

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 9th September 2019

Application No:	DOC/2017/0071	
Location	Land at Linglongs Road, Whaley Bridge	
Proposal	Discharge of conditions relating to HPK/2017/0694 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 24, 26, 27 and 28	
Applicant	Kevin Furey, Barratt Homes	
Agent	N/A	
Parish/ward	Whaley Bridge	Date registered 21/07/2017
If you have a question about this report please contact: Jane Colley - Email jane.colley@highpeak.gov.uk ; Tel: 01298 28400 Ext: 4981		

This application has been brought before the Development Control Committee as it is a locally contentious issue

1. SUMMARY OF RECOMMENDATION

Approve

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site lies to the south west of Whaley Bridge on land which slopes in an easterly direction. The highest point on the land is along the western boundary and adjacent to Linglongs Road. To the east are a number of mature trees which screen the site from the industrial estate known as Botany Business Park. The land is currently used for grazing and covers 6.3 hectares in area. To the north are residential properties along Macclesfield Road.

2.2 A large number of trees, protected by a tree preservation order (TPO 262) dissect the site, and form an important landscaping screen, behind which properties and their rear gardens along Macclesfield Road form the backdrop to the site when viewed from the south.

2.3 The Goyt Way - Midshires Way long distance recreational trail, footpath HP23/57/2, runs through the site in a north south direction, providing access from Taxal (Linglongs Road) to Macclesfield Road to the north and beyond onto Reddish Lane.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 Outline planning permission for up to 107 dwelling was granted under HPK/2017/0694 in October 2018. This application seeks to agree a number of planning conditions imposed on the outline planning consent.
- 3.2 The initial application to agree planning conditions was submitted in July 2017 and was made pursuant to outline planning permission HPK/2014/0119. However following the approval of a section 73 application, ref HPK/2017/0694 to vary a number of the outline planning conditions imposed on HPK/2014/0119, revised plans and details for all conditions were received on the 11th June 2019 and pursuant to the s73 application.
- 3.3 Since this time and following the statutory consultation responses below, a number of revisions have been submitted and are discussed under the relevant conditions below.

4. RELEVANT PLANNING HISTORY

DOC/2018/0110- Discharge of conditions 5, 6, 7, 9, 12, 13, 14, 15, 16, 18, 21, 29, 32 and 33 in relation to HPK/2017/0247 - Pending

HPK/2017/0694 – Variation of conditions 5, 24 and 31 of HPK/2014/0119 – Approved 3.10.18

HPK/2017/0247 – Reserved matters for 107 dwellings and associated works – Approved 3.8.19

HPK/2014/0119 – Proposed outline planning application for up to 107 dwellings including landscaping and public open space – Approved 7.5.17

5. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S6 Central Sub Area Strategy
- EQ1 Climate Change
- EQ2 Landscape Character
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ9 Trees, Woodlands and Hedgerows
- EQ10 Pollution Control and Unstable Land
- EQ11 Flood Risk Management
- CF6 Accessibility and Transport

National Planning Policy Framework (February 2019)
Paragraphs 54, 55
National Planning Practice Guidance

6. CONSULTATIONS

Site notice	Expiry date for comments: N/A
Press notice	Expiry date for comments: N/A
Neighbours	Expiry date for comments: N/A

Neighbours/Local Interest Groups

6.1 The following objections, including photographs and a video have been received in respect of the revised plans submitted for the various conditions on the 11th June 2019:

- The developer still intends using vortex limiters as the major run-off flow rate control, which ignores the impact of absorption of rainfall. The proposed vortex limiters will have return rates expressed in hours or days, the result will be a longer high run-off flow rate within a rainfall event. As there are no rainfall absorption with vortex limiters the total volume of discharge will be greater, which will increase downstream local catchment flooding and flood resilience will be decreased. Low flow rates during summer droughts will reduce dissolved oxygen, raise water temperatures and increase siltation, result in higher nutrient levels, increased weed growth and greater flash flood susceptibility.
- The new trench drains will increase the run off markedly above that required to mimic the present situation, contrary to the NPPF.
- The new trench drains encircle and cross the easterly section of the claimed undeveloped area. There are no details of the size, depth or section diagrams, this drainage system is total unregulated. The trench drains significantly increases the flood risk of downstream properties and the River Goyt flood zone 3 contrary to the NPPF.
- The Linglongs Road outfall CCTV survey – why was there a 2 year delay in publishing this information? At no point is there any CCTV location given so this is about as useless as the lack of proper scanning used in the Gladman Geo-Physics survey of the area around the Linglongs outfall. Combining both sets of information with the gradient profile in the FRA it is clear that unless water has started to go up hill, or the Linglongs Road outfall chamber is surcharged the highest achievable point of the land gradient is the crossing soak away pipe going to the valley in the north west field.
- The amended drainage plans still intend to discharge run-off well in excess of the present sloping greenfield site.
- The Linglongs outfall drains the whole of the south west quadrant of Taxal Edge including the Linglongs Road housing, Taxal Edge up to the ridge and the knoll of the south west field.
- Barratt Homes assertion to the LLFA that it is impossible for ochre drainage

from a spring located to the south west and outside the site to drain in the south east field is incorrect. Photos show this drainage entering the south east field where it is reabsorbed in the manner of a greenfield site.

- New trench drains will be required to be sized with 40% extra capacity for climate change further increasing the drainage runoff rate.
- The construction method statement is insufficient as no detail is shown on where the proposed pile locations area. Furthermore the document does not include the appendices, which should be included for ease of reading.
- No details are provided for the proximity and fixing methods of the heras fencing to the Macclesfield Road properties.
- A pre-condition survey of the drystone wall boundaries should be provided given that piling and potential vibration may damage walls.
- The CMS document is riddled with typos.
- One of the finest oak trees will be removed.
- Macclesfield Road will be watching this development.
- The structural integrity of the drystone wall will be compromised by the drainage groundworks.
- With the improved drainage and the reduction of the shallow soils moisture content, settlement will likely occur to the wall. The wall is reflective of the Derbyshire local character.
- The note accompanying the drainage conditions is contradictory. The developer clearly has no knowledge of the quantity of water entering the site and where from and also is unaware of the route of water existing the chamber and its eventual outfall. Is water being discharged into the fields in the form of a soakaway and being regulated as it seeps down through the site.
- There is an old stone covered chamber with multiple inlets for properties, behind number 130 Macclesfield Road. It should be noted that the largest inlet pipe to this chamber shows the typical orange of iron deposits indicating this particular inlet is for field drainage rather than the surface water runoff from other inlets.
- The developer has made no effort to acknowledge or indicate the presence of drains that discharge surface water onto the site from properties on Macclesfield Road from 134 upwards and possibly lower properties.
- United Utilities have made no mention of the trunk pipeline (from Errwood Reservoir). This pipeline has burst 9 times. An objector has seen the extent of the damage caused by the most recent “blow-out” hole that was made in the water meadow adjoining the river Goyt. It looked like a bomb crater and that livestock would have been killed or seriously injured. It is made of potentially dangerous fibre glass. It is worrying that Barratts propose to undertake significant ground work in close proximity to this pipeline.
- A video has been submitted which shows the extreme run off and flood damage (Lanehead Road) directly above the development. Water inputs from higher land currently drain through the site and the downstream effects on the River Goyt and beyond are attenuated by the greenfield characteristics of the site.
- A consultant on behalf of Whaley Bridge Matters has submitted a document (19th July 2019). In summary the comments state the greenfield run-off rate for the total area as a maximum acceptable run-off flow rate from the small

developed area of the site, ignoring that run-off will continue to occur from the undeveloped area and permeable parts of the developed site. The total flows leaving the site will therefore exceed the pre-commencement situation. These erroneous and misleading calculations have not been updated, therefore will result in an increase in downstream flood risk. Rainfall onto undeveloped areas will have a greater time of concentration than the piped drainage network, the provision of a system of land drains in these areas will most likely increase the ease of ground drainage and result in a reduction in time it takes for these areas to discharge and increase in both peak flows and total flow rates. Therefore the applicant should amend the calculation of greenfield run off rates or amend the storm water drainage calculations and explain how the land drains will be designed. The proposed method of conveying flows from springs, overland flow and groundwater via land drains discharging into the eastern ditch will limit the existing opportunity for run off re-infiltration and evaporation thus increasing the peak flow rates and total volumes discharging to the drainage ditch. The applicant should provide a quantitative assessment of the impacts of the proposed development. The applicant has not assessed either qualitatively nor quantitatively the existing run off flow quantities from adjoining properties and thus not considered whether the potential changes will cause on this drain and flows could increase the risk of flooding upstream or downstream. The applicant should determine the flow rates entering the upstream flow transfer drain, the condition of the existing transfer drain and its conveyance capacity. The CCTV survey is less than one third of the pipe length and therefore is insufficient to prove the existence of a culvert, the pipeline dimensions, conditions and restrictions. Therefore the applicant has failed to demonstrate the length of a culvert system extending the full length of the site and therefore does not know whether the proposed changes to the culvert will reduce conveyance and increase upstream flood risk or increase conveyance and increase downstream flood risk. The increased amount of surface water run-off from various sources being discharge from the site into the drainage ditch downstream of the site in close proximity to the River Goyt and how this may result in an increased risk of flooding immediately downstream where river flooding is expected to occur. In conclusion the response provided by the applicant does not address the original concerns raised by GWP in our letter of February 2018.

- A consultant on behalf of Whaley Bridge Matters has submitted a document (25.7.19) referring to the drainage calculations April 2019, Drainage Layout and the response from the LLFA. The LLFA response has not taken into account our latest technical review. In summary permeable areas of the site will most likely generate runoff during extreme rainfall events. The applicant and LLFA state that overland flows from permeable area will drain at a slower rate and will therefore have no impact to the performance of the drainage scheme. This can only be proven by a qualitative assessment of the hydrological response. Therefore the application should either amend the calculation for greenfield run off rate or amend the storm water drainage calculations. In respect of the CCTV results, the surveyed length is clearly insufficient. To prove the existence of a culvert extending the full length of the site, therefore has not evaluated whether any proposed changes will increase flood risk upstream. With respect to existing springs, overland flow

and groundwater flow, the applicant argues that Land Drains will be installed. No information has been provided about the dimension of these land drains, which will control flow velocity and conveyance capacity and thus determine the extent of the increase in flood risk. We disagree with the LLFA that the developer is taking all reasonable steps to ensure that the surface water runoff and other flows which run through the site are appropriately managed. Quantitative assessment should be undertaken to ensure that there is no increase in flood risk upstream and/or downstream.

In response to the original plans and details submitted in July 2017, the following responses, including photographs of the site have been received, although it is noted that the original plans have now been superseded by the plans and details received in June 2019:

- A soakaway or swale has a better performance in mimicking greenfield run off rates than by a vortex flow control. It is clear that insufficient consideration has been given to investigate and mimic the existing situation to protect downstream communities from increased flooding. There is also a chemical factory who has expressed concern about flooding impact.
- The UU outfall presently drains the north west and north east fields making it a designed flood alleviation system.
- The proposed drainage is contrary to the NPPF.
- The proposed drainage does not address flows, including surface water, from outside of the site e.g. Linglongs Avenue.
- The existing fields are a soakaway, any increase in flow rate will result in the River Goyt flooding.
- Transferring overland flow to a direct discharge could have a direct influence on the quality of the River Goyt and further pollution.
- There are not details about where large construction equipment is to be safely delivered and off loaded from articulated vehicles.
- The dedicated parking provision for Macclesfield residents does not accurately represent those lost in producing the development and is inadequate.
- The offices, site car park and brick delivery area should be located away from the south of the site and existing properties. This will minimise long term disruption.
- The plans and details are out of date, inaccurate and conflict with one another.
- The discharge of conditions could be seen as a predetermined approval.
- An eighteen foot retaining wall will create building platforms which would have a negative impact on the community, creating an unsafe environment for children, extreme loss of privacy for new and existing residents and shadowing of gardens and properties.
- Putting fences and walls right next to residents own walls and hedges will prevent maintenance.
- The conditions should not be discharged until full approval of reserved matters application HPK/2017/0247 has been granted.
- The applicant is systematically underestimating likely run off.
- The current routing of upstream inflows are not shown on the layout plan, the

FRA cannot be trusted.

- Vortec flow limiters have little impact to no impact on the initial flash surge as they pass through and limiting flow rate.
- The red edge on the development plan framework does not match the red edge on the location plan. The development framework plan is mis-scaled.
- The overland flow from the natural spring into the south east field is heavily contaminated with ochre mining drainage.
- The revised development framework plan substantially alters the proposed development from that which has been approved under HPK/2014/0119 and goes beyond minor material amendments.
- The section 73 application is not appropriate or valid.
- What is the status of HPK/2017/0247. If HPK/2017/0694 is passed would a fresh reserved matters application be made?
- Given the outcome of the LGO we reserve our rights to contact them.
- Routing upstream inflows through a culvert will not allow for infiltration and evapotranspiration occurring, leading to increased risk of flooding downstream.
- A concrete pipe will transmit flow more quickly than overland flow, resulting upstream flows arriving downstream and flood risk to the east of the site.
- The proposed culvert and existing downstream drainage ditch has not been assessed for flow capacity.
- Oversized pipes are proposed, however other SUDS techniques have not been explored.
- Drainage calculations are inconsistent.
- Climate change rainfall allowances have not been appropriately applied to all rainfall scenarios.
- Implications of altering the path of a public sewer network pipeline have not been considered, assessed or mitigated in the FRA. This could increase the risk of flooding downstream.
- Flows arising from at least one of the springs to the eastern drainage ditch will impact on the how the spring flows are conveyed across the site.
- The soakaway tests have not been repeated and are insufficient for the site.
- Groundwater flooding will be a problem in the area of identified springs, where property foundations will interfere with shallow water egress, potentially damaging new properties and altering spring flows and locations.
- Fluvial flood risk to the receiving water has not been assessed.
- The storm water drainage scheme neglects to include run off from the retained greenfield areas which will exceed current pre-development run off rate.
- The volume of surface water run off will increase as a result of the development.
- The responses provided by Derbyshire County Council are inadequate, and flawed.
- The comment from Barratt's drainage advisers gives no assurance regarding flooding downstream and ignores previous surveys.
- Following the Judicial Review proceedings how will the details of the drainage solutions be provided and how will the Council disclose statutory consultee comments and your report, prior to making any decisions.
- There is a legitimate expectation that details for groundwater flows, surface

water runoff from adjoining properties, rainfall onto non developed parts of the site and the Linglongs Road estate outfall will be submitted.

- HPBC has confirmed that you are not in any way fettered by the approval of the drainage and engineering layout under the reserved matters decision.
- Anything less than full disclosure of all documentation and schemes received from the applicant, statutory consultee comments, and your own recommendation would leave HPBC at increased risk of future legal challenge.
- New land drains will accelerate drainage through the site.
- The applicant's drainage plans involve capturing and discharging off site to the River Goyt and existing and new inflows to the site. DCC seem to accept that the total offsite discharge volume will inevitably increase.
- The NPPF requires that development will not increase downstream flood risk.
- DCC confirm that they do not hold data relating to modelling on specific ordinary watercourse or main rivers. However on contacting the EA they state that flash flooding is now a matter for the Local Authority and Lead Local Flood Authority. This issue has not been assessed by either the EA or DCC.
- There is still a significant risk of flooding to Botany Bay immediately downstream of the proposed development. From the various water inputs to the site, the proposals would increase the overall peak rate and volume discharge and render the discharge immediate rather than delayed, therefore increasing downstream flood risk, contrary to the NPPF. The current situation would not be mimicked as the EA intended in its submission at outline stage.
- A report of a significant historic flooding event which occurred immediately downstream of the development emphasises the centrality of downstream flood risk. The current layout and engineering proposals increase downstream flood risk, by reason of the diversion of land drains and subsequent direct and uncontrolled discharge of various inputs to the sloping site.

Consultees

Consultee	Comment	Officer response
DCC Highways	<p>27.08.2019:</p> <p>Condition 23 Travel Plan</p> <p>Travel awareness 7.4 The travel welcome pack should include (but not be limited to) the following: Public transport</p> <ul style="list-style-type: none"> • www.derbybus.info/ for timetable and route maps for bus services throughout Derbyshire. • www.nationalrail.co.uk for all rail services. <p>Journey Planning</p> <ul style="list-style-type: none"> • www.travelineastmidlands.co.uk for all mode 	7.8, 7.10, 7.43- 7.50

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

- <https://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.

Public Transport measures

7.10 The developer is encouraged to negotiate with local bus operators to offer 'taster tickets' or similar discounts for public transport use. The operator of most services in Whaley Bridge is High Peak Buses. Contact: High Peak Buses. Keith Myatt, Head of Business Development. keith.myatt@centrebus.co.uk. 07720 088 675.

Taster tickets should be available to all households as part of the travel welcome pack, and should be valid for a minimum of one week's commuter journeys on the selected operator's services.

Car sharing scheme

7.11 Noted. Consideration should also be given to the establishment of an informal site based car share scheme, with journey matches facilitated by the Travel Plan Coordinator.

Marketing summary

7.13 Noted.

Consideration should be given to the establishment of:

- A site based website, detailing all travel options for

all existing and potential residents.

- A social media presence, e.g. Facebook page or twitter account, to facilitate prompt communication between the Travel Plan coordinator and residents.

Additional comments:

(i) Travel Plan coordinator duties

The duties of the Travel Plan coordinator should include the provision of personalised travel planning for all new households upon occupation.

(ii) Residents group

Dependent upon interest and demand, consideration should be given to the establishment of any or all of: (i) a residents group, (ii) a walking group, (iii) a BUG (bicycle user group) or (iv) a dedicated travel plan group. It is to this group (whichever is established or most pro-active) that responsibility for the Travel Plan should be passed beyond the initial monitoring period.

(iii) Travel Plan status

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

(iv) 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.

Resident's Travel Pack

P4.

Replace 'facilities within walking distance' map with that attached (or equivalent), with suitable annotations and labels.

P5.

Replace link to Derbyshire Cycle map with:

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/leisure/countryside/access/cycling/cycle-derbyshire-map.pdf>

P6. To Adults:

Add:

All adults who live and work in Derbyshire are entitled to take advantage of County Rider, with up to eight hours of free bespoke cycle training. See:

<https://www.derbyshire.gov.uk/transport-roads/road-safety/bicycles/county-rider/county-rider.aspx>

Chinley Churners Cycling Club. Replace link with:

<https://www.facebook.com/groups/ccclub/>

P10 Concessionary travel.

Replace link with: <https://www.derbyshire.gov.uk/transport-roads/public-transport/fares-tickets-passes/concessionary-fares/bus-passes-concessionary-fares-schemes.aspx>

The documents should be revised to incorporate the above comments, before the condition may be discharged.

09.08.2019:

Condition 8:

The information within the document, relating to items (e), (f) and (g), is considered acceptable in principle from a highway perspective (although it is noted that in item (e) there is reference made to earthworks and construction activities taking place on site in Autumn 2017).

This would therefore be sufficient to discharge parts of condition 8, specifically (e), (f) & (g), however, it should be noted that item (e) does require the approved dust suppression measures to be maintained in a fully functional condition for the duration of the construction phase, to fully comply with the requirements of the condition.

07.08.2019:

Condition 7:

Drawing Nos 466-ED-CMS01 Plans 1 , 2 & 3 demonstrate that acceptable on site arrangements can be provided to satisfy the requirements of the condition in part. However, the condition also requires the arrangements to be laid out and maintained for the duration of the construction period for the condition to be fully discharged.

However, as previously highlighted the access to serve the initial S278 works, off Linglongs Road takes access from land which is outside of the application site boundary and

presumably does not benefit from any separate planning consent (unless this may be deemed to be permitted development given Linglongs road is a non-classified route). Provided your Authority is satisfied with this arrangement it is unlikely the Highway Authority would be in a position raise objections in principle.

Condition 8:

It would appear the condition, in this form, was not recommended by the Highway Authority, in its consultation response, however, it is noted that items (e) and (f) are considered to be highway related. Unfortunately I have not managed to find any information submitted specifically relating to these items. Please ask the applicant to provide further information / clarification before the condition is discharged.

Condition 22:

Details on drawing number VD17501-100-01 Rev J show a staggered barrier arrangement where the existing public right of way connects to Macclesfield Road. In addition the general arrangement drawing demonstrates the provision of a connected, shared pedestrian / cycle network within the development itself linking to Linglongs Road and the Public Right of Way running through the site. The proposals shown are acceptable in principle and may therefore be considered satisfactory to discharge the condition in part, however, the condition does require the arrangements to be laid out and implemented.

Condition 23:

I have forwarded the Travel Plan information to our Sustainable Travel team for information and comment. At present I have not received any feedback regarding the submitted information. I will contact them to see when any update / comments may be available and get back to you.

Condition 24:

It is noted drawing number 466-P-MP01 Rev D has been submitted in support of the discharge of this condition. This does show 11 No parking spaces to the rear of 76-84 Macclesfield Road being under the control of the 'site wide management'. The principle of the spaces is generally acceptable, however, there does not appear to be any supporting information in relation to their allocation or finished surface details (as specifically required by the condition). This should be provided before the condition may be discharged.

In addition, given the phasing arrangements now proposed,

	<p>it is unlikely the road network in this area would be constructed for some time. This may cause an issue with the availability of the parking spaces, in order to comply with the requirements of the condition i.e. the spaces need to be made available for use prior to the occupation of the development in any phase. The applicant may wish to modify the wording of this condition if it proves this would be considered to be too restrictive in terms of their current program.</p>	
Tree Officer	<p>Condition 26: The information submitted is sufficient to discharge the condition.</p>	7.50-7.51
Environmental Health Officer	<p>23.08.2019: The CMS may be accepted.</p> <p>20.08.2019:</p> <p>Condition 6 - The noise mitigation scheme submitted in support of the application may be accepted</p> <ul style="list-style-type: none"> Wardell Armstrong, Detailed Noise Assessment Report (ref: LE13843 v0.2 FINAL), dated July 2017 <p>The mitigation works identified within the report shall be undertaken in full.</p> <p>03.07.19:</p> <p>Condition 6 – Noise mitigation scheme The submitted scheme is a DRAFT document for comment and a final document approved by a senior consultant is required to discharge the condition.</p> <ul style="list-style-type: none"> Wardell Armstrong, Detailed Noise Assessment Report (ref: LE13843), dated May 2017 <p>The report is a couple of years out of date, this should not cause too many issues however it will be assessed in light of appropriate standards at the time it was submitted (May 2019). The following issues need to be addressed.</p> <p>3.1 External Living Space Where predicted noise levels exceed 50dB in external living areas mitigation shall be proposed to reduce this to below 50dB. In some exceptional circumstances it may not be possible to reduce noise to below the target value, in such case it may be necessary to revisit the site layout to achieve desired criteria through good acoustic design (as defined within ProPG, May 2017). Where it is still not possible to meet the first target criteria, the developer shall ensure that noise levels are kept as low as practical through good acoustic design.</p>	7.6 – 7.8, 7.10, 7.30-7.32

The final report shall include a noise contour map clearly indicating all plots with external living space >50dB. For outdoor living space where the noise contour exceeds 50dB the maximum predicted noise level shall be illustrated for these plots.

3.2 Internal living Space

The final report shall include

- Noise contour map clearly illustrating predicted noise levels at all plots.
- Where façade values indicate that BS8233 criteria are predicted to be exceeded with windows open the report shall demonstrate that good acoustic design principles (ProPG) are employed to reduce noise to a reasonable minimum. Where noise criteria values can only be achieved with windows closed these properties shall be clearly identified and a justification for this included in a statement of good acoustic design. In such cases the developer shall consider thermal comfort of occupants to ensure there is adequate summer time ventilation, any noise created by mechanical ventilation shall be assessed.

Condition 8 – Construction Method Statement

The submitted CMS should not be accepted at this time:

- Barratt Homes, Construction Method Statement, dated July 2017

Note – this CMS has been approved under Condition 10 of HPK/2014/0119, comments are made on the understanding that Planning Officers will put them into the correct context.

From an Environmental Health point of view the CMS may not be accepted; other services/organisations may wish to make their own representations in this matter.

- (a) The method and duration of any pile driving operations (expected starting date and completion date);

The piling statement shall demonstrate that an appropriate piling method has been chosen consistent with “best available technique” to reduce noise and vibration nuisance at neighbouring properties. The statement shall include details of any monitoring to take place, and any trigger values and subsequent actions

Condition 14 – Land Contamination

I refer you to my email dated 5th April 2018, with regard to HPK/2014/0119.

<p>The Coal Authority</p>	<p>Condition 27: Within the context of TCA's response to you dated 12th September 2017 and on the basis that the same report has been submitted TCA would have no objections to the LPA discharging condition 27.</p>	<p>7.52- 7.52</p>
<p>United Utilities</p>	<p>28.8.2019: Further to our review of the submitted drainage engineering layout (ref 466/ED/02 Rev S dated 30.4.2019) United Utilities has no objection to conditions 11 and 12 being discharged. We recommend the Lead Local Flood Authority along with any other statutory consultee, are also consulted on the proposal.</p> <p>1.7.2019: Further to our review of the submitted Drainage engineering layout (ref 466/ED/02 Rev R dated 10.04.2019), United Utilities has no objection to the conditions 11 and 12 being discharged. We recommend the Lead Local Flood Authority along with any other statutory consultee, are also consulted on the proposal.</p>	<p>7.23- 7.24</p>
<p>Derbyshire Wildlife Trust</p>	<p>30.08.2019: Further to our response on the 9th June 2019 we have reviewed the bat and bird box plan that accompanies conditions 17 and 18 and we can see that this has been updated and they now reflect the same specifications and locations. We are now satisfied with the information provided.</p> <p>9.6.2019: There are six conditions that relate to ecology and these are set out below.</p> <p><u>Condition 16-Biodiversity Management Plan</u> We previously provided comments on the LEMP (V7 dated June 2018) on 29th August 2018 within which we stated that we were satisfied with the details set out within this document. We advised that that Conditions 18 and 19 could be discharged. The condition reference has now changed to 16. It is considered that this condition can be discharged.</p> <p><u>Condition 17-Incorporation of features for nesting birds and roosting bats</u> We have reviewed the plan produced by TEP (D6270.02.002L dated 24.04.2017) that provides details of the locations of proposed bird and bat boxes. This plan reflects the suggestions previously made by Derbyshire Wildlife Trust with the exception of the swift boxes. We</p>	<p>7.33- 7.42</p>

	<p>have reviewed the proposed location of the swift boxes and we are satisfied that they are located where there is a clear enough flight path. This condition can be discharged.</p> <p><u>Condition 18-Assessment of tree for roosting bats</u></p> <p>We have reviewed the Bat Mitigation Strategy for trees produced by TEP (ref: 6270.01.001, January 2018). We are satisfied with the measures detailed within this document and can advise that this condition can be discharged. The only amendment that is required is for the bat box location plan to be updated so that it matches with the plan provided for condition 17. The recommendations made within this document for pre-commencement surveys and mitigation should be implemented in full.</p> <p><u>Condition 19-Assessment of badger sett and strategy</u></p> <p>We have reviewed the Badger Licensing Strategy (5104.02.01 June 2019) produced by TEP and it is considered that it addresses all our previous concerns and comments. It is considered that this condition can be discharged.</p> <p><u>Condition 20-Vegetation clearance and nesting birds</u></p> <p>No information has been provided with respect to this planning condition.</p> <p><u>Condition 21-Japanese Knotweed Strategy</u></p> <p>A Japanese knotweed strategy has been produced by Japanese Knotweed Solutions dated 17th March 2017. We are satisfied with the details within this strategy and can advise that this condition can be discharged.</p>	
<p>Local Lead Flood Authority (LLFA)</p>	<p>29.08.2019:</p> <p>In the case of this application, the greenfield runoff rate was calculated using the developable area. This rate was modelled in MicroDrainage, and the model accounted for an additional 10% increase in flows into the system in the storm design criteria (which is on top of the 40% climate change allowance and 10% allowance for urban creep) and assumed a 100% runoff from all impermeable surfaces (in reality this is very unlikely). The permeable areas of the proposed development will not drain as they do now due to landscaping etc, and runoff routes for any surface water generated will also be impeded by verges, fencing, walls and gardens etc. This will reduce the time of entry into the drainage system into which an additional 10% inflow has been accounted for. During higher order rainfall (greater than 30 year) events the modelling is showing a reduction in the discharge rate from the greenfield rates proposed.</p> <p>The LLFA are satisfied that the applicant has approached</p>	<p>7.12-7.23, 7.25-7.29</p>

the greenfield discharge rate in a reasonable manner and the model has been tested sufficiently.

The applicant has camera surveyed a culvert into which the surface water outfall from Linglongs road discharges into. The survey was not able to reach the headwall in the watercourse to the east, but the applicant dye tested to confirm that it does outfall into the watercourse to the east. It is reasonable to expect the continuation of the culverted watercourse through the site, in particular as there is a United Utilities adopted outfall into the culvert. Under the Land drainage Act the riparian landowner would be expected to maintain the free passage of flow of the watercourse, therefore any restrictions or collapses should be dealt with regardless of planning consent, and this also applies to any unadopted drains currently within the site. The use of land drains within the site, is to manage the flow of springs and re-emergence of throughflow, to reduce the flood risk to the proposed properties. The throughflow generated due to rainfall landing on the permeable areas of the site will be reduced, given that a large proportion of the site will be positively drained, by the proposed surface water drainage system, and therefore the volume discharge will likely be less than the current situation.

I can confirm that Land Drainage Consent (under section 23 of the Land Drainage Act 1991) will be required for the diversion of the culverted watercourse.

12.07.2019:

Condition 9:

If the surface water management plan system is installed as per drawing number 466/ED/02S and phased as per drawing 466/ED/47A, surface water generated by rainfall over the developed area will be managed appropriately. The design has been robustly tested through modelling (Drainage calculations 2019) and it has been demonstrated that run off rates can be reduced from greenfield rates in higher order events.

Condition 10:

Surface water resulting from rainfall onto the positively drained areas of the site will be managed as per the drainage design, rainfall that lands on permeable areas of the site (public open space, verges etc.) will infiltrate in a similar fashion to as it does now. Permeable areas will be reduced due to the development therefore overland flows from these areas will be reduced as the majority of rainfall will be captured, stored and released at greenfield rate by

the surface water drainage system. Any rainfall that does not infiltrate and reaches the surface water system via overland flow (in exceedance conditions) will do so at a slower rate than the positively drained impermeable area, and will therefore not impact on its performance as designed.

The existing United Utilities surface water outfall into a watercourse culverted through the site will be maintained and the culverted watercourse will have its passage of flow maintained through the site. A CCTV survey and dye testing identified the culverted watercourse continues through the site and any additional land drainage flows will be maintained if encountered.

Existing springs will be managed through the site utilising land drains, these will be separate from the surface water management system and so will not impact on its performance.

Throughflow and ground water flows (resulting from rainfall onto the site) will reduce as the impermeable area will increase and so less rainfall will enter soils, this will reduce groundwater recharge. Land drains are the traditional way of draining poorly drained areas, for example to increase land availability for agriculture and are the most appropriate method of managing throughflow in this instance.

Condition 11:

The sustainable drainage system as proposed will be offered for adoption and maintained thereafter by United Utilities. The applicant has confirmed how the un-adopted elements of the site drainage will be maintained and managed.

Condition 13:

Whilst worded differently, the condition (to ensure management of existing flows into the site) is dealt with in the information provided for condition 10.

The concerns of Whaley Bridge Matters (WMB) have been addressed by the developer as per their email dated 11.6.2019.

The Environment agency Flood Risk Maps (Flood zones 2 and 3 maps) indicate that there are areas of land at risk of flooding to the east of the development, The applicant is not proposing any development within these flood risk area and therefore the proposed development will not increase the existing fluvial flood risk.

	<p>The Environment Agency Surface Water Flood Risk Maps (Risk of flooding from Surface Water Maps) indicate that there are areas of land within the developers site, which are at risk of flooding (1/30 and 1/110yr). The developer is altering the drainage characteristics of the greenfield site (by nature of their development proposals), but are taking all reasonable measures to ensure that the surface water run-off and other flows which run-through the site are appropriately managed to not only ensure proposed properties are safe from flooding, but to also ensure that flood risk isn't increased downstream.</p> <p>From Environment Agency Flood Risk Maps (pluvial and fluvial) there is a current downstream risk of flooding from the River Goyt and rainfall events. The applicant is not proposing development in the areas at risk and therefore the proposed development will not be at an increased risk and the risk of flooding will remain the same downstream. The developer is altering the drainage characteristics of the greenfield site by the nature of their proposals (increasing impermeable surfaces) but they are taking all reasonable measures to ensure that the appropriate management of surface water and other flows through the site.</p>	
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7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

7.1 The purpose of the imposition of planning conditions is to ensure that development can proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that it clearly seen to be fair, reasonable and practicable.

7.2 The applicant has sought to agree the conditions listed below by providing the requirements for each condition. The information has been reviewed by various statutory consultees and their comments are reported above.

7.3 Condition 4 states:

Prior to commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses such as formal and informal open space and infrastructure, in general accordance with the details set out on the Development Framework Plan drawing no. 466/P/DF/01 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. In particular the layout shall provide for the retention of the existing trees on the site where this is justified. The development shall be carried out in accordance with the approved phasing scheme.

Reason:

7.4 The submitted plans show that the site will be developed over a number of phases. Weeks 1-2 will involve access to the site via the Midshires Way to install tree protection measures. Weeks 3-18 will involve the creation of the access road and regrading works from Linglongs road into the site. Thereafter the site will be developed as follows:

Phase 1 – Roads and sewers (weeks 19-34)

Phase 2 – Road and sewers, including residents parking (weeks 35 – 48)

Phase 3 – Roads and sewers (weeks 60-80)

Phase 4 - Roads and sewers (weeks 80-100)

7.5 The site is broadly split into the three zones, the north west, northeast and south east. The houses will be constructed in 12 stages, with the first four phases being Plots 1-29 in the north west segment of the site, with the exception of plots 18-27 due to the presence of the construction compound. Thereafter phases 5 - 10 (plots 71 – 107) in the south eastern segment of the site will be constructed and finally plot numbers 37 – 70 to the north east of the site will be constructed. The plans also identify the location of trees to be retained and the location of the public open space. The details submitted explain the phases of development throughout the site and are therefore considered to be acceptable.

7.6 Condition 6 states:

No development shall take place until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved in writing by the Local Planning Authority. No dwelling which forms part of the scheme shall be occupied until the approved works to that dwelling have been completed.

Reason:

7.7 A final (rather than draft) detailed noise assessment has been submitted (Wardell Armstrong July 2019), which provides an assessment of the potential impacts on existing sources noise and the impact on the proposed residential dwellings and their garden areas. The majority of gardens will experience acceptable noise levels with the exception of plots 1-4, 23, 24, 28 and 29 whereby 1.8m close boarded fences will be used to screen garden areas from noise. With respect to noise sensitive rooms (bedrooms, living rooms, dining areas) the use of appropriate glazing and ventilation will ensure that within these rooms acceptable noise levels are achieved. The Councils Environmental Health officer has reviewed the submitted assessment, concluding that the report is acceptable. It is considered that subject to compliance with the information provided, the dwellings and their associated garden areas will not suffer from adverse noise levels.

7.8 Condition 7 states:

Before any operations are commenced (excluding site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives' and visitors' vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the local planning authority for written

approval and maintained throughout the construction period in accordance with the approved designs free from any impediment to its designated use.

7.9 During the construction of the access point onto Linglongs Road, a temporary compound area will be set up immediately to the south of the access point. The site offices will be positioned in the location of plots 18 and 19 towards the northern boundary of the site. The car parking areas and materials store will be located along the northern boundary behind the garden areas of numbers 130 – 136 Macclesfield Road. Within the site office area, double height portacabins and other associated welfare facilities will be provided. The location of these facilities is considered to be acceptable. It is noted that a new access will be created on Linglongs Road to provide access to the compound area which is required in connection with the S278 works and the creation of the new access serving the development. This would be permitted development. It is noted that the Highway Authority, as a statutory consultee raises no objection to the details.

7.10 Condition 8 states:

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. All construction work shall be undertaken in accordance with the approved Construction Method Statement, which shall include the following details:

- (a) The method and duration of any pile driving operations (expected starting date and completion date);*
- (b) The hours of work, which shall not exceed the following:*
 - Construction and associated deliveries to the site shall not take place outside 08:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;*
 - Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays and at no time on Saturdays, nor at any time on Sundays or Bank Holidays;*
- (c) The arrangements for prior notification to the occupiers of potentially affected properties;*
- (d) The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;*
- (e) A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;*
- (f) Details of wheel washing facilities;*
- (g) Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- (h) A scheme for recycling/disposal of waste resulting from construction works;*
- (i) Details of protection measures to boundaries and features of ecological value.*

7.11 Taking each of the above criteria in turn, it is proposed to:

a. A number of plots are to be founded on pile and beam foundations. It is estimated that 50% of the plots will be piled. The developer advises they are unable to identify

precisely the date on which plots will be piled, but it is estimated that a total of 27 days will be needed. During the piling operations, vibration monitoring will be undertaken in accordance with British Standard 5228-2:2009: Code of practice for noise and vibration control on construction and open sites: Part 2: Vibration. Vibration measurements will be taken at positions considered to be representative of the properties closest to the piling operations. The results of these measurements will be used to quantify and correlate the levels of vibration at the neighbouring premises with a log of operations on the construction site.

b. This part of condition 8 requires compliance with times for piling.

c. The applicant states that letters will be sent to inform local residents of the following:

Commencement of site entrance works off Linglongs Road

Commencement of the site clearance and re-grade works

Commencement of the on site road and sewer construction

Commencement of housing construction including notification of Barratt site managers details)

Commencement of piling operations.

d. The applicant advises at the current time they are yet to appoint the contractor to undertake the site access works, re-grade works and initial on-site road works. Therefore contact details, including telephone numbers (both during and outside office hours) and an email address have been provided. Once the site compound is established and prior to bricklaying activities, a Barratt site manager will be full time on site and their details are to be circulated by letter to local residents.

e. Dust management is weather dependent, during dry spells, increased water spraying will be employed. Other dust reduction measures include, speed limits of 10mph during construction activities, roads to be swept, loads to be covered to prevent the transmission of dust, equipment for the grinding, swing and cutting of materials to be fitted with a water spray system and regular monitoring of the site on a daily basis.

f. Due to the gradient of the land, it is not possible to install a propriety wheel wash on the site. Instead, a road sweeper will be employed full time to operate both on and off the site.

g. Heras fencing secured to wooden posts concreted into the ground will be installed at all open boundaries including along the rear garden boundaries of neighbouring properties in Macclesfield Road. An additional plan has been submitted to show the location of the fencing. This also includes the public right of way which will be secured with heras fencing.

h. The applicant has submitted a waste management plan which identifies the waste types/groups and where appropriate whether they are to be reused on site or recycled off site.

i. The protection measures to boundaries and features of ecological value will comprise heras fencing and all trees to be retained will be protected in accordance with the details submitted for condition 26. With respect to other ecological matters including bats, badgers and birds, these are address by conditions 17-19.

The above details are considered to acceptable and ensure that matters relating to residential amenity, ecology and highway safety are addressed. It is noted that both the highway authority, as a statutory consultee and the Environmental Health Officer raise no objection to the above details. The Environmental Health Officer confirms that the revised piling details are acceptable.

7.12 Condition 9 states:

The development hereby permitted shall not commence until such time as a scheme to limit the surface water run-off generated by the proposed development to existing Greenfield rates with attenuation up to a 1 in 100 year event, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

7.13 The submitted plans and details show that surface water drainage will be restricted by a series of flow controls and underground attenuation tanks in the form of oversized pipes. The purpose of this is to restrict the rate of water run off to a maximum level for 1:100 year plus 40% climate change event. It is noted that objectors have submitted several responses, including technical assessment of the applicant's proposals. The Lead Local Flood Authority have carefully reviewed all statements and evidence received from third parties, concluding that surface water generated by rainfall over the developed part of the site has been robustly tested through modelling (Drainage calculations April 2019) and demonstrated that run off can be reduced from greenfield rates in high order events.

7.14 The surface water and foul network, including all pipes up to and including the outfall headwalls will be put forward for adoption by United Utilities under a S104 of the Water Industry Act 1991. United Utilities confirm that they raise no objection to the drainage proposals. Any pipes (SUDS), sewers and land drains which lie within areas of public open space will be responsibility of a management company appointed by the applicant. The applicant has provided a maintenance schedule which identifies that catchpits will be inspected every 3 months, surface culverts will be inspected annually and any ditches will be inspected every month. The LLFA, as a statutory consultee are content that sufficient and acceptable information has been submitted and therefore it is recommended that this condition be agreed.

7.15 Condition 10 states:

The development hereby permitted shall not commence until such time as a scheme to manage the risk of flooding from overland flow of surface water and the drainage of existing flows onto the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within

the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

7.16 The submitted details identify five sources of overland flows and the drainage of existing flows onto the site. They are:

1. Springs (both off and on site)

On site spring are present behind plots 101-103. New land drains will be installed (and subject to separate consent by the LLFA). However these will not enter the development drainage system and instead will connect into the existing ditch running through the site.

2. Overland flows

A network of additional land drains around the boundary of the site and adjacent to all highway embankments will pick up off site overland flows. Again these land drains will not enter into the development drainage system and instead will connect to the existing ditches running through the site.

3. Groundwater Flows

The network of new land drains will collect ground water flows arising from within or outside the site. The finished floor level of the houses will be at 150mm above surrounding ground level and plots 1-3, 300mm above surrounding ground levels.

4. Surface water run off from adjoining properties

The applicant acknowledges the presence of an uncharted drain to the rear 130 Macclesfield Road. If necessary and following on site excavations to investigate the presence or otherwise of any unknown drains, the applicant has advised that they would seek to amend the drainage design that would deal with any other existing flows.

5. Surface water outfall from adjacent housing estate (Linglongs Avenue)

The surface water outfall from Linglongs Avenue is an adopted sewer, which has been diverted into a below ground pipe which extends the full length of the site and ultimately discharges to the watercourse to the east of the site. A CCTV survey had revealed that this pipe will need to be diverted as part of the drainage network through the site.

7.17 As set out by the LLFA surface water resulting from rainfall onto the positively drained area of the site will be managed by the proposed drainage design. Rainfall which falls in permeable areas, such as public open space, verges, will infiltrate in a similar manner as existing. Although permeable area will be reduced as a result of the development overland flows will be reduced as the majority of rainfall will be captured, stored and released at a greenfield rate by the surface water drainage system. Any rainfall which does not infiltrate and reaches the surface water drainage system via overland flow will do so at a slower rate than the positively

drained impermeable area. Accordingly this will not impact on the performance of the system.

7.18 In terms of the CCTV survey and dye testing provided, the LLFA consider that this has identified that the culverted watercourse continues through the site and any additional land drainage flows will be maintained. Throughflows and groundwater flows will reduce as the impermeable area will increase and so less rainfall will enter soils, this will reduce groundwater recharge. The installation of the drainage will take place in four phases, although the applicant states that it is likely to be consecutive and continuous. All drainage will be installed and operational prior to the first occupation of the plots in the relevant phase.

7.19 The LLFA, as a statutory consultee, are content, that having carefully reviewed both the applicants drainage details and the objector's submissions that risk of flooding from overland flow of surface water and the drainage of existing flows onto the site can be managed appropriately and without causing risk of flooding elsewhere.

7.20 Condition 11 states:

The development hereby permitted shall not commence until a scheme for surface water regulation, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme will be maintained and managed after completion. Thereafter the development shall proceed in accordance with the approved details.

7.21 The submitted plans and details show that surface water drainage will be restricted by a series of flow controls and underground attenuation tanks in the form of oversized pipes. Other SUDS techniques, in the form of swales have not been employed due to the geology of the land. The surface water and foul network, including all pipes up to and including the outfall headwalls will be put forward for adoption by United Utilities under a S104 of the Water Industry Act 1991. United Utilities confirm that they raise no objection to the drainage proposals. Any pipes (SUDS), sewers and land drains which lie within areas of public open space will be responsibility of a management company appointed by the applicant. The applicant has provided a maintenance schedule which identifies that catchpits will be inspected every 3 months, surface culverts will be inspected annually and any ditched will be inspected every month.

7.22 The LLFA, as a statutory consultee, having carefully reviewed both the applicants drainage details and the submissions by the third parties, conclude that the sustainable drainage scheme proposed, its adoption by Unties Utilities and the management of land drains elsewhere on the site is acceptable. It is therefore recommended that this condition be agreed.

7.23 Condition 12 states:

No development shall take place until a scheme for the foul drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details

7.24 The foul drainage on the above site is to discharge to existing foul sewers which run through the site. Part of the site drains via gravity sewer to the existing sewer running through the site. The remaining (lower) part of the site drains via a proposed new pump station and rising main, which also discharges to the existing sewer running through the site. The proposed new sewers will be put forward for adoption by united utilities under a section 104 agreement. United Utilities, raise no objection to the proposals, it is therefore recommended that this condition be agreed.

7.25 Condition 13 states:

The development hereby permitted shall not commence until such time as a scheme to manage the drainage of existing inflows onto the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

7.26 The surface water outfall from Linglongs Avenue is an adopted sewer, which has been diverted into a below ground pipe which extends the full length of the site and ultimately discharges to the watercourse to the east of the site. A CCTV survey had revealed that this pipe will need to be diverted as part of the drainage network through the site.

7.27 As set out by the LLFA surface water resulting from rainfall onto the positively drained area of the site will be managed by the proposed drainage design. Rainfall which falls on permeable areas, such as public open space, verges, will infiltrate in a similar manner as existing. Although permeable area will be reduced as a result of the development overland flows will be reduced as the majority of rainfall will be captured, store and released at a Greenfield rate by the surface water drainage system. Any rainfall which does not infiltrate and reaches the surface water drainage system via overland flow will do so at a slower rate than the positively drained impermeable area. Accordingly this will not impact on the performance of the system.

7.28 In terms of the CCTV survey and dye testing provided, the LLFA consider that this has identified that the culverted watercourse continues through the site and any additional land drainage flows will be maintained. Throughflows and groundwater flows will reduce as the impermeable area will increase and so less rainfall will enter soils, this will reduce groundwater recharge.

7.29 The LLFA, as a statutory consultee, are content that having carefully reviewed both the applicant's drainage details and the objector's submissions that risk of flooding from the drainage of existing inflows onto the site can be managed appropriately and without causing risk of flooding elsewhere.

7.30 Condition 14 states:

No part of the development hereby permitted shall commence on site unless and until:

- a) *a site investigation has been designed for the site using the information obtained from the desk top investigation previously submitted (5644/R1, Lees Roxburgh, Feb 2014) in respect of contamination. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on the site; and*
- b) *the site investigation and associated risk assessment have been undertaken in accordance with the detail submitted to and approved in writing by the Local Planning Authority; and*
- c) *a method statement and remediation strategy, based on the information obtained from b) above, including a programme of works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.*
- d) *a verification plan providing details of the data that will be collected in order to demonstrate that the works in the remediation strategy set out in c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

The approved details shall be implemented as approved, and any long term monitoring and management plan shall be implemented as approved.

7.31 The following reports have been submitted to address this condition; Phase 1 Geo Environmental Assessment by Lees Roxburgh Dated Feb 2014 Ref 5644/R1, Phase 2 Consolidated Geo Environmental Report by Opus Dated 11th December 2014 Ref J-D1747.00_R1_NLC , Trial Pitt Logs by Opus, Coal Extract Report by Opus Dated 11th December 2014 Ref J-D1747.00_R1_NLC, Gas Risk Assessment by Opus Dated 20th January 2015 Ref J-D1747.00_L3_NLC, Appraisal Report by Soil Technics R-STP3981NM-AR01, Specification and Classification for Reuse Report by Soil Technics R-STP3981NM-ES01 and Earthworks Strategy Report by Soil Technics R-STP3981NM-ES02

7.32 The Council Environmental Health Officer following a careful review of the above reports notes that gas protection measures are not required and that the soil on site does not present a risk to human health and is suitable for use without remediation. Accordingly, it is considered that the site can be developed without undue harm to future occupiers of the site. It is noted however that condition 15 requires the submission of remediation strategy in the event that any unexpected contamination is found at the site. It is therefore recommended that this condition be agreed.

7.33 Condition 16 states:

No development or other operations including site clearance shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall be based on the submitted Outline Biodiversity Management Plan by FPCR (June 2014) and shall include provision for ecological retention, enhancement, implementation timetable and future maintenance and management.

The approved Biodiversity Management Plan shall be implemented in accordance with the approved timetable and subsequently maintained in accordance with the approved details.

7.34 The submitted report provides details on biodiversity retention, enhancement, a time table for implementation and future management responsibilities. In summary the report identifies that existing trees (not shown for removal) hedgerows and shrubs will be retained, a wetland area to the north eastern part of the site will be created, species rich grassland along the south western boundary and throughout the middle of the site will be provided. Additional native trees, hedgerow and shrub planting and the provision of bird and bat boxes will be provided. The timetable for implementation would be in the first season after construction of the dwellings (November to March) and any replacement planting to take place in years 1 to 5. The management of the areas of biodiversity enhancement will be carried out by a company appointed by the applicant, to be carried out in accordance with the Management Plan. It is noted that Derbyshire Wildlife Trust have carefully reviewed the management plan and consider the document to be acceptable. It is therefore recommended that this condition be agreed.

7.35 Condition 17 states:

Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.

7.36 The submitted plan shows that a total of 8 bat boxes, 2 swift boxes, 6 sparrow terrace and 5 nest boxes will be provided either within some of the existing trees to be retained at the site or within individual dwellings. The plan has been reviewed by Derbyshire Wildlife Trust, and they confirm that they are content with the location of the various boxes. Accordingly it is recommended that this condition be agreed.

7.37 Condition 18 states:

Before any development or other operations commence, including site clearance an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist and a report setting out any necessary mitigation plan has been submitted to and approved by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved plan and retained thereafter.

7.38 The applicant has submitted a Bat mitigation strategy which provides an assessment of the trees on site and a migration strategy relating to the protection of bats and their roosting habitats. The strategy identifies that further aerial inspections will be necessary for certain trees, and if required a Natural England licence sought. Derbyshire Wildlife trust have reviewed the submitted strategy, concluding that they are satisfied with the measured outlined. It is noted that DWT advise that the bat box

plan should be updated to match with the plan submitted for condition 17. This has duly been submitted and DWT confirm that this is acceptable. It is therefore recommended that this condition be agreed.

7.39 Condition 19 states:

Before any development or other operations commence, an assessment of the badger setts on and adjacent to the site shall be undertaken and a report setting out any necessary mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved plan and retained thereafter.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

7.40 The submitted assessment identifies that a further badger survey was carried out in May 2019. A licence from Natural England will be required to carry out the closure of a single hole and works close to two known setts. The mitigation strategy includes the creation of a protective corridor, which will be fenced off to discourage public access and densely planted with wild flowers, shrubs, trees, hawthorn and blackthorn to encourage badgers to forage and commute within the woodland area. Derbyshire Wildlife Trust has carefully reviewed the strategy and considers that it is acceptable. Accordingly it is recommended that this condition be agreed.

7.41 Condition 21 states:

Prior to the commencement of development a strategy for the control and eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

7.42 A survey and recommendations report has been submitted which identifies that Japanese Knotweed is present towards the southern and eastern boundary of the site. An eradication strategy is proposed, which has been carefully reviewed by Derbyshire Wildlife Trust, who consider that the strategy is acceptable. Accordingly it is recommended that this condition be agreed.

7.43 Condition 22 states:

Prior to the commencement of development detailed designs for pedestrian/cycle access and in accordance with the general arrangements shown on plan ref 466/P/DF/01 Rev C including the junction arrangements at Macclesfield Road and throughout the site, shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter the approved details shall be laid out, designed, laid out and implemented prior the first occupation of the development in any phase hereby approved.

7.44 The submitted details show the existing Midshires Way to provide for pedestrian and cycle provision with a 3m wide route into the site from Macclesfield Road. A staggered barrier would be provided towards the Macclesfield Road entrance. Within the site, footways will be provided with a tarmac surface and the details show a pedestrian / cycle network linking to Linglongs Road and the Public Right of Way running through the site. The submitted details are considered to be acceptable in respect of pedestrian and cycleway movement and it is noted that the Highway Authority, as a statutory consultee, having carefully considered the plans raise no objection. Accordingly it is recommended that this condition be agreed.

7.45 Condition 23 states:

No dwelling in the development hereby approved shall be occupied until a travel plan based on the Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator, who shall be in place until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the approval of the local planning authority at intervals no longer than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full.

Reason:- In the interests of highway safety and reducing vehicular traffic to the development, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework’.

7.46 A travel plan has been submitted which identifies a number of targets to encourage a reduction in single car occupancy, the promotion of walking and cycling, use of public transport and car sharing. Measures to promote sustainable transport methods will include, amongst a number, confirmation of the travel plan and a Residents Travel Pack for future residents and information in respect of public transport and bus stops, maps showing cycle and walking routes to local services and facilities and train destinations. The plan provides contact details for the Travel Plan co-ordinator who will review the plan, its targets and undertake annual monitoring for a period of 5 years. The highway authority has commented on the content of the report and the applicant is currently updating the Travel Plan. On receipt of the revised travel plan the Highway Authority will be reconsulted and further comments will be provided on the update sheet.

7.47 Condition 24 states:

Prior to the commencement of development, a scheme to provide dedicated car parking provision to serve residents along Macclesfield Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include

the location, number of parking spaces and the finished surface details. Thereafter the approved details shall be made available for use prior to the occupation of the development in any phase hereby approved and retained solely for the parking of vehicles.

7.48 The submitted details show a total of 11 car parking spaces to be provided to the rear of numbers 74-84 Macclesfield Road. The parking spaces will be tarmacked and the maintenance of this area will be the responsibility of the management company who are also responsible for the public open spaces at the site. In response to the Highway Authority comments concerning phasing and occupation, the spaces would be installed early in build programme, in Phase 2 (condition 4) The details provides meet the requirements of the condition and are therefore considered to be acceptable. Accordingly it is recommended that this condition be agreed.

7.50 Condition 26 states:

No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.*
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.*
- c) Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.*
- d) Details of any construction works, including changes in ground level, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.*
- e) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the Arboricultural Method Statement.*

The development shall proceed in accordance with the approved details.

7.51 The submitted Arboricultural Method Statement (AMS) sets out that tree protection measures will be installed prior to the commencement of works, which includes the creation of compound areas, access by vehicles or any plant and materials, which is confirmed by the details submitted for condition 4. The statement provides a tree felling and pruning specification, details of the fencing to be used (Heras), root pruning to certain trees on the site and conformation that all works to any trees will be under the supervision of an Arboricultural Consultant, who will make a photographic record and verifying root pruning works for inspection by the Local

Planning Authority. The Councils Tree Officer has reviewed the AMS and confirms that the statement is sufficient to agree this condition. Accordingly it is recommended that this condition be agreed.

7.52 Condition 27 states:

Prior to the commencement of development, a scheme for site investigation works examining former coal mining activity on the application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of existing ground conditions and any remediation works demonstrating how the safety and stability of the site will be carried out. The development shall proceed strictly in accordance with the approved scheme.

7.53 The submitted details set out that the site is not within a zone of likely physical influence on the surface from past underground working. It is acknowledged that there may be coal deposit close to the surface which may have been subject to unrecorded workings. The coal seam is recorded as outcropping to the west of the site and dips to the south east beneath the site. The cover to the seam below the site is unknown but it is not expected to be significant given the dip in seam follows the topography. The report sets out that the site is not within the zone of influence of any present or planned future underground coal workings although reserves of coal do exist in the local area. The Coal Authority, as a statutory consultee, has carefully reviewed the submitted details and raises no objection. The details are therefore considered acceptable and it is recommended that this condition be agreed.

7.54 Condition 28 states:

No works shall take place on any phase of development until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1: 500 showing details of the existing and intended final ground levels from a specified benchmark and have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

7.55 The details submitted include a topographical survey, which shows existing ground levels, including those on Linglongs Road and proposed finished floor levels, garden levels, the location of retaining walls and a “heat” map which shows the areas of the site where levels will either be lowered or increased. Broadly, increases in ground level will be most apparent in the north east and north west segments of the site, in some small areas up to 4- 5m in height and land will be lowered (or cut) to create the new road from Linglongs Road and in the south east segment of the site. These level changes were considered during the reserved matters application HPK/2017/0247, whereby it was found to be acceptable. The submitted information meets the requirements of this condition and is therefore found to be acceptable. Accordingly it is recommended that this condition be agreed.

8. Conclusion & Planning Balance

8.1 This application does not represent an opportunity to revisit the principle of development, the principle having been agreed under outline consent HPK/2017/0694 and the reserved matters agreed under HPK/2017/0247. The agreement of the above conditions will ensure that the site is developed in a manner which does not harm residential amenity, highway safety, ecological interests, existing landscape features, including protected trees. Moreover the above details will ensure that existing invasive species, such as Japanese knotweed will be removed from the site, to the benefit of the environment.

8.2 There has been significant concern raised over the drainage proposals and their effect on flooding elsewhere in the locality. Following additional submission by third parties, including two responses (one including a video) by Whaley Bridge Matters on the 21st July 2019, the Lead Flood Authority have reviewed these responses and commented on the 29th August 2019, as detailed above.

8.3 It is acknowledged that there are areas of land within the site, which are at risk of flooding (1/30 and 1/110yr). The developer is altering the drainage characteristics of the greenfield site, but are considered to be taking all reasonable measures to ensure that the surface water run-off and other flows which run-through the site are appropriately managed to ensure that the proposed properties are safe from flooding, but to also ensure that flood risk is not increased downstream.

8.4 From Environment Agency Flood Risk Maps (pluvial and fluvial) there is a current downstream risk of flooding from the River Goyt and rainfall events. The applicant is not proposing development in the areas at risk and therefore the proposed development will not be at an increased risk and the risk of flooding will remain the same downstream. The developer is altering the drainage characteristics of the greenfield site by the nature of their proposals (increasing impermeable surfaces) but they are taking all reasonable measures to ensure that the appropriate management of surface water and other flows through the site.

8.5 The installation of land drains will need to be the subject to Land Drainage Consent, a matter for Derbyshire County Council, as Lead Local Flood Authority to address. Land Drainage Consent is required under section 23 of the Land Drainage Act 1991 and is required for the diversion of the culverted watercourse. Moreover, the adoption of sewers will be undertaken in accordance with section 104 of the Water Industry Act 1991. It is noted that conditions which require compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Therefore in respect of land drains and sewers, it would not be appropriate or reasonable, to address these matters under the terms of this application.

8.6 Taking into account all comments from statutory consultees, other consultees and third party comments, it is considered that the information submitted for the above conditions is acceptable and therefore should be agreed.

RECOMMENDATION

A. That, the above relevant conditions imposed on HPK/2017/0694 be agreed.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informatives

During the course of the application, the Local Planning Authority has sought further clarification on the conditions, accordingly paragraph 38 of the NPPF has been adhered to.

Site Plan

