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File No: CHE/17/00469/OUT
Plot No: 2/5337 & 4061 &
4111

ITEM 2

RESIDENTIAL DEVELOPMENT OF UP TO 650 DWELLING (INC. ELDERLY CARE AND SPECIALIST ACCOMMODATION), A LOCAL CENTRE (INC. LOCAL RETAIL, HEALTH FACILITIES AND SERVICES), OPEN SPACE, COMMUNITY GARDEN EXTENSION (INC. COMMUNITY BUILDING AND PARKING) AND ASSOCIATED INFRASTRUCTURE - REVISED INFORMATION RECEIVED (FLOOD RISK ASSESSMENT APRIL 2018, VIABILITY ASSESSMENT JULY 2018, ARCHAEOLOGICAL ASSESSMENT NOVEMBER 2018, DESIGN & ACCESS STATEMENT / MASTERPLAN FEBRUARY 2019, REVISED MASTERPLAN JUNE 2019 AND OVERARCHING WSI FOR ARCHAEOLOGY SEPTEMBER 2019) AT LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR, CHESTERFIELD, DERBYSHIRE FOR CHATSWORTH SETTLEMENT TRUSTEES

Local Plan: Open Countryside / Other Open Land
Ward: Lowgates & Woodthorpe

1.0 **CONSULTATIONS**

Bolsover District Council	Comments received 15/08/2017 and 18/03/2019 – see report
Care Commissioning Group (North Derbyshire)	Comments received 27/09/2017 – see report
Chesterfield Cycle Campaign	Comments received 12/04/2019 – see report
Chesterfield Canal Trust	Comments received 21/07/2017 and 30/03/2019 – see report
Coal Authority	Comments received 01/08/2017 and 07/03/2019 – see report
CBC Conservation Officer	Comments received 16/08/2017 – see report
Crime Prevention Design Advisor (Derbyshire Constabulary)	Comments received 19/07/2017 and 05/03/2019 – see report
DCC Archaeology	Comments received 24/07/2017, 09/08/2017, 14/11/2018, 29/01/2019, 13/03/2019, 04/09/2019 and

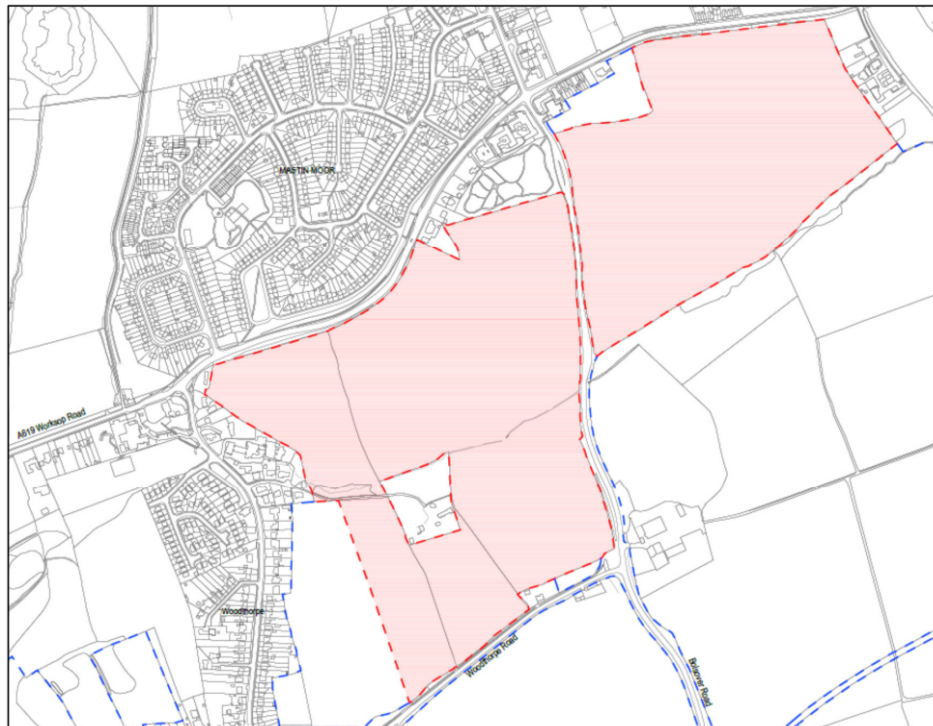
	02/10/2019 – see report
DCC Countryside Officer	Comment received 29/03/2019 – see report
DCC Highways / Local Highways Authority	Comments received 24/11/2017 and 22/03/2019 – see report
DCC Planning Policy	Comments received 04/08/2017 and 01/04/2019 – see report
Derbyshire Wildlife Trust	Comments received 01/08/2017 and 12/03/2019 – see report
Design Services (Drainage)	Comments received 20/07/2017 and 07/03/2019 – see report
Environment Agency	Comments received 13/07/2017, 17/07/2017, 13/09/2017, 22/02/2019 – see report
CBC Economic Development Team	Comments received 01/08/2017 – see report
CBC Environmental Health Officer	Comments received 31/07/2017, 17/11/2017, 25/04/2018 and 11/03/2019 – see report
Highways England	Comments received 31/07/2017 and 22/02/2019 – see report
CBC Housing Team	Comments received 29/09/2017, 05/12/2017, 14/09/2018, 05/04/2019 and 02/05/2019 - see report
Lead Local Flood Authority	Comments received 04/08/2017, 18/01/2018 and 01/04/2019 – see report
CBC Planning Policy	Comments received 13/10/2017, 11/11/2017 and 03/10/2019 – see report
Sport England	Comments received 12/12/2018 – see report
Staveley Town Council	No comments received
Trans Pennine Trail Officer	Comments received 20/03/2019 – see report
CBC Tree Officer	Comments received 22/09/2017 and 10/06/2019 – see report
CBC Urban Design Officer	Comments received 04/10/2017 – see report

Yorkshire Water Services	Comments received 18/08/2017 – see report
Ward Members	No comments received
Site Notice / Neighbours	121 representations received

2.0 **THE SITE**

- 2.1 The site is located at Mastin Moor, to the south of Worksop Road (A619) to both the east and west of Bolsover Road, with part of the site extending southwards to Woodthorpe Road. It encompasses some 46.2ha of mainly agricultural land. The overall site forms a shallow valley sloping from the ridge lines along Worksop Road and Woodthorpe Road towards a watercourse that runs in a westerly direction through the site. The highest part of the site is around 119m AOD in the north-east with the lowest part in the south-west at around 56m AOD.
- 2.2 The site is primarily comprised of undulating arable fields with limited features. The main features of note include:
- An unnamed watercourse which flows in a westerly direction through the site
 - Bolsover Road which runs through the site on a north-south axis
 - Pumphouse Farm (dwelling and curtilage) which is surrounded by the development proposal but does not form part of it
 - Field boundaries which are a mixture of hedgerows, stone walls and woodland
 - Isolated trees
 - Large former open-cast area within site.
- 2.3 The main part of the settlement of Mastin Moor is located to the north of the site, on the northern side of Worksop Road. The settlement of Woodthorpe is located generally to the west of the site. The site abuts a limited number of residential properties, as well as the Mastin Moor Community Garden.
- 2.4 The site is not subject to any statutory or other (non-planning) designations which may otherwise require special consideration. It is entirely within Flood Zone 1, as defined by the National (Environment Agency's) flood maps.

Figure 1: Site Location Plan



3.0 **RELEVANT SITE HISTORY**

3.1 CHE/16/00084/EIA - Request for screening opinion for residential development of 650 residential units, green space for community uses and related access improvements.
- EIA not required 07/03/2016.

3.2 CHE/15/00129/EIA – Residential development.
- EIA not required 11/03/2015.

4.0 **THE PROPOSAL**

4.1 The proposed development seeks outline planning permission for residential development of up to 650 dwellings (including elderly care and specialist accommodation), a Local Centre (including local retail, health facilities, other local facilities and services), open space, community garden extension (including community building and parking) and associated infrastructure with all matters reserved except access. Details of scale, layout and landscaping are reserved for future consideration.

4.2 For illustrative purposes, an indicative masterplan (figure 2 below) has been prepared to show how the site could be developed. Further details of the design principles that have been incorporated

into the proposals, and how the design has been informed and influenced by the comprehensive suite of technical information and analysis, is set out in the accompanying Design and Access Statement and Design and Access Statement Addendum.

Figure 2: Masterplan



- 4.3 The access details that are not reserved are:
- a new signal controlled junction on Worksop Road
 - two new priority controlled junctions on Bolsover Road
 - one new priority controlled junctions on Woodthorpe Road

- 4.4 Key aspects of the proposal include:
- Up to 650 dwellings (including elderly care and specialist accommodation) located on land to the south of Worksop Road (east and west of Bolsover Road) extending to Woodthorpe Road.
 - A new Local Centre (including local retail, health facilities, other local and community services) located adjacent to Worksop Road.
 - A new signal controlled junction on Worksop Road providing access to the new Local Centre and residential areas, incorporating pedestrian and cyclist crossing facilities.
 - New priority controlled junctions on Bolsover Road and Woodthorpe Road.
 - An extension to the Community Garden (approximately doubling its existing size), including provision for a new

community building and car park within the extended garden area.

- Significant new areas (around 20 hectares) of parkland, play areas and other open space.
- Retention of existing hedgerows and trees wherever possible.
- Additional landscape planting and ecological enhancements.
- New walking and cycling connections.
- New drainage infrastructure including surface water storage ponds.
- Financial contributions to allow the expansion of existing local services including Norbriggs Primary School.

4.5 The application submission is supported by the following plans / documents:

Original Submission

Site Location Plan – Drawing No. M5328-003 Rev D05

Topographical Surveys 1 – 7

~~Indicative Masterplan – Drawing No. M5328-100 Rev D07~~

Proposed Site Access Drawings – Drawing No's SK-200 REV 02, SK-100 REV 02, SK-101 REV 03 and SK-102 REV 02.

Air Quality Assessment by Waterman Infrastructure & Environment Ltd dated June 2017

Archaeology Assessment by Wessex Archaeology dated June 2017

Badger Survey by Penny Anderson Associates Ltd dated June 2017 – *confidential*

Bat Survey Report by Penny Anderson Associates Ltd dated June 2017

Breeding Bird Assessment Report by Penny Anderson Associates Ltd dated June 2017

Design and Access Statement by Gillespies dated June 2017 (Rev D04)

Extended Phase I Ecological Survey by Penny Anderson Associates Ltd dated June 2017

~~Flood Risk Assessment by Idom Meresbrook Limited dated June 2017~~

Geo-Environmental Assessment by Idom Meresbrook Limited dated May 2017

Landscape and Visual Appraisal by Gillespies dated June 2017
(inc. Appendices 2 and 3)
Noise and Vibration Assessment by Waterman Infrastructure &
Environment Ltd dated June 2017
Planning Statement by Planning and Design Group dated June
2017
Transport Assessment by ARUP dated June 2017
Residential Travel Plan by ARUP dated June 2017

Received 19/04/2018

Flood Risk Assessment by Idom Meresbrook Limited dated
November 2017

Received 25/07/2018

Viability Assessment by BE Group dated July 2018 – *confidential*

Received 06/11/2018

Detailed Gradiometer Survey and Summary of Significance by
Wessex Archaeology dated October 2018
Indicative Masterplan with Heritage Overlay dated October 2018

Received 15/02/2019

Addendum to Design and Access Statement by Gillespies dated
January 2019 (Rev D02)

Received 26/06/2019

Indicative Masterplan - Drawing No. M5328-100 Rev D10

Received 04/09/2019

Overarching Written Scheme of Investigation for Archaeological
Programme by Wessex Archaeology dated August 2019

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site the subject of the application is land allocated as Open
Countryside / Other Open Land which is a protected allocation of
Policy EVR2 from the 2006 Local Plan, which was saved alongside
the adoption of the Chesterfield Local Plan: Core Strategy 2011 -
2031.

- 5.1.2 Having regard to the nature of the application proposals and the allocation above policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in Delivery of Housing), CS11 (Range of Housing), CS13 (Economic Growth), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 5.1.3 In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development (inc. Open Countryside / 5yr Housing Land Supply)**

- 5.2.1 The adopted Local Plan: Core Strategy identifies Mastin Moor as a broad location for development on the basis of being a Regeneration Priority Area and as such a focus for new residential development. A policy and allocation for the RPA was consulted on in both the 2012 Sites and Boundaries consultation and the 2017 Draft Local Plan consultation, and is included in the submission Local Plan which is currently being examined. The allocation is intended to allow for more flexibility in securing a masterplanned approach with an emphasis on the regeneration benefits that can be secured, rather than specific residential allocations. The proposed site is located within the RPA boundary. The Submission Local Plan includes a policy for RPAs (Policy RP1) which sets out the amount of new housing that is expected to be delivered. For Mastin Moor this is 400 new homes. Although this emerging policy has limited weight, it does indicate the intentions of the council for the future development of Mastin Moor.

CS1 Spatial Strategy – concentrating new development close to centres and at regeneration priority areas

- 5.2.2 As Policies CS1 and CS2 were adopted over 5 years ago it is important to clarify their status. Policies CS1 and CS2 have in effect been formally reviewed through preparation of the emerging new Local Plan and the spatial strategy they set out is consistent

with the NPPF. The outcome of that review process in the form of emerging policies LP1 and LP2 updates the current adopted policies but does not change the overall strategy. The recent appeal decisions, in particular that at Northmoor View, did not conclude that the policies CS1 and CS2 are out of date, and they should therefore be given their full weight whilst the council can demonstrate a five year housing land supply.

- 5.2.3 CS1 sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. CS1 identifies six Regeneration Priority Areas, of which Mastin Moor is one, as a focus for growth. To accord with CS1, the development must demonstrate how it will assist in the regeneration of Mastin Moor. The regeneration benefits are dealt with below.
- 5.2.4 In terms of fit with the 'concentration' aspect of CS1, the site is within walking and cycling distance of some local facilities, including Norbriggs and Woodthorpe Primary Schools, a small convenience store (with Post Office) and takeaway on Renishaw Road, and a Miner's Welfare and a Neighbourhood Centre, and a specialist retail unit on Worksop Road.
- 5.2.5 From the furthest edges of the site it is around 2 miles / 3.2 kilometres (around a 40 minute walk) to the nearest Centre at Staveley. The site is therefore significantly beyond what might be considered a reasonable walking distance from a centre, however the site is in close proximity to the Markham Vale Employment Zone, with regular bus services to Chesterfield, Staveley and Bolsover town centres. In terms of access to health facilities, DCC Accession categorises the sites as being within the upper accessibility threshold (15 to 30 minutes walking time) to a GP and Pharmacy.
- 5.2.6 The proposal does include provision of a new Local Centre which will be an essential element to the scheme and critical to achieving regeneration benefits for existing residents of Mastin Moor. Further comments regarding the local centre are provided below.

Current designation as Open Countryside and 5 year housing land supply

- 5.2.7 The site is currently designated as Open Countryside under saved policy EVR2 of the 2006 Local Plan. This policy has been saved until the new Local Plan including sites allocations has been adopted. Under policy EVR2 residential development would not normally be permitted.
- 5.2.8 Following the Northmoor View appeal decision it is the case that EVR2 remains a relevant policy of the plan but should be considered 'out of date' and conflict with it accorded little weight. In any case the weight to be afforded EVR2 would be limited in this case as Mastin Moor has already been identified as a broad location for development in the Core Strategy and greater weight would be placed on the more recent, NPPF compliant planning policy.
- 5.2.9 Although EVR2 has little weight, the NPPF recognise the intrinsic character and beauty of the Countryside and requires planning decisions to protect and enhance valued landscapes ('para 170a and b') which 'can include nationally and locally-designated landscapes but also the wider countryside' (NPPG Paragraph: 036 Reference ID: 8-036-20190721).
- 5.2.10 There is no specific value attributed to the landscape in which the development site is located. The Landscape and Conservation team at Derbyshire County Council have not commented on the proposal, although they did comment in the 2012 Local Plan Sites and Boundaries consultation that the site to the east of Bolsover Road has few landscape constraints but occupies a visually prominent location along the ridgeline formed by the A619 - Worksop Road. DCC raised a concern that development in this location would be contrary to the generally nucleated settlement pattern of the Derbyshire Coalfield and lead to the continued extension of ribbon development along Worksop Road. The land is not, however, identified in the DCC Areas of Multiple Environmental Sensitivity report as falling within an area of primary or secondary sensitivity. DCC Landscape and Conservation team have not made any specific comments on the Mastin Moor RPA during the Draft or Pre-submission Local Plan consultations.
- 5.2.11 It is also worth noting that the ARUP report on the Review of Strategic Gaps and Green Wedges did consider potential designation of a Strategic Gap for part of the site (the land bound by Woodthorpe, Mastin Moor, west of Bolsover Road and south of

the A619). The report concluded that whilst the land does maintain open land and provides views and benefits of open countryside, it does not provide unconstrained views of open countryside from urban areas and therefore is somewhat lacking the function of appreciating countryside of urban areas. It was concluded that the land did not achieve the purposes of a Strategic Gap.

- 5.2.12 Due to the very limited weight to be given to EVR2 in this case (as set out above), the absence of specific landscape designations affecting the site and the identification of Mastin Moor as an area for future housing growth in Core Strategy Policy CS1, significant weight should be given to the more recent NPPF compliant policies in the adopted Core Strategy. However, the application is for a substantial expansion of the urban area into open countryside and the impacts on the landscape need very careful consideration. This will be covered under Policies CS9 and CS18.
- 5.2.13 Although EVR2 is out of date, the site is greenfield land. Policy CS10 states that residential development on greenfield sites that are not in an adopted Local Plan will not normally be permitted whilst the Council is able to demonstrate a supply of deliverable housing sites sufficient for five years.
- 5.2.14 However, the application of policy CS10 in this case also needs to reflect the identification of Mastin Moor in policy CS1 as a broad location for new housing development. Policy CS10 is intended to deliver housing according to the spatial strategy and makes reference to 'allocated sites'. Policy CS2 also sets out that exceptions can be made for development that is required to regeneration sites and locations. Although Mastin Moor did not have a specific site boundary in the Core Strategy, it is clearly identified on the Key Diagram and there is a clear intent to allocate land for housing in the submission plan. In this case it would be entirely appropriate to give greater weight to policies CS1 and CS2 than CS10.
- 5.2.15 At time of writing the council is currently able to demonstrate the required 5 year supply of deliverable land for housing based on the LHN target of 240 dwellings per annum, (plus a 20% buffer to take into account historic levels of under-delivery as set out in the results of the 2018 Housing Delivery Test). This position was confirmed by the Inspector that considered the appeal on the Chesterfield Cattery Site (appeal reference

APP/A1015/W/19/3219799), who concluded “This leads me to take the view that the Council is currently able to demonstrate a 5 year housing land supply”.

- 5.2.16 As there is a 5 year supply the proposal is contrary to Policy CS10. However, given the status as RPA and inclusion of a local centre, the proposal strongly accords with Policy CS1 and therefore CS10 has less weight (provided there is no demonstrable harm from the development).
- 5.2.17 Notwithstanding the more limited weight to be afforded to Policy CS10, the proposal is for a very large scale greenfield development at a time when the council does have a 5 year supply of land for housing, and therefore the provision of regeneration benefits is critical in establishing whether an exception should be made to policy CS10.

CS2 Principles for Location of Development

- 5.2.18 CS2 sets criteria for assessing proposals for development on unallocated sites. In relation to criteria a, as mentioned above, the site is above what might be considered a reasonable walking distance from a centre, and therefore the provision of a local centre as part of the proposal is critical to delivering the spatial strategy in this regard.
- 5.2.19 It is considered that the proposal accords with criteria (c) and (g) of this policy, and based on comments from Derbyshire County Council, it would also accord with criteria (e). The proposal has the potential to offer wider regeneration and sustainability benefits to the area (d) which need to be robustly secured. The proposal includes new pedestrian and cycle links, which would provide opportunities for walking and cycling (f).

Regeneration benefits

- 5.2.20 In principle, residential development at Mastin Moor is acceptable and was established in the Core Strategy Policy CS1 and CS10. However, there are some concerns over the proposed scale, and although the Core Strategy did not stipulate an amount of development, the figure of 400 homes was tested in key evidence base work that supported the CS, principally the Joint Cumulative Transport Study and the work on the Infrastructure Delivery Plan.

Part of the rationale for the Regeneration Priority Areas was to secure new facilities, and the scale of development tested acknowledged that there are certain economies of scale at which such new facilities become a viable option.

- 5.2.21 Any regeneration benefits must justify making an exception to policy to allow development on greenfield land, and in order to meet the objectives set out in policy CS1 for RPAs. The submitted planning statement does outline the benefits (which are evidenced by a viability appraisal that has been subject to independent review), and the benefits must be capable of being secured as part of any reserved matters applications, conditions and/or planning obligations. This is the case regardless of the amount of development proposed, but as the proposal is of a scale significantly above that tested through the Core Strategy, it is essential that there is clarity in terms of any regeneration benefits that result from the additional 250 dwellings in comparison to what can be achieved at the scale of c.400 dwellings.
- 5.2.22 Mastin Moor has a number of health, demographic and age indicators:
- ◀ Ranked as one of the most deprived areas in the Borough
 - ◀ Slightly higher ranking for IMD crime domain
 - ◀ One of the slightly higher percentages for children in low income families
 - ◀ An area identified as 20% - 30% of households with no car or van
 - ◀ A slightly higher percentage of residents in bad or very bad health
 - ◀ One of the highest percentage (28.7% - 32.5%) of population under 18 years of age.
 - ◀ Area has a higher percentage of children with excess weight
- 5.2.23 The Planning Statement identifies a number of regeneration benefits, some of which are those that would be expected with any residential proposal. Some however, do have the potential to offer significant regeneration benefit to the existing community of Mastin Moor in light of the indicators above:
- Provision of affordable housing, housing to rent, shared ownership and elderly care and specialist accommodation
 - Improved pedestrian and cycle crossing facilities on the A619 Worksop Road
 - Expanded Community Garden

- Provision for a new Health Centre, local retail and other services and facilities within a new Local Centre (evidence of commercial interest for the retail element has been provided by the applicant)
- Reduced risk of off-site flooding through on-site water storage, new drainage infrastructure including surface water storage ponds (net reduction in offsite peak flows)
- New walking and cycling connections
- Additional landscaping planting and ecological enhancements. including significant tree planting
- Extensive areas of new wildlife habitat of increased diversity (replacing low biodiverse agricultural land)
- Significant new areas (around 20 hectares) of parkland, play areas and other open space
- Identification, recording and representation of heritage features

5.2.24 Other benefits cited in the Planning Statement may be achieved but cannot be secured as part of any permission:

- Higher levels of local expenditure (some of which would be spent in local shops and on local services) through increased local population.
- Potential improvement to public transport through increased patronage.

5.2.25 The benefits that would be associated with any residential proposal include:

- New employment opportunities during construction and operational phases of the development
- Skills and learning opportunities within the construction and operational phases
- Financial contributions towards local infrastructure improvements through payment of the Community Infrastructure Levy
- Retention of majority of existing hedgerows and trees
- Resolution of open-cast ground conditions

5.2.26 The Planning Statement states that '*The provision of these benefits will come at a greater cost than would otherwise be the case. This has necessitated a greater critical mass of development than was originally envisaged, but which has in turn offered more benefits*'.

- 5.2.27 It is acknowledged that the proportion of greenspace as a part of the overall development is high, and would provide health and regeneration benefits. It is important to note that due to site constraints (topography, drainage and former open cast mining site), the high proportion of greenspace is necessary (whether a scheme of 400 dwellings or 650 dwellings), but obviously has a significant cost.
- 5.2.28 The open space/green infrastructure and the Local Centre are critical in terms of regeneration benefits. Further comment on the open space is provided under CS9 below. In terms of the local centre, although the information submitted by the applicant to demonstrate market interest in the commercial element is helpful, there are concerns about the delivery of the local centre. If the proposal is recommended for approval, a detailed phasing scheme should be conditioned to ensure that the first phase of residential development is the minimum amount that would be required to enable the delivery of the Local Centre.
- 5.2.29 In addition, the safeguarded site for health centre (there is no set floorspace for this use indicated in the Planning Statement, although the Transport Assessment assumes 750m² GFA for the purposes of modelling) is not required by the CCG who have confirmed that they will not be seeking a site and that their preferred approach is to expand existing facilities. Further engagement with the CCG should be undertaken prior to any reserved matters application to determine whether the approach of the CCG to accommodating new GP patients remains the same. If the site for a health use is retained (with a view that it may be required in the future), there must be a time period and fall-back position to ensure that best use is made of land within the Local Centre. It is important to ensure that any alternative uses provides local community benefit in perpetuity, and to this end it may be appropriate to restrict the use to class D1 should a health centre not be delivered.

CS9 Green Infrastructure

- 5.2.30 The site is protected under Core Strategy policy CS9 Green Infrastructure, as open land and countryside is seen as part of the borough's network of green infrastructure, and where proposals involve loss of such land, the council seeks a net gain in quantity, quality or function (h). In order to comply with CS9 (f & h) is

essential that the proposed new wildlife habitat, tree planting, tree and hedgerow retention are secured to ensure a net gain in quality and function of the site to balance against the loss of green infrastructure. The recommendations of Derbyshire Wildlife Trust should be followed, particularly to condition any reserved matters application to include the submission of a Landscape and Ecological Management Plan (LEMP).

- 5.2.31 CS9 also requires that development should conserve or enhance the local distinctiveness and character of the landscape (e). As noted above, there are not specific designations affecting the site, and no comments have been received from DCC Landscape and Conservation team. In terms of the character of the landscape, the Landscape Character of Derbyshire 2003 identifies the land as within Estate Farmlands Landscape Character Area, with key characteristics including a broad, gently undulating landform, localised woodland blocks and occasional trees, and small villages and farmsteads existing within the landscape. The area is characterised by an open landscape with long-distance views, with Woodthorpe Road forming a high point within the area.
- 5.2.32 The amount of Green infrastructure proposed (20 hectares) is an essential part of the scheme in terms of mitigating landscape impact, providing regeneration and community health benefits, and biodiversity enhancement, and as such should be subject to an overarching open space, green infrastructure and accessibility framework which should be subject to consultation with stakeholder (including Sport England, Derbyshire Wildlife Trust and the local community) and submitted to the council for approval prior to the submission of a reserved matters application. This framework should include arrangements for the long term management and maintenance of all areas of public open space.
- 5.2.33 Although the proposal shows the retention of land to provide separation between Woodthorpe and the new development (and this is referred to in the viability appraisal as a cost and a benefit of the scheme), this area of land is not included within the red line boundary and therefore will not be subject to any control over future use of this land. Where possible, conditions and/or legal agreements should be used to ensure the long term protection of the settlement buffer.

Open space and play

5.2.34 The breakdown of open space types from the applicant indicates a deficit in parks and gardens against the published standards, but an overall surplus in provision of just under 10 hectares.

Typology	Primary purpose	Total deficiency (current and growth requirement)	Mastin Moor Revised Masterplan - Hectares	Deficiency / Surplus
Parks and gardens	Accessible, high quality opportunities for informal recreation and community events.	-1.89	0.35 Ha	-1.54
Natural and semi-natural greenspaces	Wildlife conservation, biodiversity and environmental education and awareness.	-7.49	8.25 Ha	0.76
Amenity greenspace	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.	-1.55	9.55 Ha	8
Provision for children and young people (including teenage provision)	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas, MUGAs, skateboard areas	-0.28	0.50 Ha	0.22

	and teenage shelters.			
Allotments and Community Schemes	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.	-0.62	Community Garden extension = 1.06 Ha Community orchard and wood = 2.05 Ha	2.49
Total Surplus/deficiency		-11.83	21.76	9.93

- 5.2.35 It is acknowledged that there is cross over between the different typologies, as expressed by the masterplan; the areas stated represent the 'primary purpose'. The exact split between the different typologies should be included within the open space, green infrastructure and accessibility framework so as to best meet the needs of existing and future residents.
- 5.2.36 The Council's Open Space Study concluded that ensuring the quality of the existing form of parks and gardens in the area (Wickins Place) should be considered as a focus for the area. It should be highlighted in the committee report that Leisure Services have the opportunity to bid for money from CIL to fund projects, such as improving the Wickins Place park, that fit with the strategic priorities of the Local Plan and assist with the regeneration of Mastin Moor.
- 5.2.37 Although MMCG have withdrawn from their commitment to adopt circa three acres of CST land, it is reasonable to include the area of community garden on the masterplan provided that any permission secures long term management and maintenance arrangements for this land, and that those arrangements have been taken into consideration in terms of the viability of the proposal. The land could be managed independently of the Community Garden, offering a complimentary type of open space use, such as allotments or other growing space.

- 5.2.38 It should be noted that the council is not in a position to adopt any areas of open space and/or play. Private management arrangements must be in place for any on site Open Space to ensure the long term management and maintenance.

CS16 Retail

- 5.2.39 There is no figure for the proposed amount of retail floorspace, although the transport modelling assumed 500m² GFA for the Retail Convenience Store. As a standalone store this would exceed the policy limit of 200sqm for local convenience stores. However, as the retail forms part of a new Local Centre, this amount of floorspace is likely to be acceptable without the requirement of a full sequential test. The indication of market interest in the proposed new local centre at Mastin Moor (letter provided by the applicant) is helpful.
- 5.2.40 It is considered that the location, nature and mix of uses of the Local Centre should be identified as key spatial fixes around which reserved matters must then be structured. It may be reasonable to consider conditions to restrict the range of goods that can be sold.

Prematurity / Emerging Local Plan

- 5.2.41 The NPPF sets out how prematurity is to be considered at paragraph 50. It is clear that a refusal on this basis will seldom be justified where a draft plan has yet to be submitted for examination. However in this case the draft plan was submitted in June 2019 and Hearing Sessions are due to commence on 15th October on the submitted plan, so the issue of prematurity should be considered. It should be noted that prematurity is a material consideration but is not, by itself, necessarily a bar to granting planning permission where it would otherwise be appropriate taking account of national and local planning policy, and other material considerations.
- 5.2.42 A refusal on these ground should only be justified on the basis of clearly showing how granting permission would prejudice the outcome of the plan-making process. In such a case it would be necessary to demonstrate that:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions

about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 5.2.43 Regarding (b), the plan has been subject to formal consultation, submitted and Hearings are about to commence, therefore the emerging plan can be considered to be at an advanced stage.
- 5.2.44 Turning back to (a), the question is whether, on its own or cumulatively, this application would predetermine the scale, location or phasing of new development in an emerging plan. The Submission Chesterfield Borough Local Plan already identifies Mastin Moor as a location for new housing growth (as a Regeneration Priority Area) and identifies an indicative delivery of 400 new homes in this location across the plan period (table 4, site H35). Although there are outstanding objections to the allocation, these are on various matters and do not fundamentally go the heart of the Spatial Strategy. Granting planning permission for the current application would therefore be unlikely undermine the emerging local plan in terms of location or phasing of development.
- 5.2.45 The remaining issue is scale. The current application is for up to 650 dwellings, 250 more than the indicative level set out in the emerging plan. Firstly it should be noted that the figure given in table 4 is not a maximum, the fact the application proposed a greater level of housing is not in itself an indicator that it would cause harm. Further, an additional 250 dwellings would amount to an additional 5.7% on top of the identified need for the borough over the plan period. However it is anticipated that the submitted plan is likely to need to be modified to include an additional two years (as a minimum), further reducing the impact of this increase, particularly as the increase is likely to be delivered over a longer period. However it should be noted that granting permission for a higher level of housing may still be relevant in considering the cumulative impact of other applications on the emerging local plan.
- 5.2.46 In summary, it is not considered that a refusal of permission on the ground of prematurity could be justified in the case of this specific planning application.

Conclusion

- 5.2.47 In conclusion, the site is in open countryside and is contrary to saved policy EVR2, although this policy pre-dates the NPPF and now carries little weight. As such the adopted Core Strategy policies must be considered in this context and that of the Northmoor View appeal decision to carry more weight.
- 5.2.48 The proposal is contrary to Core Strategy policy CS10 due to the Council currently being able to demonstrate a 5 year supply of land for housing. However, as the site is part of an identified Regeneration Priority Area and the principle of residential development in this area is acceptable in principle, the key issue is whether the regeneration benefits are significant enough to justify making an exception to CS10, and whether the proposed scale of development is necessary to secure those benefits.
- 5.2.49 As set out above these detailed considerations conclude that the applicant has appropriately demonstrated through viability appraisal that the scale of the development proposed are necessary to secure the regeneration benefits and therefore overall it is considered that the principle of development is acceptable.

5.3 **Design and Appearance Considerations**

- 5.3.1 The application submission is accompanied by a Design and Access Statement (DAS) which has been considered alongside the indicative Masterplan having regard to design and appearance considerations including neighbouring amenity.
- 5.3.2 Given that the application submission is outline in nature consideration of design and appearance issues are limited to principles and parameters; as any outline permission granted would need to be the subject of further reserved matters consideration concerning appearance, landscaping, layout and scale.
- 5.3.3 With the above context in mind, the Councils **Urban Design Officer** (UDO) and the **Crime Prevention Design Advisor** (CPDA) both reviewed the initial application submission.
- 5.3.4 The UDO provided the following detailed critique of the DAS and submission:

4. Site

The site comprises a large area (46.2ha) of undulating farmland located between the A619 (Worksop Road) at its northern extent and Woodthorpe Road on its southern boundary. Bolsover Road runs N-S through the site, dissecting it into two areas. The topography of the area broadly slopes down to a central valley which is aligned SW to NE and is a defining feature of the site. A number of elevated locations afford long distance views across the surrounding countryside and towards Bolsover Castle beyond.

Existing hedgerows and verges follow the edges of the site along adjoining roads and boundaries. Several hedges cross the site along historic field boundaries and following the central watercourse.

The southern parcel of land contains Pump House Farm which falls outside the proposed development area. In the area beyond the farm four mature trees are spaced out across the fields and form notable landmark features within the site. Existing properties situated along part of the A619 back onto part of the northern boundary together an existing community garden. A single traditional stone built house is located on the southern boundary with Woodthorpe Road.

5. Assessment

The design process

The submission is accompanied by a detailed Design and Access Statement (DAS). Sections 1-4 of the DAS demonstrate a thorough site appraisal process has been undertaken, including landscape, context and technical assessments (coal mining, flooding, ground conditions etc.) to identify the key constraints and opportunities. These have formed a clear understanding of the site conditions and surroundings and this process has informed the subsequent approach to the Illustrative Masterplan. This approach is supported and follows guidance within the Borough's SPD Successful Places: A guide to sustainable housing layout and design (2013).

Section 5 of the DAS builds upon the initial appraisal work and sets out a 'Design Parameters Strategy'. This identifies a series of high level design principles which are intended to guide subsequent

reserved matters proposals. These are set out on page 26 of the DAS. This is an appropriate approach. Although these design principles are relatively 'high level' for the development they should underpin the future reserved matters.

It is recommended that:

- 1. The addition of a high quality standard of design should be included as a core overarching principle.*

The 'Vision' for the site is to introduce a new parkland space that would form a hub, connecting the proposed development with the existing communities of Mastin Moor and Woodthorpe. The new development would comprise three distinct neighbourhoods with the intention of each having its own distinct character and sense of place.

To promote a sense of unity and cohesion across the development area a number of common elements are suggested to link the areas together. Primarily this would be in the form of the green open space network, with a unified approach to the design of signage, boundaries, access points, surface materials etc. Indicative images are provided to give a flavour of what this might comprise although no firm details are given at this stage.

For indicative purposes an Illustrative Layout has been submitted on drawing M5328-100 Rev D07 dated 22/04/16 by Gillespies which includes up to 650 dwellings, parkland and other open spaces, retention of the majority of existing hedgerows and trees, additional landscape planting and surface storage ponds for the new drainage infrastructure.

The DAS indicates that the layout is provided to give a 'feel' of the proposed development and how 650 dwellings could be accommodated within the site. It is provided as 'supporting information' only and does not form part of the statutory planning application. Detailed designs are intended to follow as part of the reserved matters submissions.

In addition to the 'Design Vision Principles' outlined on page 26, the DAS indicates that the reserved matters should follow a number of layout principles, described on page 30 of the DAS. These are generally appropriate, although several key principles are considered to be absent from this list (see below).

It is recommended that:

The list of layout principles in the DAS should be amended to include:

- 2. The provision of a permeable layout based upon a grid of interconnected streets.*
- 3. The inclusion of at least one or more focal points, located at key intersections within each of the proposed character areas, to support the legibility, character and identity of each location.*
- 4. Residential streets should seek to achieve a 20mph design speed.*

Mechanism for Design Control

Given the scale of the development, the likely involvement of multiple developers the outline nature of the application and the illustrative format of the supporting information, it will be necessary to formulate a mechanism that ensures future development of the whole area follows a properly master planned approach and that each of the new character area 'neighbourhoods', are designed in accordance with the underlying principles of the masterplan. As such, a number of alterations to the submitted proposals are considered necessary in order to achieve a co-ordinated approach to future implementation.

A series of over-arching design principles should be clearly set out which provide a framework within which all proposals must comply.

While the Masterplan is illustrative, the broad locations for key aspects should be identified and illustrated at this outline stage as key 'spatial fixes'. This will provide series fixed components around which reserved matters must then be structured. The exact location and extent of these will be designed at the detailed stage. For example key spatial fixes should include:

- The location, nature and mix of uses of the Local Centre.*
- Key spatial features such as, as main routes, key buildings, nodes, existing landscape features and views neighbourhood shall be located a way that creates a legible development structure.*
- The broad alignment of the main 'Avenue Streets'.*

- *A grid network of interconnected streets that provide several alternative routes to and offer pedestrian and cycle access to local destinations and minimise the need to travel by car.*
- *The provision of the new community green spaces network, for recreational, ecological and drainage purposes.*
- *The inclusion of safe and convenient play areas to serve each neighbourhood.*
- *The retention and incorporation of key existing landscape features of landscape and ecological value.*

These should be supported by a 'spatial fixes diagram'.

It should be noted that a number of these components are already contained within the submission, however the structure of the DAS, its presentation, intent and the purpose of needs to be restructured and presented to ensure a more clearly structured series of spatial fixes and supporting design principles to be followed at the reserved matters stages.

Design Principles

The submission would benefit from refining the design principles that underpin the Masterplan and pulling these together over several pages to provide a summary, so that these can be clearly identified and read as a whole in conjunction with the Masterplan and key spatial fixes.

The key design principles would benefit from being more clearly expressed and presented. The approach to the graphic design of the document to set out the principles more clearly would assist in structuring and presenting the key design principles.

Coordinating Code/Design Framework

Any grant of planning permission should include a requirement for the preparation of a co-ordinating code / design framework to ensure that each of the neighbourhoods and the connecting green spaces are developed in a manner that reflect the key spatial fixes and supporting principles underpinning the Masterplan, but also flesh out the high level design principles set out within the DAS.

A 'coordinating code' would provide greater clarity and certainty as to how the planning policy requirements and regeneration objectives would be delivered in practice. This is considered

necessary in order to deliver the high standard promoted by the submission, through a framework within which the quality of development can be achieved.

It is recommended that:

- 5. The DAS is amended to identify a series of spatial fixes which are supported by an accompanying plan.*
- 6. The DAS is amended to include a series of clearly defined design principles to inform the subsequent reserved matters proposals and provide the basis of a more detailed co-ordinating code.*
- 7. The submission of a co-ordinating code or design framework should be conditioned as part of any approval of outline permission. The components of any such code would need to be considered further to inform the wording of such a condition.*

Illustrative Masterplan

The Illustrative Masterplan drawing is currently pitched at a structural level, which is appropriate for this stage of the process. It is therefore presented at a fairly high level, although the general distribution of uses is considered to be broadly appropriate, for example, locating the local centre centrally between the existing and proposed communities. Equally the location of the proposed parkland space at the junction between the three communities provides a positive means of connecting the existing and proposed settlements with a common public space, without merging settlements.

A green corridor with drainage features dissects the site through the central valley. Green spaces separate three reasonably distinct development areas (see Landscape below). The retention of an agricultural field between Woodthorpe and the proposed development will assist in maintaining the identity of Woodthorpe as a distinct settlement in its own right, whilst remaining within a reasonable walking distance of the village for the nearest parts of the site.

In addition to the design process and master planning considerations outlined above, the following comments relate to specific design matters shown within the submission.

5a. Use

Mastin Moor is classified in the Chesterfield Local Plan: Core Strategy (2013) as one of four 'Eastern Villages' to be expanded in order to support the delivery of a wider choice of housing and local services. The Eastern Villages are identified as Regeneration Priority Area (RPAs) which aim to ensure:

- Rebalancing the housing market wherever suitable sites are available*
- Negotiating local labour agreements as part of major development schemes*
- Ensuring that new development contributes to the enhancement of the area*
- Seeking new facilities and improvements to existing facilities for the benefit of the local community*
- Adding value by drawing in public subsidy where possible*
- Working in partnership with the local community and external organisations to help achieve non-planning measures*

Policy CS1 (Spatial Strategy) seeks to maximise development opportunities where these can deliver the regeneration benefits required to support the Eastern Villages, including 15% of the housing requirements for the Borough over the plan period (1140 dwellings). The location for development at Mastin Moor is indicatively identified on the Core Strategy 'Key Diagram'.

Policy LP1 (Regeneration Priority Areas) of the emerging draft Chesterfield Local Plan (2017) specifies that development at Mastin Moor is expected to:

- i. Deliver 400 new homes*
- ii. Provide safe and convenient walking and cycling access to job opportunities at Markham Vale, the community garden and Norbriggs Primary School*
- iii. Provide a new Local Centre with additional community facilities and the opportunity for provision of health facilities;*
- iv. Provide safe and convenient walking and cycling connections to the surrounding rights of way network, including connections to The Cuckoo Way and Chesterfield Canal*
- v. Promote building designs that positively contribute to the surrounding area and reflect heritage features, including the pumping engine and tramway*

- vi. Deliver a new and/or improved pedestrian and cycle crossing over the A619*
- vii. Protect and enhance the setting of and access to the community garden*
- viii. Minimise visual impact on the ridgelines along Worksop Road and Woodthorpe Road*
- ix. Provide a defined edge of development and a clear break to prevent continued coalescence and extension of ribbon development along Worksop Road*
- x. Maintaining the distinct identities and settings of Mastin Moor and Woodthorpe through the use of landscaping and open space*

The suitability of the proposed uses and their compliance with both the existing Local Plan: Core Strategy (2013) and emerging Local Plan (2017) will be informed by the Forward Planning Team.

5b. Amount

The proposals seek permission for a mix of uses comprising:

- up to 650 dwellings (including elderly care and specialist accommodation)*
- a Local Centre (including local retail, health facilities, other local facilities and services),*
- open space, community garden extension (including community building and parking) and associated infrastructure.*

The total site area measures 46.2 hectares. A large proportion of the site (approximately 18.7ha) is identified as green infrastructure and this would reduce the overall developable area to approximately 27.3 hectares, which includes 2.3ha allocated for the local centre and 25ha of land for housing.

The size of the local centre is not specified in the emerging Local Plan Policy (LP1) although the number of expected housing units is identified as 400 dwellings. The application proposes to exceed this figure by providing an additional 250 dwellings.

The acceptability of the amount of development proposed and compliance with the existing and emerging policies will be informed by the Forward Planning Team.

From an urban design perspective the inclusion of a mix of uses, facilities and residential accommodation is supported in principle. When mixed uses are clustered into the form of a local centre,

these will assist in providing a focus for the proposed development and if well-designed and executed, would help create a location with vitality, interest and begin to form a clear heart for the area as whole, which is currently lacking and strengthen the provision of a sense of place.

5c. Layout

Connectivity

A good level of connectivity is indicated throughout which should ensure a permeable form of development within each parcel. This is an important principle to establish within the Masterplan.

However, the principle of an interconnected grid of streets is not actually enshrined within the DAS as a key Design Parameter (see page 30). This should be a core principle at the heart of the proposals, based upon a permeable grid layout of interconnected streets that support the formation of clear block structure.

The physical connections between the southern, central and NE development sites are more limited e.g. multi-user paths. As such, the nature of these connections will be important if they are to encourage walking and cycling, particularly on the main N-S route across the valley, linking the southern area to the local centre/shops at the central area, as well as the nature of the connections linking the wider site.

It is recommended that:

- 8. The DAS is amended to include a requirement to provide a permeable grid layout of interconnected streets that support the formation of clear block structure.*

Perimeter Blocks

A number of the perimeter blocks are relatively large, resulting some long stretches of straight roads within the layout. The proposals should be seeking to achieve a 20mph residential design speed. This would necessitate the introduction of an 'event' or change of direction approximately 60-80m to manage vehicle speeds. This should be a design principle within the Masterplan. DCC Highways will not normally accept speed bumps or raised tables (vertical deflection). As such, design speeds should be managed through horizontal deflection. This would require a layout based more upon a 'deformed grid' layout and may require a finer grain block layout in some areas, subject to topography considerations.

It is recommended that:

9. *A key layout principle seeks a deformed grid structure that aims to achieve a 20mph design speed on residential streets.*

Density and settlement edges

Few details provided in relation to the density of development, although some broad density ranges are indicated within Section 6 of the DAS (Village Scale Character Areas). The interface between the edges of the site against the countryside should be seeking to achieve a more gentle 'feathered edge' transition from urban to rural. Although feathered edges are indicated on the Massing Plan (page. 31, Fig. 27), the nature of this type of edge is not actually defined which leave this important consideration open to interpretation.

The layout appears relatively dense along the settlement edges in a number of locations. To avoid a wall of closely spaced buildings where the built form provides an interface with the countryside or major open spaces, a looser knit pattern with more generous spaces between units, greater informality to the alignment of the building line should be established as key settlement edge principle within the Masterplan.

It is recommended that:

10. *A key diagram is required that indicates the expected densities across the proposed areas of development.*
11. *The density of development should be reduced where this abuts the open countryside as identified by Fig 27, with increased spacing and landscaping between buildings to break up the extent of built frontages in such locations.*
12. *The approach to the design of settlement edges should be defined as a design principle within the Masterplan.*

Existing features of value

Four field trees are located within the southern area and three are shown on the Masterplan to be incorporated into public spaces. The retention and inclusion of existing assets in the public realm should form a key design principle. While the DAS indicates a number of assets to be retained (page. 38), the existing field trees are not specified.

As there are few physical features of interest within the wider site, the mature field trees take on greater significance, both in terms of their physical presence, but also their ecological value. Their retention and incorporation in to the development would ensure they become striking features in their own right and strengthen the quality of the southern development parcel.

It is recommended that:

- 13. The DAS should be amended to confirm the field trees are to be retained and incorporated within public spaces (where not on the edge of the site) to contribute to the public realm, legibility and identity of this area as shown on the Masterplan.*

Place Hierarchy

A 'place' hierarchy should also be introduced (see Guidance in Successful Places, 2013) with a series of key spaces that provide a hierarchy within the built form across the site, the status of which is reinforced through the design, scale and appearance of the associated built form at each location.

It is recommended that:

- 14. Each development parcel includes one or more distinctive spaces to strengthen the legibility and identity of each area.*

Key Nodes

Each of the development parcels is relatively large, although each is shown to include one or more 'nodes' or key spaces which, if designed as distinctive locations support the legibility and identity of each area. For example the southern development area includes two green spaces which accommodate existing mature field trees. These would help to embed an established character within the scheme and maximise the impact of these existing features.

However, the DAS contains little by way of guidance as to how 'key nodes' should be dealt with at the detailed stage of the design process. Consequently, this provides limited benefit in terms of ensuring these areas are adequately addressed as part of any subsequent reserved matters.

It is recommended that:

- 15. Each development parcel includes one or more distinctive spaces to strengthen the legibility and identity of each area.*

16. *These should be located at key nodal points within each area.*
17. *Further detailed definition of approach to the design of these locations should be provided within the Coordinating Code / Framework to ensure these are designed as distinctive locations within each character area.*
18. *This should include reference to how buildings address/relate to the street, the design of buildings, their palette of materials and increased building heights at key nodes (in recognition of built hierarchy), higher quality paving materials to reflect the relative importance of the space etc.*

Street hierarchy

The Draft Masterplan indicates provision of road hierarchy, although this should more appropriately be described as a street hierarchy in accordance with the objectives of Manual for Streets.

The street hierarchy comprise:

- *Avenue Streets / Main Roads;*
- *Secondary Roads;*
- *Peripheral Roads (fronting open spaces);*
- *Blue Roads (incorporating SUDS swales);*
- *Private Drives;*

These are appropriate in principle, although a number of issues should be addressed as follows:

- *The main Avenue Streets should include cycle lanes;*
- *Avenue Streets will incorporate street tree planting at 10m spacing's within 2m verges. These will attract commuted payments of approximately £940 per street tree (excluding the costs of providing the tree and its associated installation). This cost would need to be written into the S106 agreement as a commuted highway payment based upon an estimated number of trees proposed.*
- *Avenue Streets should make reference to the provision of utilities within common utilities trench within the footways to avoid conflict with avenue trees within these corridors.*
- *Verges would also attract commuted payments and would need to be costed and included within the S106 in the same manner.*
- *Secondary Streets are proposed to have a carriageway width of 4.8m which is the same as that proposed for Peripheral Roads and is considered to be narrow given these streets and*

proposed to accommodate on-street parking. A carriageway of 5.5m would be more suitable and would also provide increased distinction between Secondary Streets and other types of street.

- Stipulation of front garden depths of 6m on Secondary Street types is quite prescriptive and is perhaps better defined as range of depths to e.g. 2-6m. The more detailed characteristics would then be informed within a Coordinating Code/Design Framework according to the various character areas proposed.*
- Peripheral Roads and Private Drives should be characterised by informality of road alignment, informal kerb details, rural boundary treatments such as parkland style railings or post and rail fencing.*
- None of the street types address matters of carriageway alignment or achieving an appropriate 20mph design speed for a residential environment. This should be revised and the DAS updated accordingly.*

It is recommended that:

- 19. The DAS should be amended to incorporate the requirement to provide a place hierarchy across the development.*
- 20. The principle of a hierarchy of streets is appropriate and should form a key element of the Masterplan. However, the contents of the DAS should be updated to respond to the above comments.*

Gateways

The DAS indicates the mixed use centre that will include buildings up to three-storeys in height providing the main gateway into the wider development. Any buildings located within and around the local centre should be carefully designed to respond to their position and key role within the scheme as an important element in the built 'hierarchy'.

It is recommended that:

- 21. The height of the buildings should be specified to ensure this is achieved. Without fixing this parameter risks single storey standardised retail shed style developments being proposed for the key gateway site and segregation of mixed uses.*

The proposed local centre 'character and design parameters' are sound in principle but somewhat generic in nature. The supporting images and sketches provide a flavour of its potential but the DAS

provides no firm requirements to suggest that this could be delivered as part of a detailed design. These will require further development to clearly express what the character and identity of this key area would be like.

It is recommended that:

- 22. The local centre and gateway into the site addressed with the coordinating code which deals with this area as a key location within the scheme. It would be expected the code would address matters such as the mix of uses including commercial ground floor with other uses/residential above), the design parameters for the public space, building heights, materials palette etc.*

Character Areas

The DAS includes a description for each of the five identified character areas. These include the Village Centre, and each of the Village Character Areas which are named as:

- Spittal Flatts (area behind the local centre)*
- Riddings (two areas east of Bolsover Road)*
- Old Hall Close (area east of Woodthorpe).*

The descriptions for Spittal Flatts and Riddings appear very similar and it is somewhat unclear what characteristics would separate one character area from the other so that each has its own distinct identity. Although precedent images give a flavour of how these places might look and feel, the character area descriptions provide only a limited basis on which to help inform the design of each location.

The descriptions for Old Hall Close provide a little more distinction between this character area, Spittal Flatts and Riddings, suggesting a more traditional village style of development. However, given the absence of any firm mechanism to clearly shape and inform the design of these areas, there is no certainty as to this scheme would ensure that each Character Area will achieve a high quality place and distinctive identity across this regeneration area.

It is recommended that:

- 23. The approach to the details of the design and character of each of these locations should be addressed as part of the coordinating code / design framework to ensure the creation of*

distinct neighbourhoods and high quality design is achieved across the regeneration area.

5d. Scale and massing

The DAS (page 31) proposes taller buildings are key locations. These are generally associated with the local centre and focussed around the gateway entry points to the Spittal Flatts and Riddings Character Areas. The DAS would benefit from the inclusion of buildings up to three storeys in key corner positions throughout the development areas.

It is recommended that:

- 24. Increased building heights (up to three-storeys) are introduced around key nodes and the DAS is updated to reflect this requirement.*

5e. Landscaping

Landscape

A defining of feature this scheme are the green corridors that dissect the development parcels. The different landscape areas will perform different functions and their structure and landscape design will be important.

The design and detailing of the routes, features and wayfinding throughout would benefit from a consistent approach to the materials, surfaces, gateways, crossing point designs/thresholds in order to provide a common 'language' across the scheme that reinforces the identity of the place and assists the legibility of the area. This is suggested in the DAS, although it would be necessary to ensure that a public realm strategy was developed and specified the necessary components common to all public green spaces

This would ensure the developer for each area would implement the green space in accordance with an agreed common public realm strategy for the green spaces network.

It is recommended that:

- 25. Public realm strategy should form a component of the Coordinating Design Code/Design Framework.*

5f. Appearance

Appearance is a reserved matter. At present the DAS provides a somewhat broad response to the potential appearance of the future development, although this is explored within the Villagescape Character Areas (Section 6).

Given the scale of the proposals, it would be appropriate for any development to be supported by a design code that would set out the 'instructions' by which each area would be developed, including the landscape structure and parkland (see Landscape comments above).

This could be structured in a number of ways, although it would be appropriate for this to be based upon a framework around the intended street hierarchy, key focal spaces (Place Hierarchy) and landscape structure. It should also address the design of locations such as parking courts and the local centre, which will also be important components of any design.

It is recommended that:

- 26. The submission of a co-ordinating code or design framework should be conditioned as part of any approval of outline permission. The components of any such code would need to be considered further to inform the wording of such a condition.*

5g. Access

The suitability of the proposed access arrangements and transport impacts should be advised by the DCC Highway Engineer.

6. Conclusion

The draft document provides a relatively high level Masterplan at this stage, covering a wide geographical area. It is only provided indicatively and the submission provides no firm mechanism to ensure compliance by future reserved matters submissions.

Given the scale of this regeneration area a coordinating design code / framework should be required by way of a suitably worded condition to provide the basis by which the detailed design of the differing aspects the scheme will be designed in detail.

This should be informed by the Design Principles outlined within the DAS. Where issues are identified above, the Draft Masterplan and DAS should first be reviewed and amended in response these

considerations so these provide a sound basis on which the coordinating code/framework can be based.

- 5.3.5 In addition to the above the CPDA corroborated that, *'From a community safety perspective the success of the development will rest in future detail, which should accord with advice contained within the 'Successful Places' guidance document'*.
- 5.3.6 The 26 no. recommendations set out by the UDO in his comments above were further discussion at design update meetings, which were held with the applicant, the case officer and UDO throughout the application process. As a result a Design and Access Statement Addendum (DASAd) and revised Masterplan were prepared and submitted in February and June 2019 for further consideration.
- 5.3.7 The UDO was re-consulted on the DASAd submission however no further written comments were provided. Notwithstanding this the works and scope of the update to the DAS and Masterplan were all previously agreed in consultation with the UDO and it is considered that the 26 no. points raised in his original comments have been suitably addressed.
- 5.3.8 In accordance with securing a site wide comprehensive scheme of redevelopment of this scale, which is proposed to be delivered on a phased basis, it will be necessary to expand upon the design parameters and principles set out in the DAS and DASAd and Masterplan. This can be achieved through the conditioning of a design framework / design code to be drawn up to inform the subsequent reserved matters applications made if permission is granted. This would deliver a secondary tier design code, upon which tertiary reserved matters applications could be submitted and would secure the design provisions of policies CS2, CS18 and CS20 of the Core Strategy and the Council's SPD Successful Places.
- 5.3.9 Overall therefore it is considered that subject to this approach the outline development proposals could be viewed to comply with the design and appearance principles of policies CS2, CS18 and CS20 of the Core Strategy and the Council's SPD Successful Places.

5.4 **Highways / Demand for Travel**

- 5.4.1 Having regard to the nature of the application proposals there are a number of highway related matters to be considered. These include considerations in respect of the impact of the development upon the local highway network; the potential impact of the development upon the local footpath / cycle network and its connectivity thereto; and finally the demand for travel arising from the nature of the development proposals.
- 5.4.2 Looking in turn at each of the considerations set out above, in regard to the local highways network, the nature of the application proposals will inevitably lead to an impact upon the local highway network which must be considered. The fact that access is detailed for consideration alongside this outline planning application means that as well as the impacts of the development upon the wider highway network, the impacts of the specific junction proposals upon Worksop Road, Bolsover Road and Woodthorpe Road can also be considered.
- 5.4.3 In order to address these matters the application submission is accompanied by a Transport Assessment (TA) and Residential Travel Plan (TP) which have both been prepared by ARUP.
- 5.4.4 Together with the TA and TP, the proposals and supporting documents were reviewed by the **Local Highways Authority** (LHA) who initially made the following comments:

I refer to the above outline application that has recently been forwarded to this Authority for highway comments together with previous correspondence concerning development of this site. I note that all matters with the exception of access have been reserved.

The submitted details broadly demonstrate development proposals comprising up to 650no. dwellings split over three parcels of land with a Local Centre in the vicinity of the proposed access with the A619 Worksop Road.

Traffic flow forecasts in the Transportation Assessment have been agreed and are based on outputs provided by the County Councils North Derbyshire Traffic Model. It should be noted that the predictions are dependent on inclusion of the Staveley Northern Loop Phase II as well as an assumed capacity upgrade to the A61 Whittington Moor roundabout.

The Site Wide drawing (ref:SK-200 Rev 02) demonstrates creation of four new junctions of various layouts with the existing highway network i.e. one each to the A619 Worksop Road and Woodthorpe Road (CIII) with a further two to Bolsover Road (B6419). Creation of each of these junctions will require the applicant to enter into an Agreement under Section 278 of the Highways Act 1980 with the Highway Authority. Capacity assessments of these junctions in their currently proposed form demonstrate each would operate satisfactorily post development. In addition, several pedestrian/ cycle accesses are proposed to both existing and proposed footways within the public highway.

A proposed layout for Site Access 1 is demonstrated on drawing ref SK-100 Rev 02 i.e. a signalised junction with A619 Worksop Road. Whilst the principle of this junction is accepted, liaison with this Authority's Public Transport Unit will be required with respect to the proposed relocation of the existing bus stop and shelter. The presence of an existing pedestrian refuge will restrict relocation to the north (given the size and nature of vehicles that would need to comfortably pass a stationary bus) and the stop will need to be sufficiently clear of the point where the left turn and straight ahead lanes diverge. However, it's considered that there is adequate frontage with the existing highway to create an acceptable signalised junction layout, although diversion of the route of an existing Public Right of Way may be required, and detailed design may be made the subject of Condition. The applicant should be aware that, as a part of the Section 278 Agreement, a commuted sum will be required to cover future maintenance of the signal apparatus.

The proposed layout for Site Access 2 is demonstrated on drawing ref: SK-101 Rev 3 i.e. priority controlled 'T' junction with the B6419 Bolsover Road that involves widening of the existing carriageway to accommodate a right turn lane together with central refuges for pedestrian/ cycle crossings to the south. Exit visibility sightlines at the junction are demonstrated as being based on the existing speed limit although there is no indication of how the existing vertical alignment may impact on availability of these. That said, again, it's considered that there is adequate frontage with the public highway to create an acceptable junction layout and detailed design may be made the subject of Condition.

The proposed layout for Site Access 3 is demonstrated on drawing ref: SK-102 Rev 2 i.e. priority controlled 'T' junction with Woodthorpe Road (CIII) provided with exit visibility sightlines commensurate with the existing speed limit. It's noted that a 2.0m width footway connection with the existing facility is proposed. However, whilst internal layout does not form a part of the current application, the indicative layout demonstrates emergence of a multi-user path at this junction (that would be of greater width) and the Highway Authority is of the opinion that opportunity should be taken to investigate continuation of this alongside the northern side of the existing highway to a point opposite the Seymour Link Road that, in turn, may be used as a link to the existing infrastructure of the Markham Employment Growth Zone (MEGZ) site. It's suggested that detailed design of this may also be the subject of Condition although you may wish to be in receipt of additional information with respect to this prior to determination.

The proposed layout for Site Access 4 is demonstrated on drawing ref: SK-101 Rev 3 i.e. priority controlled 'T' junction with the B6419 Bolsover Road on the opposite side and to the north of Access 2. Although not dimensioned or provided with vertical alignment, exit visibility again appears to be based on existing speed limits and it's considered that there is adequate controlled frontage to create an acceptable junction layout, the design of which may be the subject of Condition.

In addition to the proposed pedestrian crossing points on the B6419 Bolsover Road, drawing ref: SK-101 Rev 3 demonstrates creation of a footway on the western side of the existing highway across the site frontage and continuing northwards to link with the existing facility towards the A619. There do not appear to be any details of visibility sightlines for the pedestrian crossing points and these should be demonstrated as being achievable in both the horizontal and vertical plane. The applicant should be aware that, as a part of the S278 Agreement, a commuted sum will be required to cover future maintenance of the pedestrian refuges. The footway link to the north is considered to be an essential requirement and it's noted that the current alignment around the rear of the existing lay-by is dependent on agreement with the existing landowners. Should agreement not be reached, an alternative layout will need to be delivered that would be likely to involve modifications to the existing lay-by and speed limit extents. As the latter would involve a consultation process for which the results can't be guaranteed,

it's strongly recommended that the requisite land for the layout as demonstrated is legally secured or a Traffic Regulation Order to revise the speed limit extent is successfully processed prior to determination.

Notwithstanding the above, due to the change in nature to the road layout, the Highway Authority considers that funding should be secured under a Section 106 Agreement for investigation into, and any implementation of, revisions to the speed limits on the B6419 Bolsover Road should it be deemed necessary during construction, or within 5 years post full occupation, of the development.

Each of the new junction layout designs will inevitably include modifications/ additions to existing street lighting apparatus. Given that it's intended to create a number of pedestrian/ cycle/ multi-user route links with, across and alongside the existing highway network, and bearing in mind the likely increase in numbers of more vulnerable road users, it's considered that a review of street lighting on the A619, B6419 and Woodthorpe Road within the vicinity of the site is undertaken with any modifications/ improvements deemed necessary being funded by the applicant.

The Transportation Assessment also includes capacity assessment of a number of off-site junctions. Assessment of the A619 Worksop Road/ B6419 Bolsover Road signal controlled junction suggests that the junction would operate slightly over capacity in the AM peak hour and within capacity during the evening peak hour. Whilst it's considered within the Transport Assessment that the increase in queuing as a result of the proposals would be relatively minor, it does recommend a scheme of mitigation including alteration to the staging sequence to the operation of the junction that, it's considered, should be implemented.

The Transportation Assessment also includes analysis of the potential impacts of the development at the A619 / Norbriggs Road (CIII) traffic signal controlled junction. The analysis predicts that development traffic would only impact slightly on operation of the junction in both the morning and evening peak hours and no mitigation scheme has been tested. It is however noted that, as with the A619 Worksop Road / Bolsover Road junction, improvements to the signal timing/ staging could be considered to increase capacity.

Given the close proximity of the two existing signalised junctions to the proposed signalised junction with the A619 Worksop Road, the Highway Authority considers that the design for the latter should include linkage with the existing signal installations.

A capacity assessment of the B6419 Bolsover Road at its junction with Woodthorpe Road (CIII) demonstrates that this junction would operate satisfactorily with adequate levels of reserve capacity.

A review of accident data covering a five year period concludes that there are no trends or features of the highway that are contributing to the recorded injury accidents and that road safety will not be affected by the proposed development. However, an exception to this is identified as being a cluster of accidents on Bolsover Road which appear to be single vehicles, generally motorcycles, losing control at a bend approximately 400m to the south of the Woodthorpe Road junction adjacent to the railway bridge, the causes suspected to be driver error/ excessive speed.

The Transportation Assessment makes reference to improvements to existing local bus stops, the details of which will be agreed with the Highway Authority at some point in the future e.g. relocation, new shelters, raised kerbs, etc. Although diversion of existing public transport services into the residential development is not proposed at this stage, it is acknowledged that permeability of bus services through the site will be required to encourage greater bus patronage. It's suggested that the future discussions with the Highway Authority and local bus operators include investigation into use of commuted sums to support diversion of some services through the site.

The Transportation Assessment discusses provision of off-site pedestrian facilities noting that toucan crossings at the new access road junction with the A619 Worksop Road and two new pedestrian refuges for crossing over B6419 Bolsover Road together with the provision of a footway on the western side of Bolsover Road will be provided. It's noted that consideration was given to a new pedestrian crossing on Norbriggs Road at pre-application stage, although this was not considered appropriate by the Highway Authority. An alternative option would be to arrange provision of a school crossing patrol in conjunction with the managers of Norbriggs Primary School to operate at appropriate

times. The County Council would be likely to be in a position to provide advice with respect to this should it be required.

Layout within the site does not form a part of this application although an Indicative Masterplan has been submitted in support of the proposals. It's noted that this drawing is 'work in progress' and there would appear to be anomalies between it and the proposed access arrangements. Notwithstanding, it's assumed that any revised layout submitted in association with a future Reserved Matters/ Full application will tie in with the current access proposals and details for other pedestrian links with the existing highway network may also be reviewed at the same time e.g. proposed footpath link to the bus stops at the eastern end of Woodthorpe Road that appears to pass through land outside of the applicants control.

The Highway Authority will, therefore, pay little heed to the Indicative layout other than to suggest that the principle of the proposals to provide numerous links across, and between, the sites is encouraging. The internal layout will need to generally comply with the recommendations of the 6C's Design Guide with suitability demonstrated by submission of appropriate vehicle swept paths. As referred to above, it's likely that some areas of the site would need to be laid out in a manner to accommodate use by bus services therefore suitable road widths and potential locations for stops will need to be provided.

The Indicative Masterplan suggests that lengths of the existing Public Rights of Way may be upgraded to cyclepath status. Liaison, and agreement, with the Highway Authority's Rights of Way Officer will be required with respect to any Works that may affect the current alignment, or status, of existing Public Rights of Way.

Any existing accesses to the sites from the public highway made redundant by the proposed development will need to be formally closed in a manner to satisfy the Highway Authority.

Appropriate levels of off-street parking for each element of the proposed development should be provided throughout the site, all spaces being of 2.4m x 5.5m minimum dimension (2.4m x 6.5m where in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.

with all spaces clear of any areas dedicated to manoeuvring and maintained free of any obstructions to their designated use. The proposals in relation to level of parking provision contained within the Transportation Assessment are considered to be acceptable and it's assumed that the approved numbers will accord with your own Authority's requirements.

A Travel Plan has also been submitted, specific comments on which are appended to this response. It's recommended that a Travel Plan monitoring fee of £1,500pa is secured for a minimum of 5 years (greater depending on build out rate) under a Section 106 Agreement.

As stated above, assessment of the impact of the development proposals is based on the Staveley Northern Loop Phase II forming a part of the highway network in accordance with the Conditional requirement of Consent for the Markham Employment Growth Zone development. Should this not be implemented, alternative forms of mitigation may be considered, e.g. the Staveley Regeneration Route that would be likely to be equally effective in mitigating impacts of this site, and you may wish to give some thought to how alternatives may be funded/ delivered.

In summary, the Highway Authority is satisfied that acceptable junction/ access layouts can be delivered to serve the development proposals although provision of the new footway link alongside the B6419 Bolsover Road towards the A619 is currently demonstrated using land outside of the control of the applicant and will need to be satisfactorily resolved. Provision of a multi-user route link with Seymour Link Road should be investigated (and implemented if feasible); street lighting provision on the surrounding highways should be reviewed and modified where necessary; and the new junction with the A619 Worksop Road linked with the existing signalised junctions to the north and south on the same road.

Therefore, my recommendations for the S106, Conditions and advisory Notes are as follows:-

S106:-

The following suggested main features should be considered for any Section 106 Agreement:-

- 1. Funding for upgrading of existing bus stops.*
- 2. Trigger point(s) for payment of contribution(s).*

3. *Extent of network over which contributions can be applied.*
4. *Indexation, draw-down arrangements and location of account.*
5. *Timeframe over which funds will be available.*
6. *Travel Plan monitoring contribution sum of £1,500 per annum for 5 years minimum, longer if dictated by build out rate.*

Conditions:-

1. *Before any other operations are commenced, detailed designs for the proposed temporary accesses for construction purposes and junctions with the A619 Worksop Road, B6419 Bolsover Road (including a new footway link and pedestrian refuge crossing points) and CIII Woodthorpe Road (including multi-user route link to Seymour Link Road), together with a programme for the implementation and completion of the works, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.*
2. *The temporary access for construction purposes, the subject of Condition 1 above, shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.*
3. *No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*
 - *Parking of vehicles of site operatives and visitors*
 - *routes for construction traffic*
 - *hours of operation*
 - *method of prevention of debris being carried onto highway*
 - *pedestrian and cyclist protection*
 - *proposed temporary traffic restrictions*
 - *arrangements for turning vehicles*
4. *Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the*

internal layout of the site in accordance with the guidance contained in the 6C's Design Guide.

- 5. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.*
- 6. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 5. above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
- 7. Before any other operations are commenced (excluding creation of the proposed temporary accesses for construction purposes), all existing vehicular and pedestrian accesses to the public highway made redundant as a result of the development shall be permanently closed with a physical barrier and the existing vehicle crossovers reinstated as footway or verge in accordance with a scheme and programme first submitted to and approved in writing by the Local Planning Authority.*
- 8. The premises, the subject of the application, shall not be occupied/ taken into use until space has been provided within the site curtilage for the parking/ loading and unloading/ picking up and setting down passengers/ manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.*
- 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any*

Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

- 10. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.*
- 11. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*
- 12. The proposed access driveways/ parking spaces to the proposed estate streets shall be no steeper than 1 in 14 for the first 6.0m from the nearside highway boundary and 1 in 10 thereafter.*
- 13. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.*
- 14. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.*
- 15. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.*
- 16. No development shall be commenced until details of the proposed arrangements for future management and*

maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

- 5.4.5 Having regard to the detailed commentary of the LHA above it is noted that they have undertaken a thorough review the submitted TA and the detailed designs of the 4 no. new highway junctions proposed to serve the site detailed in the outline planning proposals. The LHA commentary sets out a series of necessary interventions to ensure that the local highway network can accommodate the traffic generated from the site, and furthermore highlights where improvements to the existing highway are necessary to ensure connectivity to the network beyond the site boundary (inc. public transport connections / upgrade and footpath / cycle network connectivity). The suggested conditions and head of terms for any necessary S106 agreement are noted and these have been received / reviewed by the applicant with no rebuttal. Some of the recommended conditions of the LHA relate specifically to layout matters (garage spaces, driveway gradients, cycle parking and gates etc) and these do not need to be imposed until reserved matters approvals.
- 5.4.6 Turning to the potential impact of the development upon the local footpath / cycle network the application site is intersected by Staveley Footpath 25 and 26, whose routes are shown to be protected / preserved on the accompanying Masterplan alongside a series of interconnecting new footpaths and multi user paths within the development platform. The Masterplan also identifies key connectivity points to the existing highway network beyond, where potential connections to the wider network of footpaths and cycle routes are possible.
- 5.4.7 As part of the planning applications consultation, comments were received from the **Trans Pennine Trail Officer** (TPTO) and **Chesterfield Cycle Campaign** (CCC). Both parties recognised the opportunities within the site to create multi user routes and connections; but also highlighted the importance of securing upgrades to the potential strategic connections beyond the red line boundary of the site. The TPTO suggested connection to the

Cuckoo Way at Norbriggs Cutting; and the CCC connection to the Seymour Link Road where a upgrade cycle network has been formed around Phase V of Markham Vale and along Erin Road into Poolsbrook Country Park.

5.4.8

Clearly a development of this scale and nature will need to secure a site wide programme of works to deliver the aspirations of connectivity set out in the overarching Masterplan, both within the site and to strategic points off site. An overarching programme would also need to set out where off site route connectivity is necessary and what upgrades to the highway network are required to provide these links. Clearly the nearest strategic connections are the cycle / footpath network at the Seymour Link Road to the south (figure 3 below) and the Norbriggs Cutting which links to the Cuckoo Way to the west (figure 4 below), as identified by the TPTO and CCC comments above.

Figure 3: Seymour Link Road Footpath / Cycle Network

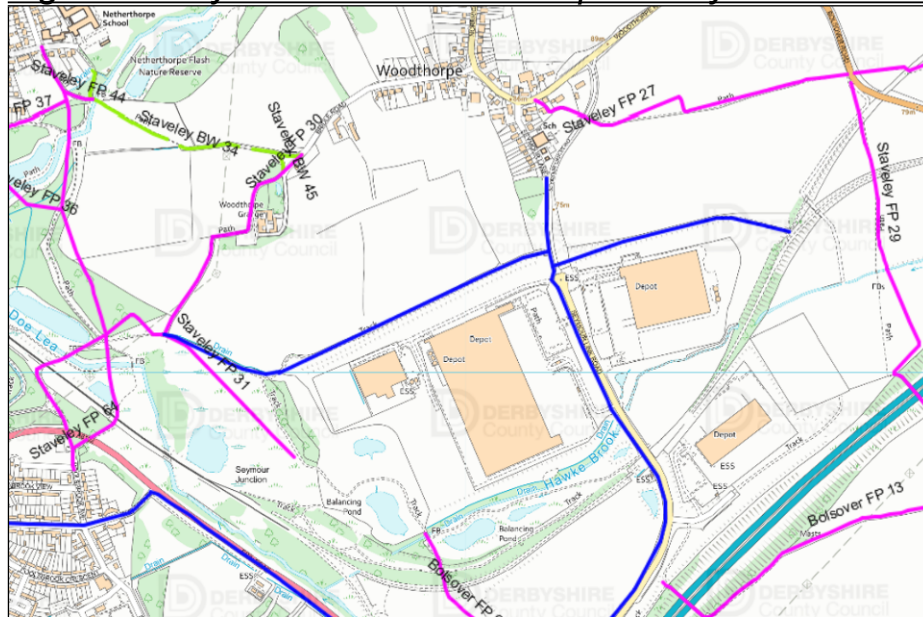
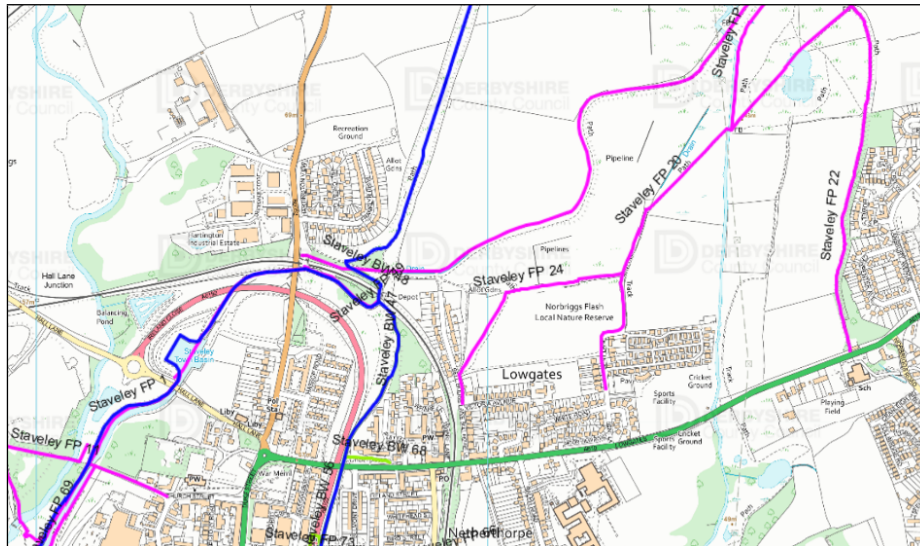
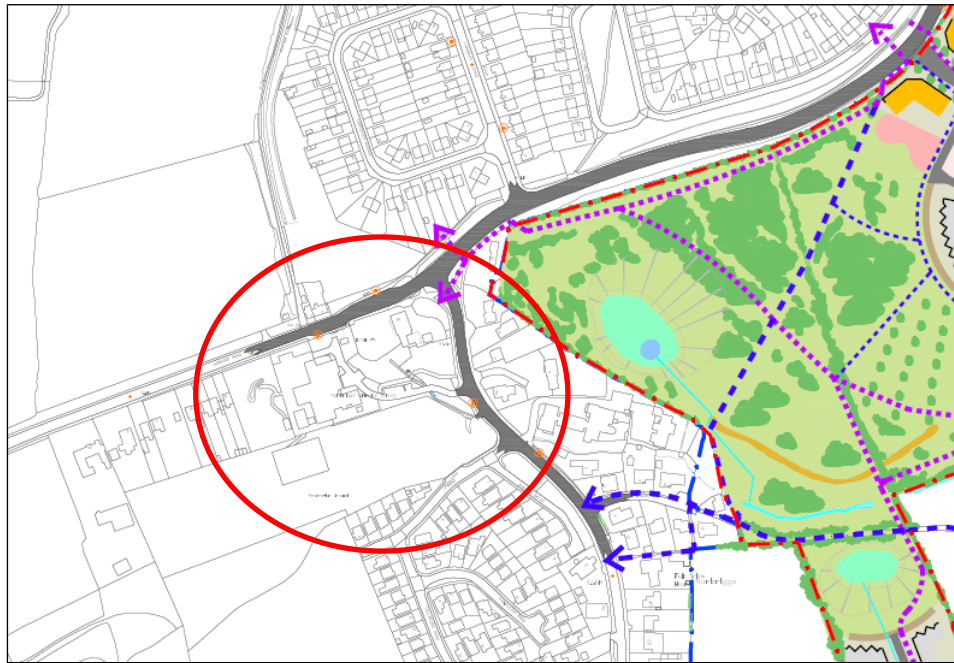


Figure 4: Staveley North and East Footpath / Cycle Network



5.4.9 It is noted that the TPTO and CCC comment that the developer must fund the wider connection of their proposed development to the existing footpath / cycle network and prospective future maintenance of such routes. In this regard it is considered that the site cannot simply look to its boundaries to deliver connectivity, and beyond as a wider regeneration benefit the way in which people will connect to the network beyond it also necessary. In respect of the cycle network available to the south at Markham Vale North, connection of the development proposals onto Woodthorpe Road should include provision of a multi user route to adjoin the network at the end of Seymour Lane (using the extent of adopted highway) or down Seymour Link Road (with private landowners consent – DCC). In respect of connecting to the network to the west, connection of the development proposals and the green open space to the crossing points that access the nearest Cuckoo Way connection (Footpath 22) would need to be secured (figure 5 below).

Figure 5: Cuckoo Way Connections



- 5.4.10 It is noted that the TPTO and CCC comment that the developer must also be expected to contribute to the future upkeep of these networks and routes,. New CIL Regulations came into force on 1st September 2019, replacing the council's 'Regulation 123' list (which determined what infrastructure would be covered by CIL and which by S106), replacing them with 'Infrastructure Funding Statements' (IFS). However the first IFS is not due to be published until the end of 2020. In the interim, the Regulation 123 list continues to be the most up to date evidence of the council's intentions and priorities for spending CIL contributions. The list currently includes 'implementation of Chesterfield Strategic Cycling Network' and 'Measures to improve walking, cycling and public transport provision within: v. The proposed Strategic Cycle Network' but excludes "site specific measures arising as a result of specific development proposals". it is therefore necessary to consider if this should be addressed through a combination of planning obligations secured by a S106 for site specific measures (such as the crossing over the A619) and CIL expenditure on improvements to the wider network.
- 5.4.11 Turning to the third and final issue of the demand for travel arising from the development proposals, the application submission is supported by a Travel Plan which has been reviewed by the Local Highways Authority Travel Plan team (LHA TP). Their comments received make a series of recommendations to carry the TP forward following commencement of development and these could be the subject of a condition, if permission is granted.

5.5 **Flood Risk / Drainage**

- 5.5.1 Policy CS7 of the Core Strategy and the wider NPPF requires all new development proposals to consider flood risk and incorporate, where appropriate, Sustainable Drainage Systems (SuDS) to ensure the maximum possible reduction in surface water run off rates are achieved commensurate with the development being proposed.
- 5.5.2 Of a development of this scale and nature there is inevitably going to be requirements for new drainage infrastructure to handle both surface and foul water within and from the site.
- 5.5.3 In accordance with policy CS7 of the Core Strategy and wider advice contained within the NPPF the application submission is supported by a Flood Risk Assessment (FRA) prepared by Idom Meresbrook Limited.
- 5.5.4 Consultation took place with the **Lead Local Flood Authority** (LLFA), the Councils own **Design Services (Drainage)** team (DS), **Yorkshire Water Services** (YWS) and the **Environment Agency** (EA) who all provided detailed responses to the outline proposals and the Assessment submitted.
- 5.5.5 Firstly the EA confirmed that they would not wish to make any representations on the application given that, 'there are no environmental constraints associated with the site which fall within our remit'.
- 5.5.6 The DS team advised, *'The site is shown to be located within Flood Zone 1 on the Environment Agency flood maps. The EA maps do show a watercourse that runs east to west through the site which may present a surface water flood risk in this vicinity. We have reviewed the flood risk assessment (FRA) provided with the application which states that the developed areas will be away from these anticipated flood areas*
- Within the FRA, the foul drainage from site is proposed to discharge to the combined sewer within Worksop Road at the north-west of the site. This will require Yorkshire Water approval and I understand they have concerns regarding the capacity of the*

receiving Staveley wastewater treatment works. This may require further consultation between YWS and the applicant.

With regards to the surface water management from the site, the outline strategy included within the FRA proposes that surface water runoff is managed and attenuated by a number of swales and detention basins within the site. These are then proposed to discharge into the watercourse that runs through the site. This discharge is proposed to be restricted to the existing greenfield runoff rates and attenuated by the swales and basins. We therefore have no objection to this principle, however we will require more detailed information prior to full application. We would also wish to see maintenance proposals for the site to ensure that these are effectively maintained throughout their lifespan.

Derbyshire County Council should also be consulted on this major application in their role as lead local flood authority and would have ultimate approval of the flood risk and surface water management issues for the development. DCC approval would be required for any outfall or culvert located on a watercourse network.'

5.5.7 Looking in turn therefore at the issues mentioned by the DS team above, YWS also responded to the application consultation providing a series of planning conditions they wished to be imposed if permission was granted. YWS did provide commentary on the capacity of the current public sewerage network, advising that the receiving waste water treatment works (WWTW) does not currently have capacity to serve the whole i.e. completed development. However, they advised that provided the development is phased, YWS will be able to ensure capacity is available for this site and others within the works catchment that may come forward during the Local Plan period. In this regard, as set out in the accompanying DAS, the development proposals are to be phased.

5.5.8 In respect of surface water drainage, the LLFA were consulted on the application submission and commented:

The proposed discharge rate off site is recommended to be the greenfield rate and the FRA indicates that this has been calculated for the 1 in 30 year, 1 in 100 year and 1 in 100 year + 30% climate change rainfall event for the site. The LLFA supports the latest guidance from the Environment Agency in relation to climate

change and would require that at the detailed design stage of the development the applicant applies a sensitivity test of 40% for a range of rainfall intensities.

The Lead Local Flood Authority (LLFA) would require that an allowance of 10% for urban creep is made, in addition to the allowance for climate change. The LLFA believe this to be a sensible precaution in order to account for urban creep over the lifetime of the development.

The LLFA welcomes the applicant proposals for the inclusion of above ground storage and swales. Should the proposals change from above ground storage to below ground storage of surface water after the consultation process of the outline application, the LLFA would change their stance in regards to the proposals. This is because the surface water disposal method would no longer be considered sustainable and this would be a significant departure from the agreed proposals at the outline stage.

LLFA would fully expect information demonstrating how the proposed 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.

The curtilage of the proposed site incorporates an existing ordinary watercourse and also proposal for the inclusion of a number of swales. The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place of all new and existing linear features. The LLFA would recommend an easement of approximately 3m if the swale is less than 2m in width and 4.5m for swales over 2m in width. Whilst this is not stipulated within any legal byelaw the LLFA would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

- 5.5.9 Having regard to the comments made by the LLFA above it is considered that appropriate conditions could be imposed upon any outline planning permission granted to ensure that a fully detailed drainage strategy for the development proposals could be drawn up to achieve acceptable run off rates, incorporate appropriate storage volumes and provide adequate improvements measures sought as set out. The LLFA suggested a series of conditions in their latest response which they considered would achieve an

appropriate solution and these are standard conditions which the LPA are familiar with and have imposed on greenfield sites granted permissions in the past.

- 5.5.10 Taking into consideration all of the comments received in respect of flood risk and drainage matters it is concluded that if the principle of development is accepted, appropriate planning conditions and agreement by S106 (for any private drainage solutions) can be imposed / secured to meet the requirements above in accordance with policy CS7 of the Core Strategy and the wider NPPF.

5.6 **Land Condition / Contamination**

- 5.6.1 The extent of the application site in its current state comprises predominantly undeveloped greenfield land, albeit that site assessment has identified some pockets of past industrial activity associated with the nearby canal and collieries. Therefore it is essential to ensure that if permission is granted the ground conditions are appropriate, or can be appropriately remediated, to ensure that the ground is suitable for the development being proposed.
- 5.6.2 In accordance with policy CS8 of the Core Strategy and wider advice contained in the NPPF the application submission is accompanied by a Geo-Environmental Assessment (G-EA).
- 5.6.3 The G-EA confirms that both Phase I and Phase II studies were undertaken and concludes that whilst there might be localised contamination from past site activities, no significant soil contamination has been identified and gas monitoring has not recorded any elevated concentrations of hazardous gases. The site is however in an area affected by naturally occurring radon gas, which will require dwellings to be built with protective membrane and sub floor voids; and further exploratory investigation will be required to confirm the depth and extent of the opencast mining activity in the north of the site. The site is also affected by underground shallow coal mining; recorded mine entries; and high walls pose risks to development at the site. The G-EA concludes that none of the points highlighted prevent or preclude development from taking place.

- 5.6.4 The Council's **Environmental Health Officer** (EHO) and the **Coal Authority** (CA) were both invited to review the application submission and provide comment on the development proposals.
- 5.6.5 The EHO did not raise any issue in their comments in respect of land condition or contamination. It is therefore assumed that the conclusions reached in the G-EA and the recommendations thereof were acceptable to them.
- 5.6.6 The Coal Authority, *'concurs with the recommendations of the Geo-Environmental Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.'*

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the submission of the reserved matters:

- * The submission of a scheme of intrusive site investigations for the high walls for approval;*
- * The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and*
- * The undertaking of both of those schemes of intrusive site investigations.*

A condition should require as part of the reserved matters application:

- * The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;*
- * The submission of a layout plan which identifies the opencast high walls and appropriate zones of influence for the recorded mine entries within the site, and the definition of suitable 'no-build' zones;*

** The submission of a scheme of treatment for the recorded mine entries for approval;*

** The submission of a scheme of remedial works for the shallow coal workings for approval.*

A condition should also require prior to the commencement of development:

** The implementation of those remedial works.*

The Coal Authority considers that the content and conclusions of the Geo-Environmental Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.'

- 5.6.7 Having regard therefore to the conclusions of the G-EA and the advice of the CA above, intrusive site investigations are deemed necessary to address land condition and coal mining risk. Appropriate planning conditions could be imposed to this effect to meet the requirements of policy CS8 of the Core Strategy and paragraphs 178-179 of the NPPF if permission is granted.

5.7 **Ecology / Biodiversity**

- 5.7.1 The site the subject of the application is undeveloped greenfield and has a predominantly arable agricultural use. Given the open nature of site and land beyond, the presence of peripheral trees and hedgerows within the site and intersecting watercourse there is potential for biodiversity / ecological interest to exist which must be considered.
- 5.7.2 In accordance with para. 170 and 175 of the NPPF and policy CS9 of the Core Strategy the application submission is accompanied by an Extended Phase I Ecological Survey, Badger Survey, Bat Survey Report and Breeding Bird Assessment which have all been prepared by Penny Anderson Associates Ltd. The package of reports include detailed assessment of the main ecological considerations together with a reasoned justification in support of the development.

5.7.3

In respect of biodiversity consultation took place with **Derbyshire Wildlife Trust** (DWT) who operates a service level agreement with the LPA on planning matters and provided the following initial response:

Bats

Initial surveys for potential bat roosting features within the trees was undertaken from the ground on the 24th May 2014, this survey highlighted two trees with potential features. These two trees were re-assessed from the ground on 9th July 2015, in which followed additional nocturnal surveys undertake in June, July and August 2015. The results of these surveys confirmed a bat roost within Tree 2 (Penny Anderson, June 2017). From reviewing the Masterplan it appears that this tree is to be retained within the SUDs attenuation area which is welcomed, and we do not considered that any further survey work is required at this stage. If, for any reason the tree is not possible to retain, and is to be affected by the proposals or the surrounding habitats change, it will be necessary to undertake an additional assessment and further surveys would be required.

According to paragraph 125 of the NPPF states that 'by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'. In line with this guidance we would also recommend that the lighting is minimised within the development and in particular in areas of green open space and hedgerows to minimise lighting impacts on potential foraging and commuting habitats for bats.

Birds

The surveys conducted for breeding birds is welcomed, although the report does not state when these surveys were carried out. Recommendations within the report to retain boundary hedgerows, undertake tree planting (providing the species are native), creation of buffer zones along the stream and hedgerow boundary are all welcomed along with the provision of bird boxes.

Badgers

A badger sett has been highlighted outside of the site boundary, although evidence of badger paths have been noted within the site (Penny Anderson 2017). The setts itself would not be affected by the proposed development however, protection of badgers should

they be commuting/foraging across the site should be implemented.

Due to the presence of badger activity on site we would advise the LA to attach a condition requiring that a survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken prior to the commencement of any groundworks on the site and submitted to the LA for approval.

Retained habitats (boundary hedgerows, trees, watercourse)

All retained habitats should be protected from damage by the erection of adequate temporary protective fencing for the duration of the works in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of any works on the site as a condition of any consent.

If the Council are minded to grant planning permission for the proposed development then it is recommended that the following conditions are attached:

- No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Such approved measures will be implanted in full.*
- Due to the presence of badger activity on site, prior to the commencement of development a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken and the results and any appropriate mitigation/licensing requirements should be submitted to the Council in writing for approval. Such approved measures must be implemented in full.*
- No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include the creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework*

greater than 200 mm outside diameter being blanked (capped) off at the end of each working day.

- A condition should be imposed requiring any reserved matters application to include the submission of a Landscape and Ecological Management Plan (LEMP) detailing long-term design objectives for nature conservation, management responsibilities and maintenance schedules for all landscape areas which are not in the ownership of individual properties to be approved in writing by the local planning authority. The LEMP should be carried out as approved. The plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured as by the developer with the management body(ies) responsible for its delivery (this would need to reflect and be informed by whatever is agreed within a S106 agreement). The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.*

5.7.4 Since the comments made by DWT above, the NPPF was revised (Feb 2019) but matters in connection with biodiversity remained consistent across the policy revisions.

5.7.5 DWT was invited to comment further on revisions to the DAS and Masterplan when the application was re-consulted upon in early 2019 and they provided the following comments:

The Trust previously commented on this application in August 2017. A revised masterplan has since been submitted (Drawing no. M5328-100. Rev.D08. 06.11.18), along with a revised Design and Access Statement (January 2019).

There do not appear to be any significant revisions which impact on ecology, with key green corridors still proposed, along with community garden, orchard, woodland and SuDS. Whilst the proposal will result in a major loss of current greenfield land, proposals do incorporate varied compensatory habitat creation, which with the appropriate management and commitment to long-term management could benefit local wildlife. We do stress that the locations of the existing badger setts should drive the design of the

green space in these areas and some of the details in the masterplan may need revision at the detailed design stage. In particular, the trim trail is located very close to both existing onsite setts and this should be relocated. Thorny planting should be included close to setts and the woodland edge to deter interference with the setts.

Should the council be minded to approve the application, we have advise that the following conditions are attached to any approval:

Lighting

Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Update Badger Survey

Due to the presence of badger activity on site, prior to the commencement of development (or each phase) a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken and the results and any appropriate mitigation/licensing requirements should be submitted to the Council in writing for approval. Such approved measures must be implemented in full.

Construction Environmental Management Plan: Biodiversity

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by the existing ecological survey work and include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*

- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

Landscape and Ecological Management Plan

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP should combine both the ecology and landscape disciplines and include the following:

- a) Description and evaluation of features to be managed.*
 - b) Ecological trends and constraints on site that might influence management.*
 - c) Aims and objectives of management.*
 - d) Appropriate management options for achieving aims and objectives.*
 - e) Prescriptions for management actions.*
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward in perpetuity, with reviews).*
 - g) Details of the body or organization responsible for implementation of the plan.*
 - h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.*
 - i) Locations of bat boxes, bird boxes, hedgehog holes and habitat piles (include specifications/installation guidance/numbers).*
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.*

5.7.6 Having regard to the comments and advice provided by DWT it is considered that the submissions and the recommendations therein pose appropriate assessment, measures and means to mitigate

any adverse impact upon biodiversity arising as a result of the development such that the proposals demonstrate an acceptable compliance with the provisions of policy CS9 of the Core Strategy and the wider NPPF. Where DWT has recommended the need for further survey work appropriate conditions can be imposed, if permission is given, to secure these.

5.7.7 In addition to the comments made by DWT above, the Council's **Tree Officer** (TO) also reviewed the proposals and made the following comments:

The site encompasses some 46.2ha of mainly agricultural land comprising primarily of arable fields, along with hedgerows and scattered trees which are mainly featured on the boundaries with 4 individual mature Oaks in the western fields.

For illustrative purposes an indicative layout has been submitted on drawing M5328-100 Rev D07 dated 22/04/16 by Gillespies which includes up to 650 dwellings, parkland and other open spaces, retention of the majority of existing hedgerows and trees, additional landscape planting and surface storage ponds for the new drainage infrastructure.

There is no objection to the application in principle however no tree or hedgerow surveys have been submitted with the application to enable a full assessment of the trees and hedgerows on the site and associated boundaries. A walk over of the site found hedgerows within the site and along the boundaries which have mainly been managed in some form at some stage. Mature trees are also present on the site mainly on the boundaries and 4 Oaks within the western fields. A watercourse with numerous Ash trees is also present off the access to the western fields from Bolsover Road.

If the scheme is granted planning permission for the proposed development then it is recommended that the following conditions are attached for the protection of trees and hedgerows:

1. Concurrent with the submission of the first reserved matters application the following details should be provided and approved:
 - a) A tree survey and tree/hedgerow protection plan shall be prepared demonstrating appropriate root protection areas, tree/hedgerow protection measures and above ground

construction techniques conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012.

- b) A hedgerow survey and evaluation of all the hedgerows to be removed on the site and boundaries should be submitted in line with the hedgerow regulations 1997 to determine whether the hedgerows are deemed 'Important'.*
- c) The details of existing and proposed land levels around the root protection areas of the retained trees and hedgerows should be submitted for approval.*
- d) Details should be provided on a scaled drawing of proposed surface and foul water runs and outlets including required easements on and off the site.*
- e) Only those details which received written approval shall be implemented on site.*

Further my comments of the 22nd September 2017 a revised indicative masterplan layout drawing and Design and Access statement has now been submitted. My previous comments still stand and in addition the following conditions should be attached if consent is granted to the application:

Landscaping

Details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;*
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:*
 - a) permeable paving*
 - b) tree pit design*
 - c) underground modular systems*
 - d) Sustainable urban drainage integration*
 - e) use within tree Root Protection Areas (RPAs);*
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;*
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and*

5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Tree, hedgerow and habitat protection

Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees, hedgerows and habitats in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.*
- b) Details of construction or landscaping works within the RPA that may impact on the retained trees and habitats.*
- c) a full specification for the installation of boundary treatment works.*
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.*

Details shall include relevant sections through them.

- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.*

- f) A specification for protective fencing to safeguard trees, hedgerows and habitats during both land clearance and construction phases and a plan indicating the alignment of the protective fencing.*

- g) a specification for scaffolding and ground protection within protection zones.*
 - h) Tree, hedgerow and habitat protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.*
 - i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires*
 - j) Boundary treatments within the RPA*
 - k) Methods to improve the rooting environment for retained and proposed trees, hedgerow and landscaping*
- The development thereafter shall be implemented in strict accordance with the approved details.*

Tree Pruning/Felling

Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

- 5.7.8 Having regard to the comments firstly made by DWT it is considered that the suggested conditions sought by them are acceptable. Appropriate Mitigation Measures and Biodiversity Enhancement Measures associated with major development proposals are a requirement of policy CS9 of the Core Strategy and such measures can be incorporated into the building fabric as well as through soft landscaping proposals. Given that this is an outline planning application, any subsequent reserved matters submission concerning 'layout and landscaping' can incorporate the measures deemed necessary to secure a net gain in biodiversity across the development site. These measures can also target appropriate mitigation. The comments made by the TO are also noted and it is considered that the suggested conditions sought by him are also acceptable and can imposed should outline planning permission be granted.

5.8 **Air Quality / Noise**

- 5.8.1 In respect of Air Quality Policy CS8 of the Core Strategy requires development proposals to assess air quality impact and incorporate measures to avoid or mitigate increase in air pollution.
- 5.8.2 Furthermore paragraph 181 of the NPPF states, *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan'*.
- 5.8.3 In the context of the policy framework above the application submission is supported by an Air Quality Assessment by Waterman Infrastructure & Environment Ltd (dated June 2017) which has been considered by the Councils **Environmental Health Officer** (EHO).
- 5.8.4 The AQA concludes that, *'The DMRB assessment tool has been used to predict the effect of future traffic-related exhaust emissions and the likely changes in local air quality following the completion of the Development. The effect of the Development on local air quality has been predicted for a number of sensitive receptors surrounding the Site and for future users of the Development. Following completion of the Development, and taking into account uncertainty in future NO_x and NO₂ reductions, the Development is predicted to have a not significant effect on NO₂, PM₁₀ and PM_{2.5} concentrations, at all existing receptors considered. Assuming NO_x and NO₂ concentrations are not declining as expected, NO₂ concentrations are predicted to be below the relevant objectives within the Development. In addition, predicted PM₁₀ and PM_{2.5} concentrations within the Development are also below the relevant objectives. As such, it is considered concentrations within the Development for future users are not significant.'*

- 5.8.5 The EHO was invited to comment on the AQA and application submission. His initial comments received were:

The traffic analysis has been carried out using the previous DCC modelling regarding the possible impact of the proposed development at the former St Gobain steel works site and surrounding area, and assumes that the existing section of loop round around Staveley will be extended to effectively bypass the road through the village. There is no calculation made which takes into account the possibility of this road not being completed. Currently, Staveley regularly becomes very congested at peak times, and I am concerned that there is the very likely possibility that this this location (which is currently not subject to an Air Quality Management Area) may be sufficiently adversely affected as to subsequently require this. I further note that the submitted noise and vibration assessment does include traffic along Duke Street and Lowgates, and indicates an increase of 20% on current levels

The traffic analysis is carried out over a wide area, part of this analysis includes the one way system (including Church Street) at Brimington. Properties on Church St are subject to an AQMA. The analysis indicates that there may well be a small adverse impact by undertaking this proposed development. A previous application contained traffic model which indicates that this section of road is rapidly reaching capacity. This development will serve to increase pressure on this section of road.

Given the above, and the lack of modelling for the circumstances when the relief road is not built, I would like to request that the existing traffic modelling be undertaken again, with traffic flows through Staveley being addressed.

- 5.8.6 In responses to these comments the applicant provided the following commentary:

Traffic Model

The EHO is correct in that the traffic model used does include reference to 'the former St Gobain steel works site'. It is not however 'previous DCC modelling'. It is modelling that was commissioned and funded by Chatsworth Settlement Trustees (CST) and St. Gobain/Omnivale (as owners of land within the former Staveley Works site) to inform development proposals on

that site. The model's scope was fully agreed with DCC Highways and undertaken by DCC's own consultants (AECOM). The modelling has extended the base of that used to inform the preparation of Chesterfield's Local Plan. As the model assessed potential wider impacts of development, it was also applicable to and a suitable data base for use as part of the proposals at Mastin Moor.

Application of the model within the Transport Assessment undertaken in support of the Mastin Moor proposals was also scoped with and agreed by DCC Highways.

For reasons agreed by DCC, the model does include the assumption that a link would be provided between the A619 and Hall Lane, i.e. the as yet unbuilt Phase II of the Staveley Northern Loop Road. As you are aware, construction of that link is a requirement of the planning permission(s) granted in respect of the Markham Vale development. Although there may be alternatives to the construction of that link (such as completion of the Chesterfield Staveley Regeneration Route through the Staveley Works site), the requirement placed upon the Markham Vale development remains and it is within the gift of CBC to require that it be built, or alternative provision made. On that basis, the traffic modelling used was entirely appropriate and there should be no requirement to undertake additional traffic modelling for alternative scenarios.

Scope of Assessment

The applicant's air quality consultants, Guido Pellizzaro of Waterman, sought to agree the scope of the required air quality assessment with CBC. An email to Steve Payne on 15/5/17 provided details of the proposed assessment. Waterman stated 'In terms of our approach, given that the Site is not located in an AQMA, we propose to use the Highways England Design Manual for Roads and Bridges (DMRB) air quality model and would model the existing, future without development and future with development scenarios at sensitive receptors in proximity to the Site and within the roads modelled'. Mr Payne replied on 22/5/17 confirming that 'It seems a comprehensive approach'. That email exchange is reproduced in Appendix A of the Air Quality Assessment. Copies of that email are also attached to this email. We are somewhat surprised therefore for queries as to the scope to be raised at this time.

Impact on Church Street, Brimington AQMA

The Church Street, Brimington AQMA is some 6km to the west of the site. We acknowledge that some traffic generated by the site's development will route through that area. Within the submitted assessment, the closest modelled receptor for air quality to the Brimington AQMA is Receptor 8 (located on the junction with Norbriggs Road). At this location Waterman's model predicted, at worse, an increase in annual mean NO₂ concentration of 0.3µg/m³. CBC data for the Brimington AQMA shows an average monitored annual mean NO₂ concentration in 2015 on Church Street of 39.6µg/m³. If we assume that all traffic passing Receptor 8 goes through the AQMA (unlikely but theoretically possible) and therefore add the of 0.3µg/m³ contribution to existing concentrations within the AQMA, the impact would be 'slight adverse'. This is of course a worst-case scenario and it is unlikely that all traffic at Receptor 8 would route through the Brimington AQMA.

- 5.8.7 The comments made by the EHO above and the rebuttal statement received from the applicant are noted. The scope of the modelling works undertaken and submitted in support of this application (and others concerning the former Staveley Works) are agreed (including the inclusion of the Phase II Staveley Loop Road – which is committed development). The receptors identified in the supporting AQA do not include the Brimington AQMA (Church Street) because it is located some 6km to the west of the application site. Whilst it is accepted that inevitably some of the traffic generated by this development will route through the AQMA at Church Street, the resultant concentration increases of NO₂ forecast by the AQA modelling suggest that any impact would be 'negligible'.
- 5.8.8 The AQA concludes that the 'not significant' impacts do not require any specifically targeted mitigation, however even with this conclusion the application is accompanied by Residential Travel Plan and the development proposals promote connections to the local footpath / cycle network which will allow future residents to make more sustainable choices. Furthermore notwithstanding the conclusions reached in the AQA above regarding appropriate mitigation, under the provisions of policy CS20 of the Core Strategy the Council requires all new residential properties to

include provision for Electric Vehicle Charging points. This would be imposed by planning condition, if permission were granted.

- 5.8.9 Overall therefore, whilst the concerns of the EHO are noted it is not considered that they would warrant the refusal of planning permission. In the short-term, the absence of the Phase II Staveley Northern Loop Road connection being in place may result in traffic concentrations through Staveley increasing, however it is clear that the aspirations of the emerging Local Plan are to secure the delivery of the Staveley Regeneration Route (which is serve to address to air quality issues through both Brimington and Staveley). Alongside these aspirations are targeted housing growth and regeneration to the eastern villages of the Borough and therefore a short term compromise must accepted.
- 5.8.10 In respect of Noise policy CS2 and CS18 of the Core Strategy addresses matters in respect of noise / amenity. Furthermore para. 170 e) and 180 of the NPPF requires *'decisions taken to contribute to the natural / local environment by e) preventing new and existing development from contributing to, but put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution'* and *'ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and in doing so 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'*.
- 5.8.11 The application submission is supported by a Noise and Vibration Assessment (N&VA) by Waterman Infrastructure & Environment Ltd dated June 2017. The Councils **Environmental Health Officer** (EHO) did not however make any specific comments in their response to the application about this document.
- 5.8.12 Notwithstanding the absence of any comment from the EHO the N&VA reaches conclusions and recommendations in section 7.2 of the report regarding the formulation of any reserved matters proposals, the layout and design of the development plots and dwellings and control of noise throughout the construction phases. It is considered that these recommendations and the suggested means of mitigation proposed are appropriate to mitigate the impacts identified, and subject to an appropriate condition requiring

such measures to be set out in any reserved matters submission the issue of noise would be addressed in compliance with policies CS2, CS18 and the wider NPPF. This would be imposed by planning condition.

5.9 **Heritage and Archaeology**

5.9.1 Having regard to potential heritage and archaeological impacts it is noted that in the context of 'designated' heritage assets the nearest assets on-ground are the grade II listed buildings of Netherthorpe Grammar School, Norbriggs House and the Church of St Peter. These properties are located to the west and south of the application site.

5.9.2 In addition to designated assets, given the extent of the application site and its known former land uses, the site is also potentially of archaeological interest.

5.9.3 The impact of new development on the setting of designated and undesignated heritage assets should be a consideration when assessing proposals, having regard to the provisions of policy CS19 of the Core Strategy and the wider NPPF. In this regard the application was initially supported by an Archaeology Assessment prepared by Wessex Archaeology.

5.9.4 Both the Council's **Conservation Officer** (CO) and the **DCC Development Control Archaeologist** (DCC Arch) were consulted on the development proposals. The following comments were initially received:

CO - The applicant has submitted heritage assessments in the form of an Archaeological Assessment (Wessex Archaeology, 2017). The title of this document is a little confusing as it also includes assessments of above ground heritage (it would have been more accurate to title it an Archaeology and Heritage Statement); however the document satisfies the requirements of paragraph 128 of the NPPF which states that applicants should describe the significance of any heritage assets affected by planning proposals (including any contribution made to settings).

Notwithstanding the misleading title, the Archaeological Assessment is in my view robust and successfully identifies the heritage assets in the area which might be impacted on by the

proposals (including the setting of any listed buildings). The Assessment confirms that no on-ground designated heritage assets are within the planning application boundary, but that there are listed buildings in the vicinity, including the grade II listed former St Peters Church in Woodthorpe and grade II listed Norbriggs House on Worksop Road. It also acknowledges the setting of Bolsover Castle (grade I listed and Scheduled Ancient Monument) and the remains of an 18th century railway line (which was probably related to coal transportation at Norbriggs Cutting, a former branch line of the Chesterfield Canal).

Overall, the Assessment concludes that any impacts on heritage assets caused by the development are minimal and can be mitigated by appropriate design methods. This is a reasonable and informed conclusion and one I would agree with.

I would recommend seeking the views of the County Archaeologist regarding any archaeological heritage assets. I would also recommend seeking the views of the Chesterfield Canal Trust in relation to any historic railway remains that might be connected to the development of the Chesterfield Canal.

DCC Arch - The applicants have submitted an archaeological assessment of the land in question, which incorporates the results of both a desk-based assessment and geophysical scanning survey. Both studies identified archaeological potential on the site, much of which relates to early industrial activity on the land. It is known that coal extraction occurred here during the 18th and 19th century, with Norbriggs Colliery operating in the south-western sector of the site. It is recorded that a horse drawn tramway was constructed here in the late 18th century, to take coal from the colliery to the Norbriggs cutting, which joined Chesterfield Canal. The embankment of the tramway, one of the earliest known in Derbyshire, was reported to still be visible as an earthwork in 2000.

The geophysical survey also identified evidence of anomalies which are thought to relate to coal mining on the site – these include the possible line of the tramway described above and the foundations of demolished buildings. In addition to industrial remains, traces of possible former field boundaries and ridge and furrow ploughing were also identified.

The pre- application evaluation undertaken so far has indicated archaeological potential on the site. The geophysical (magnetometry) survey of the proposed development area used a scanning technique however. This technique only indicates the presence of below ground features, but does not give a clear indication of their extent or patterns of design or development (for example in the case of early field systems). In this instance there was a distance of 10m between each survey traverse, which does not supply enough data to reflect any anomalies which do occur in any great detail. The most recent guidance from Historic England recommends that detailed magnetometer survey of the entire area subject to evaluation should be the preferred approach, rather than scanning or undertaking a percentage sample of the proposed development site. Indeed the conclusion of the geophysical survey report supplied with the archaeological assessment recommends that a detailed survey be undertaken as part of any further evaluation of the site (section 5.1.1).

We would consider the detailed approach particularly important on Coal measures sandstone geology in this part of the county, as recent development control generated archaeological projects on this historically under-researched and under-investigated resource have encountered significant archaeological remains.

Taking this in to account we would recommend that the applicants be requested to undertake further detailed geophysical survey of the proposed development site in advance of a planning decision being made. This would be in line with NPPF para. 128 which requires developers to establish the potential impact of their proposals on the setting and significance of any heritage assets which may occur with the proposed development area. The results of this work will enable us to more clearly understand the significance of any surviving archaeological remains on the site and the impact that development will have upon them.

- 5.9.5 In response to the initial commentary received above the applicant was invited to address the concerns raised by DCC Archaeology, given the potential archaeological significance of the features which had been identified on site. Between November 2018 and September 2019 further details were collated by Wessex Archaeology in response to comments and a meeting held between the applicant, the LPA and DCC Archaeology inc. a Detailed Gradiometer Survey, a Summary of Significance,

amendments to the Indicative Masterplan with a Heritage Overlay, and finally an Overarching Written Scheme of Investigation (WSI) for Archaeological Programme.

- 5.9.6 The purpose of securing an Overarching WSI was to set an agreeable phased approach to a programme of archaeological investigation and recording if outline planning permission were to be granted. As the development site is split into phases (1-4 in the DAS) the Overarching WSI will enable and inform the submission of a separate and detailed phase by phase WSI and the results of each phase can thereafter be used to inform subsequent phases in terms of scope and methodology as appropriate. They may relate to specific locations or to a specific mitigation strategy.
- 5.9.7 DCC Archaeology were involved in the drafting and review of the Overarching WSI confirming on 04/09/2019 that they were happy with the final drafting that was subsequently submitted.
- 5.9.8 Overall having regard to the comments received from the CO and DCC Arch, it is a requirement of the National Planning Policy Framework, para. 189 - 190 that the applicant demonstrates to the satisfaction of the Local Planning Authority that appropriate desk-based assessment and, where necessary, field evaluation has been undertaken to determine the potential impact of the development proposals upon any heritage assets, including those with archaeological interest.
- 5.9.9 In this instance it is considered that the applicant has provided the Local Planning Authority (LPA) with satisfactory assessment and evaluation of heritage / archaeological assets to determine the application.
- 5.9.10 The advice given by the DCC Arch is that whilst the site does boast some archaeological assets of interest, the features identified are not of such significance that their presence would prevent a permissible development taking place on the site in the future. In such instances record and removal (or retention in situ following record) of such features is appropriate and the DCC Arch is now satisfied that measures to secure these works as set out in the Overarching WSI can be the subject of an appropriate pre-commencement planning condition.

- 5.9.11 In respect of the potential impact of the development upon the setting of the nearest 'designated' asset the conclusion reached in the accompanying Assessment state that the development proposals will have a 'minor' impact upon the setting of Bolsover Castle; a 'negligible' impact upon Norbriggs House and Netherthorpe Grammar School; and a 'moderate' impact upon the Church of St Peter. In mitigation it is recommended that appropriate landscaping / screening can be secured to provide a visual buffer to mitigate against the negative effects of the new development, but it is accepted that wider effects upon the historic setting of Bolsover Castle cannot be mitigated against.
- 5.9.12 Based upon the requirements set out in para. 196 – 197 of the NPPF, it is therefore concluded that any potential harm to the setting of the nearest designated asset can only be considered 'less than substantial'. On this basis there is no reason or justification to not conclude (notwithstanding other material considerations / conclusions) that the public benefits of this development would outweigh the 'harm' in regard to this particular issue.

5.10 **Other Considerations (S106 / CIL / Education)**

- 5.10.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.
- 5.10.2 Internal consultation has therefore taken place with the Councils own **Economic Development, Leisure Services and Housing** teams, as well as externally with **Derbyshire County Councils Strategic Planning** team and the **North Derbyshire Care Commissioning Group** on the development proposals to ascertain what specific contributions should be sought.
- 5.10.3 The responses have been collaborated to conclude that were permission to be granted a requirement to secure S106 Contributions via a Legal Agreement in respect of the Affordable Housing (Policy CS11); up to 1% of the overall development cost for a Percent For Art scheme (Policy CS18); a Health contribution via the CCG (Policy CS4); and appointment of an external

management company to manage and maintain the on site green open space (Policies CS9).

- 5.10.4 Matters in respect of education and leisure provision are now dealt with by CIL contributions. However given the scale of the development proposals further considerations in their regard are set out as follows:

Education

- 5.10.5 There is currently no room for expansion at Woodthorpe CE Voluntary Controlled Primary School, due to the size of the site and restricted access, although any potential to extend the site is being explored. Norbriggs Primary School is located on a large site with an expansive field. However a Village Green application has been made on the school field which could affect the potential to develop the site (although there is no formal objection from DCC on this).
- 5.10.6 A feasibility study has been undertaken by Derbyshire County Council which establishes the practicability for expansion at Norbriggs Primary School utilising land adjacent to the existing school building. This would add sufficient capacity to accommodate an additional half form of entry (15 places per year in each of the 7 year groups) and would take the school to a capacity of 315 pupils. However, there are challenges to the delivery of a scheme on this scale, including trees and site conditions.
- 5.10.7 If this development is approved, Derbyshire County Council has confirmed they will continue to explore whether there is any possible scope for increasing capacity at Woodthorpe in light of the possibility of a lesser scale of development being feasible at Norbriggs.
- 5.10.8 At secondary level, Netherthorpe and Springwell have both recently been substantially rebuilt under the BSF programme and therefore will only have sufficient space for their current capacities. Any expansion at these schools would be in the form of additional new build accommodation.
- 5.10.9 In respect of leisure a development of this scale would trigger the need for on-site open spaces or play areas which through appropriate S106 clause would need to include appropriate provisions for maintenance in the long term.

5.10.10 Comments received from **Sport England** (SE) acknowledge that the site does not form part of or constitute a statutory playing field, but their response is provided on the basis of a non-statutory consultation. SE acknowledge that the development proposals do not include any specific on site sports facility and therefore they recommend that (in accordance with the CIL Regulation 123 list) the associated CIL contribution be directed to nearby sports provision and they encourage the Council to consider the sporting needs arising from the scheme, utilising the most up to date and available evidence (Playing Pitch and Built Facilities Strategies, for example), and to direct proportionate CIL monies to deliver new and improved facilities for sport reflecting those needs. Any CIL spend would be the subject of further scrutiny and approval by the CIL Officer at a later date.

5.10.11 Policy CS11 of the Core Strategy concerns Affordable Housing; and a development of this scale would trigger negotiations to secure up to 30% affordable housing provision on site. Furthermore policy CS18 of the Core Strategy concerns Design and includes a mechanism by which the Council would seek a contribution of up to 1% of the overall development costs towards a public art scheme (for major development proposals costing in excess of £1million).

Affordable Housing

5.10.12 The independent review of the applicants viability appraisal indicates that a 400 dwellings scheme (with full S106 obligations, off-site affordable housing contribution and CIL), is viable with 2 on-site affordable dwellings (0.5% provision). The 650 dwellings scheme (with full S106 / CIL capital contributions) is considered by the independent review to be 'comfortably' viable with 15% on-site affordable housing provision.

5.10.13 Following the viability appraisal and further revisions, the affordable housing offer was either:

- A commuted sum of £1.96m towards the provision of 18 affordable homes off-site and 28 homes to be delivered on-site as intermediate affordable housing (*Note- this means Discounted Market Housing*). This will therefore deliver 46 new affordable homes equating to a total affordable housing provision of 7% of 650 homes.

Or

- No commuted sum to provide affordable housing off-site, resulting in the provision of affordable housing on site at 14.3%, or 93 units in total. (*Note – 10% of which would be affordable home ownership in line with the NPPF requirement*)

5.10.14 The viability appraisal was based on providing an off-site contribution to the delivery of housing on the former council owned garage sites within the Mastin Moor estate, which was raised during pre-application consultations with the local community and considered to be a regeneration benefit of the scheme. CBC Housing have subsequently indicated that there may be alternative funding sources available to develop the garage sites (which are both proposed housing allocations in the submission Local Plan), and therefore the preferred option would be to secure 14.3% affordable housing on site. This option allows CBC Housing to develop the garage sites at a timeframe which is not dependent on the phasing/delivery of the proposed scheme.

5.10.15 This option was tested through Viability appraisal and has been confirmed as being acceptable by the applicant on the basis that up to 14.3% of the dwellings (i.e. 93 units in total based on a scheme of 650 dwellings) being 'discounted market sales housing', sold at up to 80% of market value. The applicant have also confirmed that they would not object in principle to an alternative type or mix of Affordable Housing provision to that stated above being agreed, subject to no further detriment to viability. It is important to provide the existing community with assurance that the former garage sites will be developed, and therefore any legal agreement should allow for the option of a commuted sum for this purpose if the garage sites have not been delivered (or have funds committed) prior to any reserved matters application being submitted.

5.10.16 Feedback from CBC Housing in terms of mix indicates that the local social stock needs diversifying (three bedroom rented homes make up 90% of the provision in the area) and that provision of bungalows and adapted properties is important.

5.10.17 In this respect it is considered that the associated S106 agreement which would secure the delivery of affordable housing could be worded in a manner which offered the flexibility of either on site delivery of 14.3% as per the VA; or the combined off site

commuted sum (£1.96m) and on site delivery off 28 units. Furthermore given the timescales and phasing proposals of this site it would also be appropriate to include escalator clauses in the S106 to allow viability to be reviewed through the phased development delivery.

- 5.10.18 In addition to the above a request for a contribution has been received from the North Derbyshire Clinical Commissioning Group (CCG) for a contribution of £247,260 towards providing GP services, with the Royal Primary Care and Barlborough Medical Practice identified as the local service providers. New CIL Regulations came into force on 1st September 2019, replacing the council's 'Regulation 123' list (which determined what infrastructure would be covered by CIL and which by S106), replacing them with 'Infrastructure Funding Statements' (IFS). However the first IFS is not due to be published until the end of 2020. In the interim, the Regulation 123 list continues to be the most up to date evidence of the council's intentions and priorities for spending CIL contributions. Health services are not currently covered by this list and it is therefore necessary to consider if this should be addressed through a financial contribution, secured by a S106 agreement as well as matters above..
- 5.10.19 In respect of the GP contribution Policy CS4 states that 'developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development'. The preamble (para 5.6) to the policy describes infrastructure, but does not provide an exclusive or exhaustive list. It does refer to health facilities specifically as an example of social infrastructure. Para 5.8 refers to working 'co-operatively and jointly with partners to ensure delivery of the infrastructure required to enable development and improve existing facilities'.
- 5.10.20 Under the policy, strategic infrastructure set out in the council's Infrastructure Delivery Plan should be secured through CIL. The expansion of GP services in this area is not in the IDP or on the Regulation 123 list and therefore securing a contribution through S106 would not be considered 'double counting'.
- 5.10.21 The CIL regulations and NPPF set out the tests for planning obligations. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

- 5.10.22 The CCG has clearly set out the evidence relating to the second two tests. On the basis of policy CS4, as expanded in the preamble to the text, it is clear that health facilities are covered by policy CS4 where a need can be identified. The request also therefore meets the first test and it is considered that this contribution should be sought if permission is granted. This would form a standard clause in the associated S106 agreement. Whilst it is noted that the application submission includes a safeguarded site for a potential health centre, the CCG confirmed (September 2017) that they preference is to expand existing GP facilities than to commit to potential new sites where full funding is not secured.
- 5.10.23 Looking in turn at other triggered requirements (policy CS13 – Economic Development to secure local labour) the LPA would look to secure by planning condition the requirement for local labour
- 5.10.24 As mentioned above, if permitted, the development would be CIL liable and the site is within the low zone and would be charged at £20 per sqm of gross internal floorspace (index linked). Relief would be available on any affordable or Custom and Self Build element upon application.

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 20/07/2017; by advertisement placed in the local press on 20/07/2017; and by neighbour notification letters sent on 12/07/2017.
- 6.2 The application was also re-publicised following receipt of revised information by advertisement placed in the local press on 28/02/2019; and by neighbour notification letters sent on 20/02/2019.
- 6.3 As a result of the applications publicity there have been 121 representations received in total. 104 letters of representation

were received in relation to the original submission (notifications sent on 12/07/2017) from the following addresses:-

- No.s 24, 32, 34, 36, 50A and The Old Schoolhouse, Worksop Road, Mastin Moor
- No.s 2, 3, 9, 14, 20, 26, 32B, 38, 40, 41, 43, 59, 63, 65, 73, 85 and Fairview, Norbriggs Road, Woodthorpe
- No.s 1A & 14 Seymour Lane, Woodthorpe
- No.s 5, 6, 8, 9 & 11 The Paddocks, Woodthorpe
- Hollingwood Lock House, 22 Works Road, Hollingwood
- 11 Halesworth Close, Walton (Ramblers)
- No.s 6, 7, 11 The Mews & The Old Church, Woodthorpe Road, Woodthorpe
- Pump House Farm, Woodthorpe
- 22 Avondale Road, Chesterfield
- 11 Bridle Road, Woodthorpe
- 5 Spencer Avenue, Woodthorpe
- 22 Carpenter Avenue, Mastin Moor
- Lansbury Stores, Lansbury Avenue, Woodthorpe
- 10 Willow Drive, Mastin Moor
- 27 Tollbridge Road, Woodthorpe
- No.s 1 & 6 Thorpeleigh Road, Woodthorpe
- 17 Burkitt Drive, Woodthorpe
- 1 Royal Oak Court, Bolsover Road, Mastin Moor
- Eventide Group, Cherry Tree Grove, Mastin Moor
- Several with addresses not given and the Woodthorpe Village Community Group

6.4 17 further letters of representation were received in relation to the revised submission (notifications sent on 20/02/2019) from the following addresses:-

- No.s 24 & 47 Worksop Road, Mastin Moor
- No.s 13 & 47 Norbriggs Road, Woodthorpe
- No.s 5 & 6 The Paddocks, Woodthorpe
- 15 Bridle Road, Woodthorpe
- Several with addresses not given and the Woodthorpe Village Community Group

6.5 The above representations make some or all of the following points:-

Principle of Development/Policy

Large-scale greenfield site outside built-up area

Contrary to NPPF as it does not improve the way places function and would make matters worse and so should be refused

Contrary to local policies EVR2 and CS10, and should be protected under CS2 and CS9.

Re-vitalise Mastin Moor – good idea but why bring more people fighting for the same jobs?

Mastin Moor residents want more bungalows for the elderly and building on their side of the A619, to free-up existing housing stock for younger residents

Site not suitable for a large influx of new residents – there are other sites available in the borough

CST explains the need for 650 dwellings as opposed to 400 is based on the cost of development, although it would still be cheaper than clearing up the brownfield site at Staveley (which they are responsible for) – this is not a justification for development at Woodthorpe

Creating a third village where schools are struggling is unlikely to regenerate Mastin Moor – a new village will isolate not integrate Mastin Moor – the road crossing is a barrier

Chesterfield Borough Council should enforce the commitment to a serviced site - the development will only work if CST delivers a serviced site to any developers and not a greenfield site

Old Hall Close is a flawed concept as Woodthorpe was the only eastern village, NOT to need regeneration and it should be deleted from the scheme

HS2 should be shown on any Homebuyers searches as it's a short distance away and could fatally depress the demand for new house

CST has not made a convincing viability case, nor proven that they could sell the land and therefore undermines the attractiveness of the proposal – without a viability case. The re-generation credentials are un-proven as well

It will not re-generate Mastin Moor being on the wrong side of the A619 – will be difficult to access by most residents

It shows no prospect of providing long-term employment for local people

Plans are unclear and give no indication of scale (no dimensions) – are based on an out-of-date Ordnance Survey, provides no topographical information and are too small a scale to offer any real assistance

Development is in the wrong place and there's no reason to build mass developments on greenfield sites – should develop brownfield factory sites first

Brownfield sites are owned by the same applicant and are therefore both already available and accessible

Valuable farmland and those who work there should not be sacrificed

Surely building on a greenfield site cannot be classed as re-generation

It's contrary to the Local Plan to extend Woodthorpe and phase 4 is divorced from the village being connected only by a footpath

The Planning Inspectorate at the last Local Plan said that any development should not be an extension of Woodthorpe – with 75 other dwellings approved, Woodthorpe would be engulfed by 725 houses

The Planning Committee and Planning department seem totally driven by a desire to build as many houses as possible, irrespective of local wishes on greenfield sites which developers prefer

The area has distinct settlements and identity - which Government say you should preserve – but the Planners seem to consider the Staveley Urban District population as being a homogenous composite population

Officer Response: See section 5.1 and 5.2 above.

Landscaping/countryside/Green Wedge

Will reduce green wedge between Mastin Moor and Woodthorpe
Visual – destroys greenbelt wedge between Woodthorpe and Mastin Moor, effectively merging the 2 villages

Agricultural buffers outside the plan are needed to protect residents from future proposals and protect the character of Woodthorpe as a small settlement – CST should commit to strategic local gaps and wedges between the new houses and Woodthorpe and C.B.C should designate the land accordingly
Loss of agricultural land – food is more important than houses which no-one will be able to afford

Should not destroy the countryside when there are other available sites

The footpath at the side of our house has not been used in 20 years – proposal will take away our privacy

No objection – does not affect Chesterfield Canal

Officer Response: See section 5.1 and 5.2 above.

Character/Design

Will spoil the beauty and charm of the village

There's no guarantee that the design will not radically change at a later date or that CST will remain involved to ensure the 'vision' is delivered

Design is too modern and incongruous with the character of the road, where properties are generally late Victorian, Edwardian and Georgian – needs to be more in-character with the road and a more traditional appearance – needs to be central on the plot and in-line with our property

The size, number of bedrooms – all ensuite – suggest that this is a future business intention

We value our village community

Enlarging the villages would lose the mining community spirit built up over centuries – the A619 is a huge barrier to creating a 'community' and it will have no association with Mastin Moor

It will be over-bearing and out-of-scale and character

Development would be alien to the current tranquillity and ambience of the settlement

Such a high density of development is over-development

Officer Response: See section 5.3 above.

Traffic/Highway Safety/Parking

Will greatly increase traffic congestion along A619 Corridor – already the third busiest road in Derbyshire

As there are no local jobs – this proposal will be a 'commuter' development

Will create extra HGV use

Potentially 1300 more cars on already busy roads

There are regular accidents at the cross-roads – accident black-spot

Roads are at a standstill at peak times through Lowgates, Mastin Moor and Woodthorpe especially when Motorway is blocked

Already difficulty in accessing our drives

There are no school crossings so extra traffic will be dangerous for primary school children

Unacceptable congestion at school times – the exit in to the A619 will exacerbate the problem

Double parking and parking anywhere occurs at school times

Entrance to Phase 4 should be through the main development and not encourage traffic through the village

Residents of the terraced houses currently rely on the traffic lights to slow the traffic so we can get out – a roundabout would not stop traffic and all routes on it are not shown as having lights

The site access on to the only multi-use pathway and lead on to a private cul-de-sac, maintained by the residents

The County Council turned down a recent request for double yellow lines in the village due to cost (£2,500) – road conditions must be looked at as a matter of urgency

Public Transport is inadequate

Clowne has 2000 houses planned and their traffic will use Workshop Road and should be taken in to account

Multi-use path will attract greater use and is on a private drive with no street lighting between my dwelling and garage – there are other options for the route with less impact on The Paddocks, How can a path be allowed running through the community gardens – when was this decided

Ramblers welcome the retention of footpath Staveley 25

Officer Response: See section 5.4 above.

Schools/Infrastructure

Local schools are at capacity and more housing would put strain on the education system

Schools over-crowded - Parents will have to go further afield to get children to schools

It's already unable to get a doctor's appointment

Insufficient infrastructure – existing residents suffer from inadequate water, electricity and telecoms services

Officer Response: See section 5.1, 5.2 and 5.10 above.

Residential Amenity

Noise and amenity issues

Light and noise pollution

Additional air-pollution – M1 jnc 28-32 has a daily speed limit of 60mph due to air pollution

Extra Pollution and litter created

No-one has explained how the development would contribute to the requirements of the Air Quality Management Plan

There's already anti-social behaviour on the retail and play areas

Concern at the proposals due to overlooking of our property

Plans do not show extensions to our property – topography is important as there is a large step in the boundary
Will result in a loss of light – a common law right
New development will impact on our amenity due to levels difference, loss of light and over-looking
Will cause overshadowing of our property and gardens
Will result in damage to our wall and mature trees which add to the character of the area
Concern at noise during construction – how long will the build for 650 houses last?
The build will cause physical and mental stress for the nearby residents
The open event said that there would be areas of open-space – this should be located to the rear of terraced houses on Worksop Road

Officer Response: See section 5.3, 5.4 and 5.8 above.

Affordable Housing

It is a relief to know that the majority of the proposed houses will be suitable and affordable to people living in the locality and looking to purchase a property

Officer Response: See section 5.1, 5.2 and 5.10 above.

Flooding/Drainage

Fields flood around Norbriggs
Ground-works required for 650 houses will cause flooding at Norbriggs as there is no-where for water to run-off
S.U.D's will not work effectively and discharge to the watercourse that runs through my property will flood our land in heavy rain
Will lose a natural soakaway – if my house gets flooded I'll blame the planning committee
Pumped foul sewage means the pumping station – to be placed near our house – will operate 24 hrs/day and cause a noise nuisance – and what if the pumps fail?

Officer Response: See section 5.5 above.

Wildlife

Development in Woodthorpe has already affected wildlife – extra build will have greater impact on bats, badgers, foxes, roe deer, buzzards and other species

Loss of good agricultural land – already areas lost to the Markham Vale development
Extra roads and new street lighting will impact on current dark-skies

Officer Response: See section 5.7 above.

Others

Proposed retail development will affect existing retail premises and loss of estate shops would be a blow to elderly residents

Increased risk of crime, burglary and trespass due to easy access in to the area

23 documents of supporting information are not available to view on-line and in the spirit of open dialogue and freedom of information, this falls short

Loss of view

Devaluation of existing property

Already a lack of policing with only 10 P.C's covering the whole area

The Paddock is a private road maintained at the cost of the residents and should not be used for access or cycles

The land owner has no moral or legal duty towards the residents of the area and the sole reason for this application is to maximise developer profit at the expense of local interests

C.A comment states building in area raises significant safety/engineering risk and exposes all to financial liability

Will we be compensated for any subsidence damage?

Officer Response: Comments raised above are not material planning considerations or the issue raised extend beyond planning remit (commercial matters, economic competition, policing etc)

7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective

- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS4, CS6,

CS7, CS8, CS9, CS10, CS11, CS13, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (February 2019).

- 9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

10.0 **RECOMMENDATION**

- 10.1 **It is therefore recommended that the application be GRANTED subject to the following:**

10.1.1 **S106 Agreement:**

That a S106 agreement be negotiated (as per section 5.10 above) to cover:

- Affordable housing contribution (inc. viability review and escalator clause)
- £247,260 towards GP facilities / upgrade
- Appointment of a management company to maintain any communal / green open spaces; inc. any drainage infrastructure not formally adopted by the Water Authority
- Percent for art
- Funding for upgrading of existing bus stops
- Funding for investigation into, and any implementation of, revisions to the speed limits on the B6419 Bolsover Road
- Funding for the provision of a multi user link with Seymour Link Road
- Funding for investigation into, and any implementation of, revisions to traffic lights at Norbriggs Road / A619 to enable multi usage
- Travel Plan monitoring contribution sum of £1,500 per annum for 5 years minimum, longer if dictated by build out rate

10.1.2 **Conditions:**

Time Limits etc

01. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the

4 no. key entry points at Worksop Road, Bolsover Road and Woodthorpe Road approved by this permission (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development or phase of development is commenced on site or on that phase of development.

Reason – To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

02. Applications for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of ten (10) years from the date of this permission and the first such application, relating to one of the phases, shall be made within three (3) years of the date of this permission.

Reason – To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

03. The development hereby approved shall be begun either before the expiration of five (5) years from the date of this permission or before the expiration of two (2) years from the date of approval of the last of the reserved matters whichever is the later.

Reason – To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

Design / Masterplan / Phasing

04. Prior to or no later than concurrent with the first reserved matters application submitted for the site the subject of this permission, a supplementary Design Code / Framework shall be submitted to the Local Planning Authority for approval in writing. The Design Code / Framework shall seek to establish the overarching design approach for the entire site and set a site wide open space, green infrastructure and accessibility framework (to reflect key stakeholder comments arising from the outline application process) to inform any phased reserved matters proposals.

The Design Code / Framework should be compatible and expand upon the principles set in the Design and Access Statement (DAS) dated June 2017 and DAS Addendum dated January 2019.

Reason – To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CS2 and CS18 of the Core Strategy, the wider NPPF and the 'Successful Places' SPD.

05. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the Design and Access Statement (DAS) dated June 2017 and DAS Addendum dated January 2019; and the revised Masterplan Drawing No. M5328-100 Rev D10 dated June 2019.

Reason – To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CS2 and CS18 of the Core Strategy, the wider NPPF and the 'Successful Places' SPD.

06. Prior to or no later than concurrent with the first reserved matters application submitted for the site the subject of this permission, a site wide phasing programme (that shall be generally in accordance with the submitted outline application and shall include delivery of the 'local centre' and supporting facilities no later in the 'physical development' sequence than the second phase of development) shall be submitted to the Local Planning Authority for approval in writing. The phasing programme shall include details of the proposed sequence of development across the entire site, strategic drainage and SuDS infrastructure, the extent and location of individual development phases and the associated access arrangements and timescales for implementation of the off-site highway improvements.

Reason – To ensure that the development is delivered in an appropriate manner, including the appropriate timing for the provision of any necessary infrastructure (to comply with policies CS1, CS2, CS7, CS8, CS9, CS18 and CS20 of the Core Strategy and wider NPPF).

07. No development shall commence until the site wide phasing programme required by condition 6 has been approved in writing by the Local Planning Authority and thereafter each subsequent reserved matters application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance for approval by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the phasing programme as approved and / or updated.

Reason – To ensure that the development is delivered in an appropriate manner, including the appropriate timing for the provision of any necessary infrastructure (to comply with policies CS1, CS2, CS7, CS8, CS9, CS18 and CS20 of the Core Strategy and wider NPPF).

Highways

08. Before any other operations are commenced within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), detailed designs for the proposed temporary accesses for construction purposes and the new junctions with the A619 Worksop Road, B6419 Bolsover Road (including a new footway link and pedestrian refuge crossing points) and C111 Woodthorpe Road (including multi-user route link to Seymour Link Road) [whichever is needed to serve that particular phase], together with a programme for the implementation and completion of the works, shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development within each phase (identified in accordance with condition 6 / 7 and 8 above) shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

Reason – In the interests of highway safety.

09. The temporary accesses for construction purposes, the subject of condition 8 above, shall be retained in accordance with the approved scheme and development phase throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

Reason – In the interests of highway safety.

10. No development shall take place within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period of that associated phase of development. The statement shall provide for:
- parking of vehicles of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles

Reason – In the interests of highway safety.

11. Notwithstanding the submitted information any subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the 6C's Design Guide.

Reason – In the interests of highway safety.

12. No development shall take place within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), until construction details of the residential estate roads and

footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

13. The carriageways of the proposed estate roads shall be constructed in accordance with condition 12 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

14. Before any other operations are commenced within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), (excluding creation of the proposed temporary accesses for construction purposes), all existing vehicular and pedestrian accesses to the public highway made redundant as a result of the development shall be permanently closed with a physical barrier and the existing vehicle crossovers reinstated as footway or verge in accordance with a scheme and programme first submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

15. Any dwelling and / or premises, the subject of the outline or reserved matters approval, shall not be occupied / taken into

use until space has been provided within the site curtilage for the parking / loading and unloading / picking up and setting down passengers / manoeuvring of residents / visitors / staff / customers / service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

16. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason – In the interests of highway safety.

17. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

Reason – In the interests of encouraging sustainable travel in accordance with the requirements of policy CS20 of the Core Strategy and wider NPPF.

18. No development shall be commenced within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall

thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason – In the interests of highway safety.

19. As part of the reserved matters for any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), details shall be submitted showing the arrangements for storage of bins and collection of waste. Those details shall include for the provision of refuse bin stores within private land in close proximity to the street to avoid prolonged obstruction of the streets by refuse vehicles. The development shall be carried out in accordance with the agreed details prior to the first occupation or use of the dwelling or development to which they relate and shall be retained free from any impediment to their designated use thereafter.

Reason – In the interests of highway safety.

Flood Risk and Drainage

20. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - In the interest of satisfactory and sustainable drainage.

21. No piped discharge of surface water within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason - To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

22. Development shall not commence within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), until a scheme to ensure that on-site and off-site foul and/or surface water sewerage, designed to serve the whole development, is of adequate capacity to ensure proper disposal to the receiving public sewer network has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme and the number of properties to be constructed within that phase, or within any other period or number of properties as may subsequently be agreed in writing, by the Local Planning Authority. Furthermore, occupation of the development shall not commence until the approved drainage works have been constructed in accordance with the approved plans.

Reason - To ensure the site can be properly drained without risk of flooding / pollution to the local aquatic environment, public health and public amenity.

23. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for each phase of the development (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above),, in accordance with the principles outlined within:
- a. Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA-19412-17-31 (November 2017 by Idom Merebrook Ltd)
 - b. Surface Water Drainage Strategy Sheet 1 – Drawing No 200-002, Surface Water Drainage Strategy Sheet 2 – Drawing No 200-003, Surface Water Drainage Strategy Sheet 3– Drawing No 200-004
 - c. And DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason - To ensure that the proposed development does not increase flood risk and that principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.

24. No reserved matters application to confirm the layout of any respective phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), shall be approved until information confirming the viability and location of SuDS techniques as outlined within the Flood Risk Assessment has been provided to and approved in writing by the Local Planning Authority.

Reason - To ensure that the proposed development is brought forward in line with the Principles outline within the Written Ministerial Statement for Sustainable Drainage (HCWS161), outline Flood Risk assessment and the principles of NPPF relating to the promotion of sustainable development.

25. All phases of development approved by this planning permission shall be carried out in accordance with the principles contained within the Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA-19412-17-31 (November 2017 by Idom Merebrook Ltd).

Reason - To ensure development is brought forward in line with the principles of the outline approval and ensure that flood risk is not increased through the removal of design parameters.

Land Condition and Contamination

26. In respect of each individual phase of development (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), prior to the submission of reserved matters approval for each phase, a scheme of intrusive site investigations for the high walls; and shallow coal workings shall be submitted to the

Local Planning Authority for written approval. Thereafter those intrusive investigations shall be carried out as approved to inform any subsequent reserved matters application.

Reason - To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

27. Concurrent with each reserved matters submission (inc. any phased development) in accordance with the provisions of condition 25 detailed above there shall be a report detailing the following:
- findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
 - the submission of a layout plan which identifies the opencast high walls and appropriate zones of influence for the recorded mine entries within the site, and the definition of suitable 'no-build' zones;
 - the submission of a scheme of treatment for the recorded mine entries for approval; and
 - the submission of a scheme of remedial works for the shallow coal workings for approval.

Only those remedial details that receive detailed written approval alongside any reserved matters consent, or separate approval under the provisions of this condition shall be implemented on site.

Reason - To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

28. A. Development shall not commence within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
- II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

Ecology and Biodiversity

- 29. No vegetation clearance works shall take place within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent

ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 of the Core Strategy and the wider NPPF.

30. Prior to building works commencing above foundation level within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CS9 of the Core Strategy and the wider NPPF.

31. Due to the presence of badger activity on site, prior to the commencement of development within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken and the results and any appropriate mitigation/licensing requirements should be submitted to the Council in writing for approval. Such approved measures must be implemented in full.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior

to any development taking place, in accordance with policy CS9 of the Core Strategy and the wider NPPF.

32. No development shall take place (including demolition, ground works, vegetation clearance) within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by the existing ecological survey work and include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the National Planning Policy Framework.

33. No works which include the creation of trenches or culverts or the presence of pipes shall commence within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), until measures to protect badgers from being trapped

in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include the creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 200 mm outside diameter being blanked (capped) off at the end of each working day.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, accordance with policy CS9 of the Core Strategy and the wider NPPF.

34. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above). The LEMP should combine both the ecology and landscape disciplines and include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward in perpetuity, with reviews).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
 - i) Locations of bat boxes, bird boxes, hedgehog holes and habitat piles (include specifications/installation guidance/numbers).
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the

plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason - To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit, in accordance with Policy CS9 and the National Planning Policy Framework.

Landscaping

35. Concurrent with any reserved matters application concerning landscaping within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- 1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;
 - 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
 - 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
 - 5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason – To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

36. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), a scheme for the protection of the retained trees, hedgerows and habitats in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.
- Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
 - b) Details of construction or landscaping works within the RPA that may impact on the retained trees and habitats.
 - c) a full specification for the installation of boundary treatment works.
 - d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

- f) A specification for protective fencing to safeguard trees, hedgerows and habitats during both land clearance and construction phases and a plan indicating the alignment of the protective fencing.
 - g) a specification for scaffolding and ground protection within protection zones.
 - h) Tree, hedgerow and habitat protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - j) Boundary treatments within the RPA
 - k) Methods to improve the rooting environment for retained and proposed trees, hedgerow and landscaping
- The development thereafter shall be implemented in strict accordance with the approved details.

Reason - To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and pursuant to section 197 of the Town and Country Planning Act 1990

37. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason - To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

38. The landscaping details submitted to accompany any reserved matters application for any phase (or sub-phase as

may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (any areas not proposed to be contained within the curtilage of any individual properties / dwellings) at all times following completion of that phase or sub-phase of development, including timescales for implementation. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason – To ensure that appropriate means for the long term management and maintenance of all public areas is provide in the interest of the amenity, character and appearance of the development and its wider setting, in compliance with policies CS2, CS9 and CS18 of the Core Strategy and wider NPPF.

Heritage and Archaeology

39. a) No development shall take place within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), until a Written Scheme of Investigation for archaeological work for that phase has been submitted to and approved by the local planning authority in writing, and until the fieldwork elements of the scheme for that phase are complete to the written satisfaction of the local planning authority. The Written Scheme of Investigation for each phase will comprise a detailed statement of methodology in line with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019), and will include on a phased basis
- (1) An assessment of significance and research questions;
 - (2) The programme and methodology for archaeological evaluation, to take place before the consideration of reserved matters with details of layout for that phase;
 - (3) The programme and methodology for further archaeological work following evaluation, comprising preservation in situ or mitigation excavation as appropriate.

- (4) The programme of post investigation assessment;
- (5) Provision to be made for analysis of the site investigation and recording;
- (6) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (7) Provision to be made for archive deposition of the analysis and records of the site investigation; and
- (8) Nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development in any phase shall take place other than in accordance with the archaeological Written Scheme of Investigation approved for that phase under condition (a) and in accordance with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019)

c) No phase of the development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved for that phase under condition (a), and in accordance with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019), and until the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.

Other Conditions

- 40. Prior to development commencing within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), an

Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

41. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

42. Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason – In the interests of residential amenity.

43. Before construction works commence or ordering of external materials takes place within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

44. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the amenity of neighbours and the area as a whole.

45. The landscaping details submitted to accompany any reserved matters application for any phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (any areas not proposed to be contained within the curtilage of any individual properties / dwellings) at all times following completion of that phase or sub-phase of development, including timescales for implementation. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason – To ensure that appropriate means for the long term management and maintenance of all public areas is provide in the interest of the amenity, character and appearance of the development and its wider setting, in compliance with policies CS2, CS9 and CS18 of the Core Strategy and wider NPPF.

46. The submission of reserved matters applications shall be made in accordance with the recommendations in section 7.2

of the Noise and Vibration Assessment by Waterman Infrastructure & Environment Ltd dated June 2017 and each phase (or sub-phase as may be agreed in writing by the Local Planning Authority under the terms of condition 6 and 7 above), shall be accompanied by a statement or report of compliance for approval by the Local Planning Authority. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason – In the interest of amenity and to ensure that appropriate mitigation measures are designed into the site layout and the new development / dwellings to protect existing neighbours and new occupiers in accordance with policy CS9 of the Core Strategy and the wider NPPF.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
04. Local Highway Authority -
 - a. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to

highway users the Authority reserves the right to take any necessary action against the landowner

- b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/ new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- c. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- d. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538578).
- e. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
- f. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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.

- g. The application site is affected by a Public Rights of Way (Footpath number 25 and 26 Staveley on the Derbyshire Definitive Map). The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).
- h. Car parking provision should be made in accordance with the Local Planning Authority guidelines. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.
- i. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
- j. The applicant is advised that to discharge Condition 16 that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the

Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

05. Lead Local Flood Authority -
- a. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance 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 (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.
 - c. The Local Planning Authority should be mindful to obtain all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant, which is fundamental to allow the drainage of the proposed development site.
 - d. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual 7353. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status.