template, Response to LLFA Comments dated 8 August

2019, Landscape Comments dated 09 September 2019, Travel Plan Comments dated 9 September 2019, Conservation and Design Comments, Ecological Conditions Exceptional Circumstances, Desk Based Site Summary for Reptiles dated 20 December 2019, Landscape Strategy Document Reference BEN-ALA-OO-XX_RP-0001 S2 P03 dated 26 June 2019 and the following plans:

- Drawing no. 18003-GNA-81-XX-A-3000 entitled 'Building Sections'.
- Drawing no. CWA-18-286-540 entitled 'Exceedance Flow Route', Revision P2.
- Drawing no. 18003-GNA-XX-OO-DR-A-1001 entitled 'Existing Site Plan'.
- Drawing no. CWA-18-286-SK002 entitled 'Proposed Fire Appliance Tracking' Revision P1.
- Drawing no. 18003-GNA-XX-ST-DR-A-1000 entitled 'Location Plan'.
- Drawing no. CWA-18-286-SK001 entitled 'Proposed Tracking' Revision P1.
- Drawing no. CWA-18-286-625 entitled 'Proposed Adoptable Highway Work Details' Revision P4.
- Drawing no. DCC_ESD_XX_XX_DR_E_5001 entitled 'Proposed External Lighting Layout' Revision P1.
- Drawing no. CWA-18-286-526 entitled 'Proposed External Details' Revision P1.
- Drawing no. CWA-18-286-525 entitled 'Proposed External Details' Revision P1
- Drawing no. 18003-GNA-B1-01-DR-A-1004 entitled 'Proposed First Floor Plan'
- Drawing no. 18003-GNA-B1-02-DR-A-1003 entitled 'Proposed Ground Floor Plan'.
- Drawing no. 18003-GNA-B1-CY1-DR-A-2001 entitled 'Proposed North, South, East & West Courtyard Elevations'.
- Drawing no. CWA-18-286-SK004 entitled 'Proposed Visibility Splays' Revision P1.
- Drawing no. CWA-18-286-SK003 entitled 'Proposed Refuse Vehicle Tracking', Revision P1.
- Drawing no. 31246_T_UG entitled 'Utility Survey' Revision 0.
- Drawing no. 31246_T entitled 'Topographical Survey' Revision 0.
- Drawing entitled 'Tree Constraints Plan' Revision V1 dated 21.03.19.
- Drawing no. 18003-GNA-XX-XX-DR-A-1002 entitled 'Proposed Site Plan'.
- Drawing no. CWA-18-286-SK004 entitled 'Proposed Visibility Splays' Revision P2.
- Drawing no. CWA-18-286-SK005 entitled 'Proposed Refuse Tracking for Adoptable Highways Work' Revision P1.

- Drawing no. 18003-GNA-B2-XX-DR-A-1007 entitled 'Proposed Typical Bungalow Elevations' revision A.
- Drawing no. BEN-ALA-OO-XX-DR-L-0001 entitled 'Illustrative Masterplan' Revision P05.
- Drawing no. Ben-ALA-00-XX-DR-L-0002 entitled 'Landscape General Arrangement' Revision P05.
- Drawing no. BEN-ALA-OO-XX-DR-L-0004 entitled 'Planting Strategy' Revision P03.
- Drawing no. 18003-GNA-B1-W-DR-A-2000 entitled 'Proposed North, South East & West Elevation' Revision A.
- Drawing no. 18003-GNA-B1-RF-DR-A-1006 entitled 'Proposed Roof Plan' Revision A.
- Drawing no. 18003-GNA-B2-OO-DR-A-2003 entitled 'Bungalows One + Two Elevations' Revision A.
- Drawing no. 18003-GNA-B2-00-DR-2004 entitled 'Bungalows Three + Four Elevations' Revision A.
- Drawing no. 18003-GNA-XX-OO-DR-A-2002 entitled 'Enclosure Elevations' Revision A.
- Drawing no. 18003-GNA-B2-OO-DR-A-2005 entitled 'Bungalows Five and Six Elevations', Revision A
- Drawing no. 18003GNA-B1-02-Dr-A-1005 entitled 'Proposed Second Floor Plan' Revision A.
- Drawing no. 18003-GNA-XX-XX-DR-A-1002 entitled 'Proposed Site Plan' Revision A.
- Drawing no. BEN-ALA-OO-XX-DR-L-0005 entitled 'Site Sections' Revision P05.
- Drawing no. CWA-18-286-511 entitled 'Proposed External Levels Sheet 2 of 2' Revision T2.
- Drawing no. CWA-18-286-530 entitled 'Proposed Drainage Strategy Sheet 1 of 2' Revision T2.
- Drawing no. CWA-18-286-531 entitled 'Proposed Drainage Strategy Sheet 2 of 2' Revision T2.
- Drawing no. CWA-18-286-520 entitled 'Proposed External Works' Revision T2.
- Drawing no. CWA-18-286-520 entitled 'Proposed External Levels Sheet 1 of 2' Revision T2.
- Environmental Health Dated 25 November 2019.
- Mesh Fence Photograph.
- Drawing no. BEN-ALA-OO-XX-DR-L-0003 entitled 'Boundary Arrangement' Revision P05.
- Drawing no. CWA-18-286-515 entitled 'Cut and Fill' Revision T1.
- Canal Trust dated 25 November 2019.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

Hours of Operation

- 4) The Sports Pitch shall only be used during the following hours:

Mondays to Fridays 10:00 hours to 21:00 hours

Saturdays, Sundays and Bank Holidays 10:00 hours – 18:00 hours

Reason: In the interests of local amenity and the environment.

- 5) Construction work, ancillary operations, deliveries and removal of plant, equipment, machinery and waste from the site during the construction period shall only be permitted between the following hours:

07.30 hours to 18.00 hours Monday to Friday,

08.00 hours to 13.00 hours Saturday, and

No work on Sundays, Bank and Public Holidays

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme that has been submitted to and received the prior written approval of the County Planning Authority. The scheme shall then be implemented as approved.

Reason: In the interests of local amenity and the environment.

Contamination

- 6) The development shall not commence until a scheme to identify and control any environmental risk is developed and undertaken. This shall include an intrusive investigation (Generic Risk Assessment/ Phase II Investigation). The scope of the intrusive investigation shall be based on the approved Phase 1 desk study report for the proposed development. The scheme and scope of works shall be submitted to and approved in writing by the County Planning Authority prior to the commencement of development. In reaching its decision to approve such proposals, the County Planning Authority shall have regard to currently pertaining Government guidance as set out in the CLR series of documents issued by the Department for the Environment, Food and Rural Affairs (DEFRA) or any subsequent guidance which replaces it.

Reason: To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users, and ecological receptors, in line with Paragraph 170 of the National Planning Policy Framework. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 7) A written Method Statement detailing the remediation requirements to deal with any environmental risks associated with this site shall be submitted to and approved in writing by the County Planning Authority prior to commencement of the remedial works. All requirements shall be implemented according to the schedule of works indicated on the Method Statement and completed to the satisfaction of the County Planning Authority prior to the development being brought into use. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority.

Reason: To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users, and ecological receptors, in line with Paragraph 170 of the National Planning Policy Framework.

- 8) Prior to the development first being brought into use, a validation report must be submitted to the County Planning Authority demonstrating that the works have been carried out. The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement.

Reason: To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users, and ecological receptors, in line with Paragraph 170 of the National Planning Policy Framework.

- 9) If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected contamination shall be dealt with. The Strategy shall be implemented as approved in writing by the County Planning Authority.

Reason: To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users, and ecological receptors, in line with Paragraph 170 of the National Planning Policy Framework.

- 10) Prior to the commencement of the development, a materials balancing scheme, including a proposed topographical survey, precise details of the amount, re-use and disposal of inert materials arising from the on-site cut and fill operations, shall be submitted to and approved in writing by the County Planning Authority. The scheme shall then be implemented as approved.

Reason: In the interests of local amenity and the environment. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 11) No soils shall be imported to the site until a statement detailing the source of material and its Geological make up has been submitted to and approved in writing by the County Planning Authority. The statement shall include, the source of the material and its geological make up, to ensure the water environment remains unaltered through PH or other. The scheme shall then be implemented as approved.

Reason: In the interest of protecting the wider environment, it is considered necessary to require further information to be submitted prior to importing soil onto site. This would clarify if the material imported to the site would not adversely impact upon the Erewash Canal.

- 12) No development shall take place until a Method Statement (to demonstrate that any remediation and construction operations near the Canal will not impose additional loading onto the Canal bank and as a result adversely affecting its stability and structural integrity), has first been submitted to and approved in writing by the County Planning Authority. The statement shall include details of the arrangements for undertaking any monitoring regimes or mitigation measures as may be necessary to ensure that the risk of damage to the Canal structure is adequately minimised (for example, vibration monitoring if piled foundations are proposed, or works to strengthen the existing Canal bank to accommodate increased loads).

Reason: In the interests of minimising the risk of creating land instability arising from earthmoving, excavations or any other construction works, which would adversely affect the structural integrity of the adjacent Erewash Canal, in accordance with the advice and guidance on land stability contained in paragraphs 170, 178 and 179 of the National Planning Policy Framework 2019 and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences in order to secure an appropriate approach to all site development and construction operations from the outset.

- 13) No soil is to be imported onto the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and approved in writing by the County Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against

which the analytical results will be assessed and source material information.

The proposed soil shall be sampled at source, such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme or another approved scheme the results of which shall be submitted to the County Planning Authority for consideration.

The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the County Planning Authority.

Reason: To protect the health of the public and the wider environment.

Construction Environmental Management Plan

- 14) No works shall commence, other than any detailed survey work, until a site-specific Construction Environmental Management Plan (CEMP), has been submitted to and approved in writing by the County Planning Authority. The plan shall demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The approved CEMP shall be implemented in accordance with the approved details at all times during all construction of the approved development. The CEMP shall include, but not be limited to:
- i. Procedure for maintaining good public relations including complaint management, public consultation and liaison.
 - ii. Arrangements for liaison with the Erewash Borough Council's Pollution Control Team.
 - iii. A Noise Mitigation Strategy to deal with emissions with particular cognisance of the noise sensitive Erewash Canal and nearby residential properties.
 - iv. Hours of work.
 - v. Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from Construction works.
 - vi. Procedures for emergency deviation of the agreed working hours.
 - vii. A dust mitigation strategy with control measures for dust and other air-borne pollutants. This shall fully consider the impacts to the neighbouring Erewash Canal.
 - viii. Measures for controlling the use of site lighting during the construction period, whether required for safe working or for security purposes to prevent light spill onto the Erewash Canal.
 - ix. Details of the storage of waste and materials from the construction process, where they are to be located on site, how they are to be protected from entering the Canal environment, the regime for the safe removal and appropriate disposal of the waste from the site.

- x. Measures for preventing surface water run-off during demolition and construction works from the site into the Canal environment.

The CEMP shall then be implemented, as approved.

Reason: To control the impact of noise, dust, vibration and odour generated by the development in the interests of the amenity of the area, to prevent airborne/waterborne pollution of the Canal waters to preserve and enhance the ecology and water quality of the Erewash Canal and to protect the environment. This is in accordance with Paragraph 170 of the National Planning Policy Framework 2019 and the national Planning Practice Guidance. It is necessary to agree the CEMP before development commences in order to secure an appropriate approach to all site clearance, development and construction operations from the outset.

Environmental Protection

- 15) All rubbish, scrap and waste material, either found or generated on the site, shall be stored in clearly marked areas or containers until such time as it can be removed to facility which holds an appropriate Environmental Permit.

Reason: In the interest of protecting the environment and the amenity of the surrounding area.

- 16) There shall be no burning of Waste at the site.

Reason: To ensure that the development does not have an adverse impact on local amenity.

Access, Traffic and Highway Safety

- 17) Throughout the construction period of the 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 or other extraneous material on the public highway.

Reason: In the interests of highway safety and to prevent the drag out of mud, dirt or debris onto the highway.

- 18) Prior to commencement of the development, a construction management plan and construction method statement shall be submitted to and approved in writing by the County Planning Authority. The submission shall provide details relating to the storage of plant and materials, site accommodation, loading, unloading of good vehicles, parking of the site operatives and visitors, means of access and routes

for construction traffic, hours of operation, method of prevention of debris being carried onto the highway, pedestrian and cyclist protection and any proposed temporary traffic restrictions. The construction management plan shall be implemented as approved and maintained throughout the period of construction free from any impediment to its designated use.

Reason: The condition is imposed to ensure adequate access and associated facilities are available during the construction works to minimise the impact of the development on the users of the park, nearby residents and local highway network and in the interest of site safety. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 19) The premises the subject of the application shall not be taken into use until space has been laid out within the site in accordance with the application drawing for the parking and manoeuvring of staff, visitors, service and delivery vehicles and mini-buses/taxis, and for all vehicles to turn so that they may enter and leave the site in forward gear. The space shall be retained free from any impediment to its designated use throughout the life of the development.

Reason: The condition is imposed to minimise the impact of the development on the users of the park, nearby residents and local highway network and in the interest of site safety.

- 20) Prior to the occupation of the building, a detailed scheme relating to compliance with relevant standards for pedestrian walkways at all proposed access points, shall be submitted to and approved in writing by the County Planning Authority. The submission shall provide details relating consistency with existing provision, lighting, surfacing and dropped tactile kerbs where appropriate. The scheme shall be implemented as approved and maintained throughout the life of the development.

Reason: The condition is imposed in the interest of sustainable travel and pedestrian safety.

- 21) Prior to the occupation of the building, details of the Travel Plan Coordinator shall be submitted to the County Planning Authority and Erewash Borough Council.

Reason: The condition is imposed in the interest of sustainable travel.

Lighting

- 22) Any external lighting should be so designed and installed so that it does not cause nuisance to the occupiers of nearby residential properties.

Reason: In the interests of local amenity.

Noise

- 23) Prior to the occupation of the main building, a report detailing the plant equipment to be installed and assessed by a suitably qualified person for compliance with the maximum noise level criteria, shall be submitted to and approved in writing by the County Planning Authority. The report shall include details of the plant equipment to be installed on site and confirmation that the stipulated plant maximum noise level criteria, as identified within Section 15.7 of the Noise Impact Assessment report, will not be exceeded.

Reason: In the interests of local amenity and the environment.

Ecology

- 24) Prior to the commencement of development, further ecological surveys shall be undertaken to confirm/discount the presence of Reptiles, Bats and Badgers on site. The further survey reports, shall be submitted to and approved in writing by the County Planning Authority. The enhancements and recommendations identified within the reports shall then be implemented as approved.

Reason: To protect any protected species that may be present within the site. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 25) There shall be no removal at any time of vegetation that may be used by breeding birds during the bird breeding season (i.e. March to September inclusive) unless a recent survey has been undertaken by a suitably qualified 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 been submitted to and received the written approval of the County Planning Authority. The scheme shall be implemented as approved.

Reason: In the interest of the protection of breeding birds.

- 26) Prior to the new buildings being taken into use, details of the ecological mitigation measures and an ecological enhancement plan for the site shall be submitted to and approved in writing by the County Planning Authority. The submission, shall be based on the recommendations set

out within the ecological reports as listed within Condition 3. The ecological enhancement plan shall then be implemented as approved.

Reason: In the interests of increasing and maintaining biodiversity at the site.

- 27) Throughout the development and when clearing vegetation from around the site, reasonable care shall be taken to ensure that if any reptiles discovered they are not injured or killed. If, at any time during the development any reptile is found, a suitably qualified ecologist shall supervise the protection and removal of reptiles. No further works to the area of the site, where the reptile was discovered, may be undertaken unless supervised by a suitable ecologist.

Reason: To protect any reptiles that may be present within the site.

- 28) Pre-commencement checks for badger shall be undertaken immediately prior to work starting on site. If, at any time during the development any badgers or evidence of their presence on site is found, all development shall cease until suitably qualified ecologist has assessed the site and a mitigation/protection scheme for badger has been submitted to and approved in writing by the County Planning Authority.

Reason: In the interest of protecting protected species.

Landscaping

- 29) Prior to the commencement of development, a revised landscaping plan including precise details in respect of layout, seeding and planting mixes, and outline proposals for maintenance and management as appropriate, shall be submitted to and approved by the County Planning Authority. The scheme shall then be implemented as approved.

Reason: To ensure the successful and appropriate establishment of landscape and habitats within the site and in the interests of the amenity of the area. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 30) Access to the Erewash Canal to the east of the site shall be retained throughout the life of the development to allow for maintenance of the vegetation along the Canal.

Reason: In the interests of the amenity of the area.

- 31) All fencing shall be finished in either a Dark Green or Black colour finish.

Reason: To reduce the visual intrusion of the development.

Tree Protection

- 32) Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved by the County Planning Authority. The scheme shall then be implemented as approved.

Reason: To protect existing trees on site.

- 33) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the County Planning Authority agrees any variation in writing. For the avoidance of doubt, for the purposes of this condition, 100% replacement is required.

Reason: To ensure the successful establishment of the landscaping at the site.

Ground Conditions/Ground Stability

- 34) Prior to the commencement of development, a scheme of intrusive site investigations shall be undertaken, as identified within Section 4.5 of the Report on Desk Study (AG2975-19-AH60, April 2019) in order to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity. A report of the findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary, shall be submitted to and approved in writing by the County Planning Authority. The remedial works and/or mitigation measures shall then be implemented as approved.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

Flood Risk

- 35) 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. Flood Risk Assessment and Drainage Strategy, Bennerley Avenue Care Centre and Extra Care Housing, CWA-18-286, Rev B, by CWA Intelligent Engineering (May 2019) including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team; and

b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the County 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: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the County Planning Authority, in advance of full planning consent being granted. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 36) Prior to commencement of the development, the applicant shall submit to the County Planning Authority, for its written approval, details of 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 County Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 37) No development shall take place until a detailed scheme for the disposal of surface water from the development has first been submitted

to and approved in writing by the County Planning Authority. If any discharge to the Erewash Canal is proposed, including surface water run-off, the scheme shall include details of any measures necessary to attenuate discharges into the canal to appropriate rates. The development shall thereafter only be carried out in accordance with the approved details and the scheme shall be fully implemented prior to the occupation of the development.

Reason: To ensure that surface water from the site is disposed of in a safe and appropriate manner that minimises the risk of flooding in the locality and presents waterborne pollution of the Erewash Canal. This is in accordance with the advice and guidance contained within paragraphs 163, 165 and 170 of the National Planning Policy Framework. It is necessary to agree these details before development commences to ensure that the approved surface water drainage arrangements can be properly integrated within the development.

Sport England

- 38) a) No development shall commence until the following have been submitted to and approved in writing by the County Planning Authority after consultation with Sport England:
- i) a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the remodelled playing field which identifies constraints which could adversely affect playing field quality; and
 - ii) where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation before first occupation of the proposed housing. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 39) The development shall not be taken into use until a community use scheme for the retained and remodelled sports provision at the site has been submitted to and approved in writing by the County Planning Authority following consultation with Sport England. The development shall not be used otherwise than in compliance with the approved scheme.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure benefit to the development of sport and to accord with Development Plan Policy

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with Section 100ZA of the Town and Country Planning Act 1990, as amended and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant has been provided with a draft schedule of the conditions attached to this report. In accordance with Regulation 3(a) of the Regulations, the applicant has provided a substantive response to the effect that they agree with the imposition of this pre-commencement condition.

Footnotes

- 1) It is understood that cut and fill activities are proposed as part of the development. The applicant is advised to contact the Environment Agency to determine whether a Materials Management Plan (MMP) is required for the works.
- 2) In the event that a bat is discovered during works, then all works should stop immediately and advice should be sought from a suitably experienced and licensed ecologist.
- 3) The applicant/developer is advised to contact the Canal and River Trust in order to ensure that any necessary consents are obtained and the works are compliant with the Trust's current "Code of Practice for Works Affecting the Canal & Rivers Trust". For further advice please contact Keith Boswell, Works Engineer in first instance on Kenith.Boswell@canalrivertrust.org.uk

- 4) The applicant/developer is advised to contact the Canal & River Trust's Utilities Team to discuss any surface water discharges from the development to the adjacent canal, including any continued use of existing discharges, as it may be necessary to obtain a fresh agreement from the Trust to do so. Please contact Beth Woodhouse, Utilities Surveyor, at Beth.Woodhouse@canalrivertrust.org.uk or on 07484 911355 in the first instance.
- 5) All open trenches or pits must be covered over at night or left with a sloping end, to prevent mammals from falling in and becoming trapped. Similarly, any pipes over 200mm will need to be capped off at night to prevent mammals from using them for shelter. Night work should be avoided where possible and, in the unlikely event that evidence of sett digging is observed, works should cease until a full assessment can be made by an ecologist.
- 6) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 7) Guidance on preparing Community Use Schemes is available from Sport England. <http://www.sportengland.org/planningapplications/>
- 8) Further information regarding the Derbyshire County Council 'Miles Better' staff travel scheme can be found at: <https://www.derbyshire.gov.uk/working-for-us/smarter-travel/miles-better/miles-better.aspx>.

The Travel Plan, including its features and benefits, should be included in the induction process of all new staff on site. The Travel Plan should also be included as an agenda item in all staff forum(s), team meetings or their equivalent at least twice per year.

Targets

Targets should be SMART, and should include a target percentage change figure and timescale, e.g. reduce journeys to site by (single occupancy) car by 10% over five years. Targets for other modes can be set to support this figure, with precise figures informed by the result of the baseline survey.

Actions

Given the nature of the development, likely number of staff on site and shift patterns, consideration should be given to the establishment of an

informal in-house car share group, with journey matches facilitated by the Travel Plan Coordinator.

Bus and Rail Services

Consideration should be given to the upgrading of the closest bus stops on Cotmanhay Road as appropriate, to include raised kerbs, shelters, timetable cases, bus stop markings and real time information wherever feasible and not already in place.

Ensure <http://www.travelineeastmidlands.co.uk> is included as a reference point for all local and national journey planning enquiries.

The Travel Plan Coordinator

The name and contact details of the Travel Plan coordinator should be provided to both the Local Planning Authority and Derbyshire County Council Sustainable Travel Team at least one month prior to first commercial operation of the proposed centre.

The duties of the Travel Plan coordinator should include the provision of personalised travel planning for all new employees as part of the induction process.

Monitoring and Evaluation

Results of the annual travel surveys should also be forwarded to the Derbyshire County Council Sustainable Travel Team at: sustainable.travel@derbyshire.gov.uk

DCC Employee Travel Survey

No further comment. The facility also exists for such a survey to be undertaken online at: <https://starsfor.org>. Should this be of interest, contact the Sustainable Travel Team.

Other comments

Travel Information Pack

New employees should be issued with (either in hard copy or electronically) a travel information pack. This should include (but not be limited to) the following:

Public transport

- www.trentbarton.co.uk for details of most local services in Cotmanhay.
- www.derbysbuses.info/ for timetable and route maps for bus services throughout Derbyshire.
- www.nationalrail.co.uk for all rail services.

Journey Planning

- www.travelineeastmidlands.co.uk for all mode journey planning.

Cycle information

- www.derbyshire.gov.uk/leisure/countryside/access/cycling/default.asp for cycling information throughout Derbyshire, including the Cycle Derbyshire map.

Other useful cycle related websites:

- www.sustrans.org for details of the National Cycle Network.
- www.lovetoride.net for cycling rewards and incentives.
- <http://bikeweek.org.uk/> for details of the national cycling focus week.

Walking

- www.derbyshire.gov.uk/leisure/countryside/access/walking/default.asp for walking information throughout Derbyshire.

Car Share

- <https://liftshare.com/uk/community/derbyshire> for details of the free of charge journey matching service throughout Derbyshire.

Communication and marketing

Consideration should be given to the establishment of a site based website, detailing all travel options for staff and visitors.

Travel Plan as a Working Document

The Travel Plan is a working document and should not be seen as exhaustive. It will be subject to change in light of progression and completion of the development, results of actions undertaken, and responsive to results of future travel surveys.

Supplementary comment - Travel Plan Monitoring

Derbyshire County Council is now able to offer an online toolkit known as STARSFor, <https://starsfor.org/> for the purposes of Travel Plan monitoring. This is available for a fee payable to Derbyshire County Council and enables the user to input monitoring data and track modal shift. This replaces any other travel plan monitoring fee that may be charged. Should this be of interest, please contact the Derbyshire County Council Sustainable Travel Team: sustainable.travel@derbyshire.gov.uk.

Other means of monitoring travel plans exist. There is no obligation to use STARSFor.

- 9) It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions:

a. The County Council does not adopt any Sustainable Urban Drainage Systems (SuDS) schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

b. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

c. No part of the proposed development shall be constructed within 3m - 8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC has an anti-culverting policy.

d. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

e. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

f. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber/soakaway/silt trap and surface water attenuation details.
- Site ground levels and finished floor levels.

g. On Site Surface Water Management:

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate Change. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the run-off volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield run-off volume for the same event.
- For developments which have been previously developed, the run-off volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield run-off volume for the same event, but must not exceed the run-off volume for the development site prior to redevelopment for that event.

Note: If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
 - Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
 - Guidance on flood pathways can be found in BS EN 752.
 - The Greenfield run-off rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas, such as recreation parks, general public open space, etc, which are not served by the drainage system and do not play a part in the run-off management for the site, and which can be assumed to have a run-off response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- h. All Micro Drainage calculations and results must be submitted in .MDX format, to the Local Planning Authority. (Other methods of drainage calculations are acceptable.)
- i. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- 10) The below information is related to Low and Medium Pressure Assets. You may be contacted separately by Cadent engineers regarding High/Intermediate Pressure Pipelines. Considerations in relation to gas pipeline/s identified on site:

Cadent has identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus, then development should only take place following a diversion of this apparatus. The applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline, then the applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

- 11) Intrusive ground investigation works are to be undertaken (rotary boreholes up to 40m depth, possibly deeper depending on the findings and location) prior to the commencement of the development. The nature, depth and distribution of the boreholes will require written consent from The Coal Authorities Licensing and Permitting Department as part of the permitting process, prior to commencement of these works.
- 12) **Highway Adoption**
The layout indicated on the application drawing does not comply with the Authority's standards for adoption and the following issues will need to be addressed before the roads will be considered as such.

Vernon Street

- Footway needs to be extended across the private access.
- Margin on southern side could be 1m.
- Visibility splays to be indicated at private access.
- Parallel spaces behind footway unacceptable.
- Turning head designed to accommodate refuse vehicle turning, tracking diagram to demonstrate.
- Margin required round turning head.

Bennerley Avenue

- Visibility splays to be indicated for private access and parking spaces.
- Parking spaces should be 5.5m in length.
- Trees in visibility splays.
- Unlikely any existing construction likely to meet current adoption standards.
- Trees unlikely to survive construction.
- Turning head designed to accommodate refuse vehicle turning, tracking diagram to demonstrate.

- Margin required round turning head.

In addition to the above, construction details, drainage, lighting and legal process will all need to be considered if the road is to be adopted.

- 13) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should, wherever possible, be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

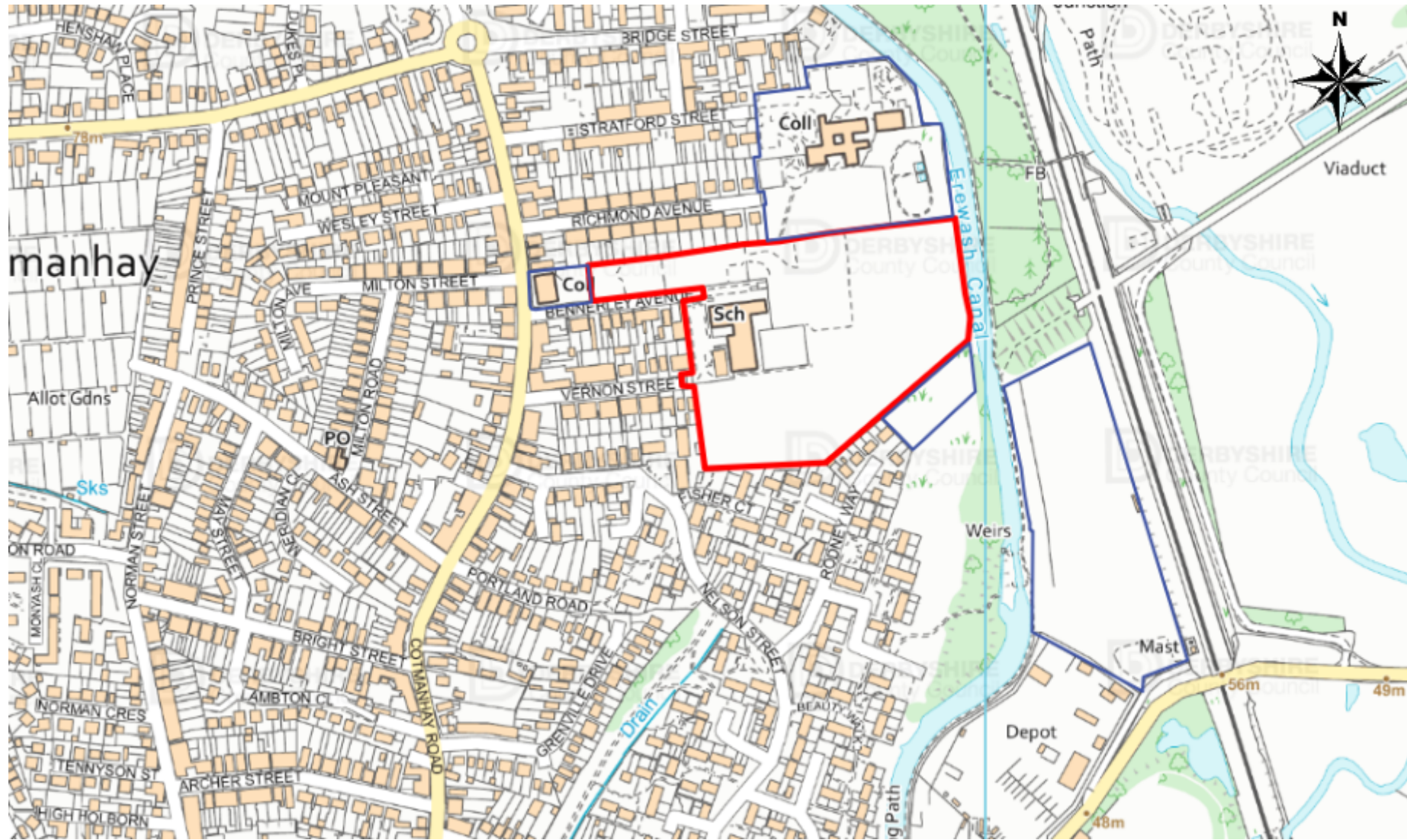
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2019 until 31st December 2020.

Mike Ashworth
Executive Director – Economy, Transport and Environment



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14-Jan-2020

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DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

3 February 2020

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee's Information

2 CURRENT ENFORCEMENT ACTION

Site	Breach	Action Taken	Comment
BM Tech, Foston. 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	Condition 2 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of importation and deposit of waste outside the building. Condition 3 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of use of processing plant outside the building.	Regularising planning application granted 30 December 2019. Site inspection to be arranged.
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received). Breach of Condition Notice (Mud on Road) issued 19 December 2016. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	Site inactive.

Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme. February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017. Interim Injunction Order granted 31 March 2017.	Site inactive. Two planning applications relating to the site under consideration (CM3/0918/48 and CM3/0918/49).
Land west of Park Farm, Woodland Road, Stanton	Without planning permission the change of use of the land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	Date notice takes effect – 21 January 2019. Ongoing monitoring of notice requirements.
Land at Park Hills Farm, Muggington Lane End, Weston Underwood	Without planning permission the deposit of waste materials onto land.	Temporary Stop Notice issued 29 May 2019	Ongoing monitoring/review.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	Planning Contravention Notice issued 28 October 2019	

Mike Ashworth
Executive Director – Economy, Transport and Environment

Agenda Item No. 4.4

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

3 February 2020

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee's Information

4 CURRENT APPEALS/CALLED IN APPLICATIONS

There are currently no appeals lodged with the Planning Inspectorate.

**Mike Ashworth
Executive Director – Economy, Transport and Environment**

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