

ITEM 1

Outline planning application all matters reserved except for access for up to 500 dwellings, local centre (Class E use and Sui Generis: hot food takeaway and public house/restaurant uses) approx. 0.4HA), land reserved for a 1 FE primary school (approx. 1HA), drainage, infrastructure, two primary vehicular accesses into the site to serve the residential development from Dunston Road and Dunston Lane via the Skylarks res.devpt, together with assoc. provision of landscaping, public open space, walking and cycling links and the reinstatement of the former cricket pitch and assoc. facilities with vehicular access from Dunston Road on Land Off Dunston Road, Chesterfield for William Davis Homes.

Local Plan: SS6 – for 500 houses

Ward: Dunston

Plot No:

Committee Date: 24th July 2023**CONSULTATIONS**

Sport England	Object, comment made see report
Active Travel England	Refer to standing advice
DCC Development Control incl. Education	Happy with the location of the school and ability to expand this in the long term. Comment 18/8/21
DCC Policy incl. Landscape	Comment made on landscape impact and climate, see report
DCC Conservation	Comment made see report
DCC Archaeology	Comment made, condition recommended
DCC Highways	No objection subject to condition and S106 contributions. Comments made see report.
DCC Rights of Way	Comment included – no objection subject to footpath route remaining open and on legal alignment
CBC Climate Officer	Comment made see report
CBC Strategic Planning	Comment made see report

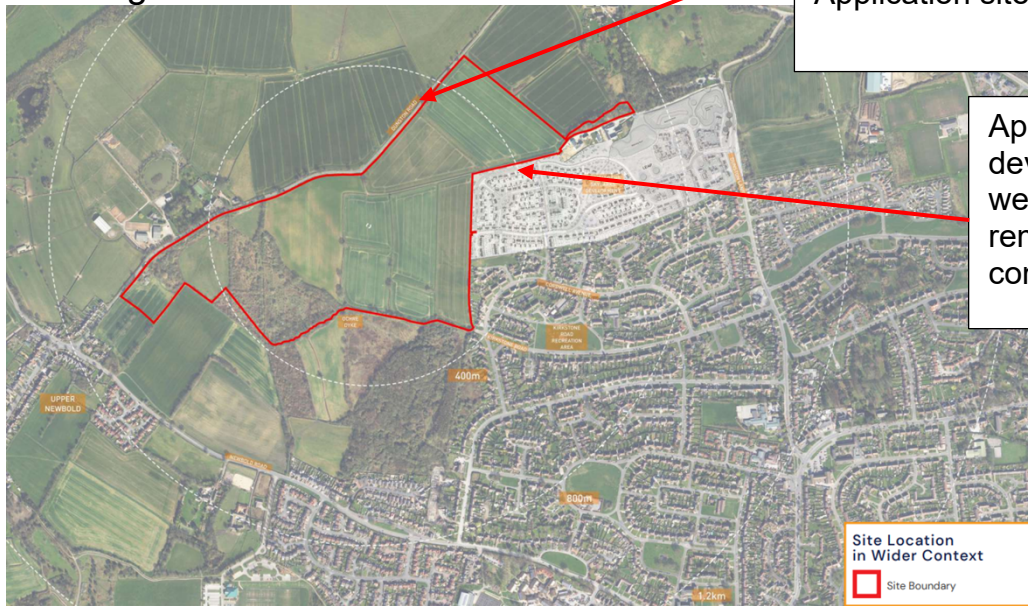
CBC Waste Services	Bin details to be provided to ensure access to cul-de-sac as and closes – bin collection points will be needed.
CBC Conservation Officer	Comment made see report
CBC Tree Officer	Comments made see report
CBC Design Services Drainage	We note the FRA and the comments of the LLFA, the areas where concern may be expected have been highlighted but e LLFA and FRA. The topography leaves the Sud Brook unaffected.
CBC Economic Development	Request local labour/supply chain condition.
CBC Urban Design Officer	Comment made see report
CBC Leisure Services	Comment made see report
CBC Environmental Health	Request contaminated land condition and hours of working condition.
CBC Housing	No comment received
Chesterfield Cycle Campaign	Comments made see report
NHS CCG	Contribution required, see report for detail
Derbyshire Wildlife Trust	Comments made and conditions recommended
Lead Local Flood Authority	Conditions recommended
Yorkshire Water	Conditions recommended
Ramblers Association	Comment made see report
Derbyshire Fire and Rescue East area	No comment received
Coal Authority	Conditions recommended
Natural England	Based on the plans submitted the proposed development will not have significant adverse impacts on designated sites, no objection.
Environment Agency	Will not be making comment as the site is in Flood Zone 1, we have no fluvial flood risk concerns.
CPRE Derbyshire	Object – comments made see report
Stage Coach East Midlands	No comment received

North East Derbyshire District Council	No comment received
Toby Perkins MP	Please note the comments of the constituents. Please provide an update on the application and whether the changes to the proposal address the concerns of the panel that saw the previous application refused.
Representations	In the region of 595 contributors have made comment, some have submitted more than one comment (619 contributors including those who have not provided addresses or are separately registered groups to their members) this also includes 31 parties who have commented in support of the application. The comments raised are summarised in section 6.0 below and the matters raised are addressed throughout the report.

2.0 **THE SITE**

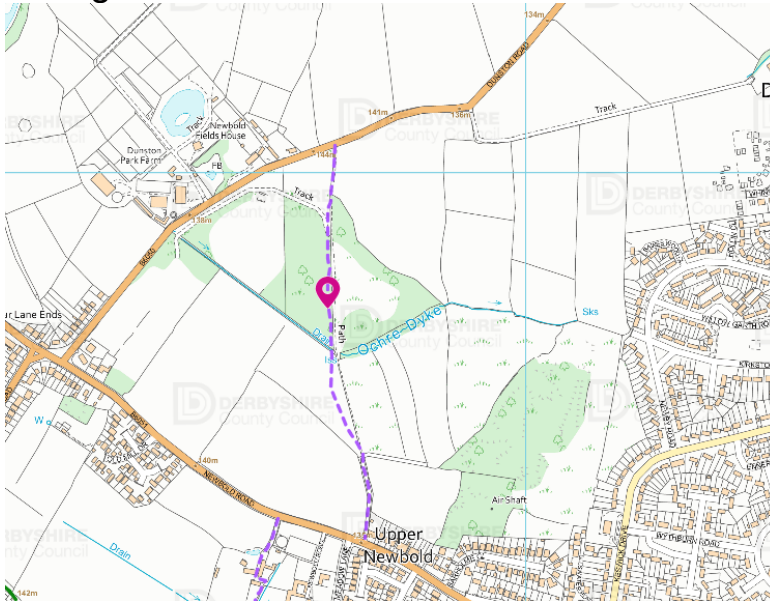
- 2.1 The application site is around 34 hectares of agricultural fields with areas of scrub, woodland and natural areas. The site is bound by; Dunston Road to the north, which is a 50 mph road, partially by open fields to the north east and the Skylarks development to the east. Existing housing the Ochre Dyke and wildlife area (The Newbold Spoil Heaps, Hills and Holes; a non-statutory designated Local Wildlife Site), are located to the south and the site of the old Cricket pitch and open fields to the west.
- 2.2 The land generally inclines quite steeply towards Dunston Road with more level areas to the north east and west. Dunston Road forms a landscaped ridge line in the area. Also to the west are the villages of Cutthorpe and Barlow within North East Derbyshire Authority area.

Red edged site in context:



2.3

There is a single public right of way running through the site, footpath no. 58, the status of which is footpath only and leads from Dunston Road to Newbold Road. There are no other public access routes through or at the site.



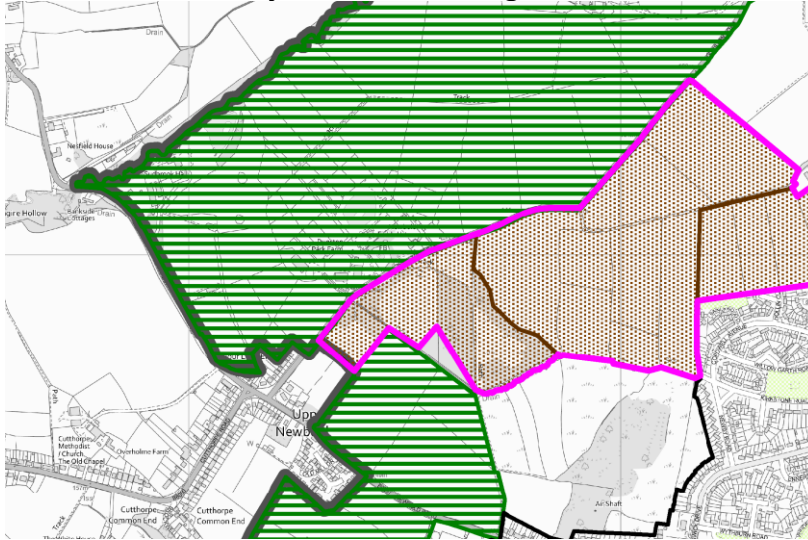
2.4

There are a number of Heritage Assets in the area:

- Barlow and Cutthorpe Conservation Areas
- Newbold Fields Grade II Listed Building circa early 19th Century.
- Dunston Grange Farmhouse Grade II listed building circa 17th and 19th Century.
- Dunston Hall; house, outbuildings (some of medieval origin) and gates all Grade II listed buildings, circa medieval and 17th, early 18th, early 19th century.

- Fields Farm House grade II listed building circa 17th century and later.

2.5 To the north, west and south there are areas of protected Green Belt land identified by the hatched green areas on the local plan map:



The dark green edge line indicates the boundary of the Borough, where it adjoins the North East Derbyshire District Council area.

2.6 Site images:
From near Ochre Dyke -



From the footpath -



Near the Cricket ground -



From within the site adj Dunston Road to the east of the footpath –



Fields to the east of the footpath -



Looking towards the existing Skylarks site –



From the north –



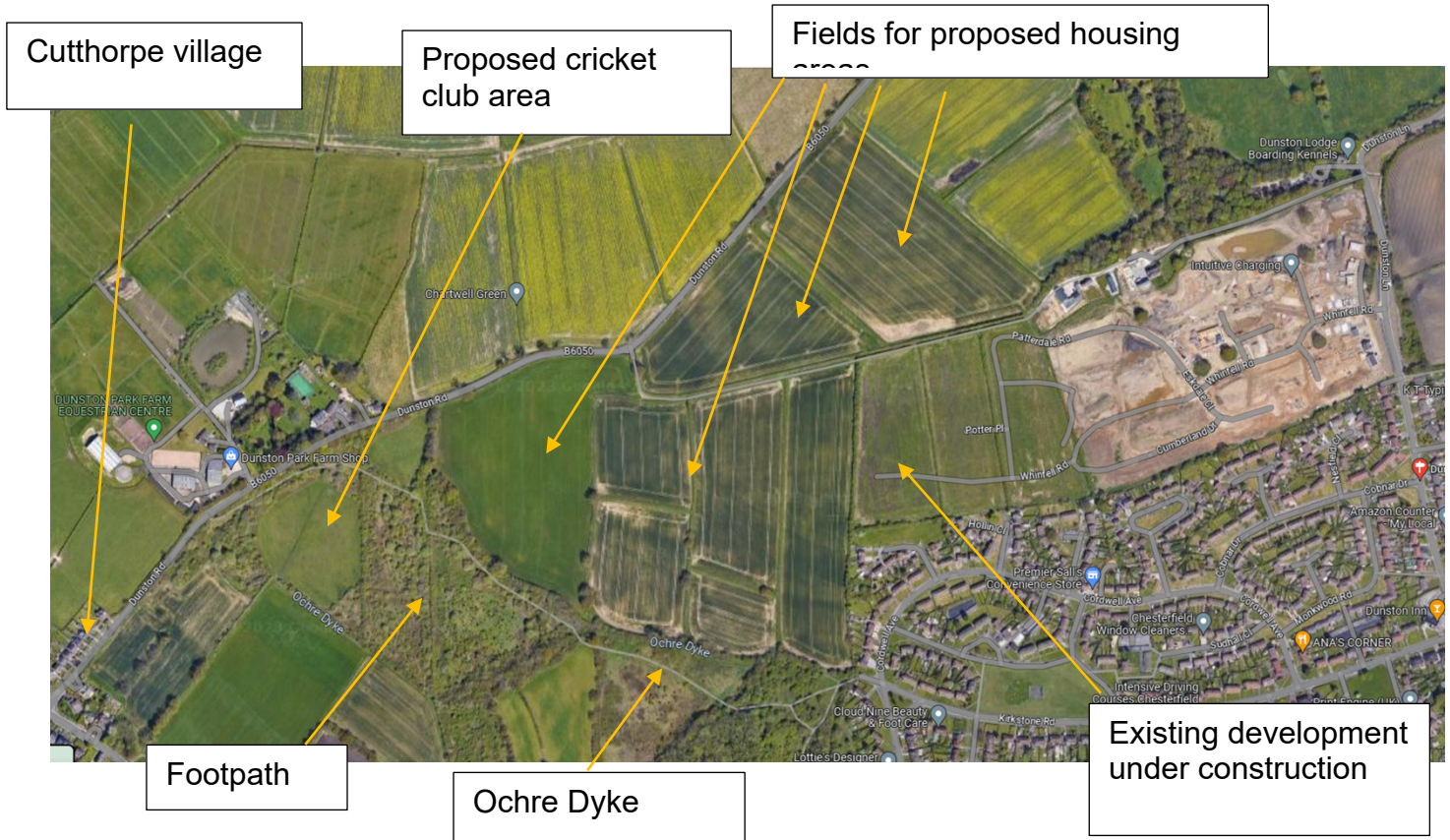
Looking west showing the slope of the land -



Development adj under construction -



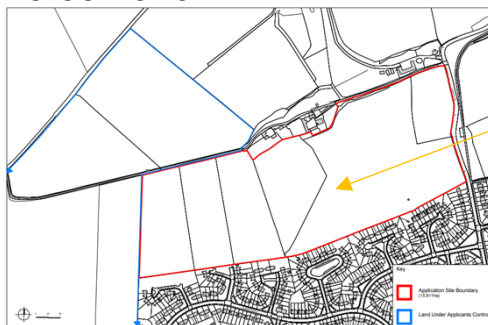
2.7 The line of existing trees and hedgerows and the areas of proposed development can be seen on this annotated google image:



3.0 SITE HISTORY

3.1 No relevant planning history on the application site.

3.2 The adjacent site:
 CHE/16/00016/OUT Resubmission of CHE/14/00873/OUT
 (Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site) – Conditional permission
 29.03.2016



3.3 CHE/17/00351/REM Reserved matters application for
 CHE/16/00016/OUT - Erection of 99 dwellings and associated public open space, landscaping and surface water balancing (Phase 1) -

Amended details submitted on 10/8/2017 and 15/08/2017 – conditional permission 19.09.2017



3.4 Reserved Matters submission for the erection of 200 dwellings and associated landscaping (to which CHE/16/00016/OUT refers) - revised details received 26/02/2019, 06/03/2019, 08/03/2019, 19/03/2019, 21/03/2019, 22/03/2019, 25/03/2019 and 26/03/2019 – Conditional permission 02.04.2019.



3.5 CHE/21/00070/EIA Screening opinion for residential development of up to 500 dwellings, a local centre and land reserved for a primary school together with landscaping proposals, public open space, cricket pitch and walking and cycling links – Environmental Statement not required 23.02.2021.

4.0 **THE PROPOSAL**

4.1 In response to the ongoing dialogue through the application process a revised Design and Access statement was submitted which sought to address issues raised, the scheme is considered on the basis of these revisions.

4.2 The pertinent points of the statement are summarised:

The site:

The site extends to 33.97 hectares of predominately agricultural land. Dunston Road is to the north, the Ochre Dyke to the south, existing residential development to the east and open field to the west.

There is the former site of a cricket pitch to the western edge of the site.

The site inclines to Dunston Road with the high point of 145.0m AOD to the western edges and low point of 110.0m AOD to the south eastern corner.

Large areas of planting are to the west as are fault lines and mine shafts in relation to former coal mining activity.

4.3 The application:

Within this outline submission all matters other than access are reserved for future consideration.

The master plan is indicative but is intended to be sufficiently robust that it will inform subsequent reserved matters applications.

12.33 hectares are proposed for residential development for the 500 dwellings as set out in the allocation.

Affordable housing is at 10% to meet the policy requirements.

1.0 hectare of land is reserved for a new primary school.

0.4 hectares for a local centre providing retail and community uses.

19.06 hectares of public open space provided overall, including natural areas, leisure routes, pocket parks, natural play, kickabout areas and formal play space.

Two access points to the site will be from Dunston Road and from the existing Skylarks development.

The cricket pitch is to be reinstated with its own vehicle access from Dunston Road.

The school site and local centre location have been amended to be to the centre of the site to better serve the future development and existing local community.

4.4 The Masterplan:



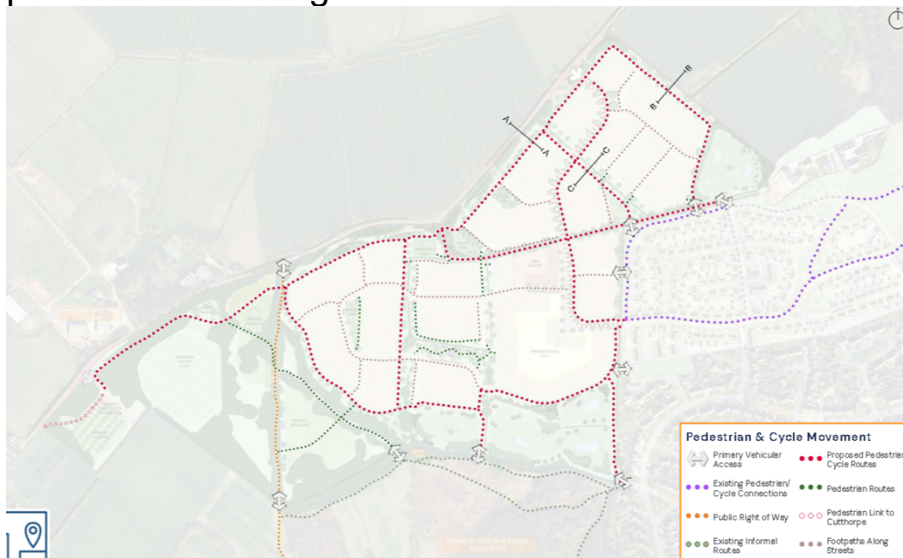
4.5

Streets and connections:

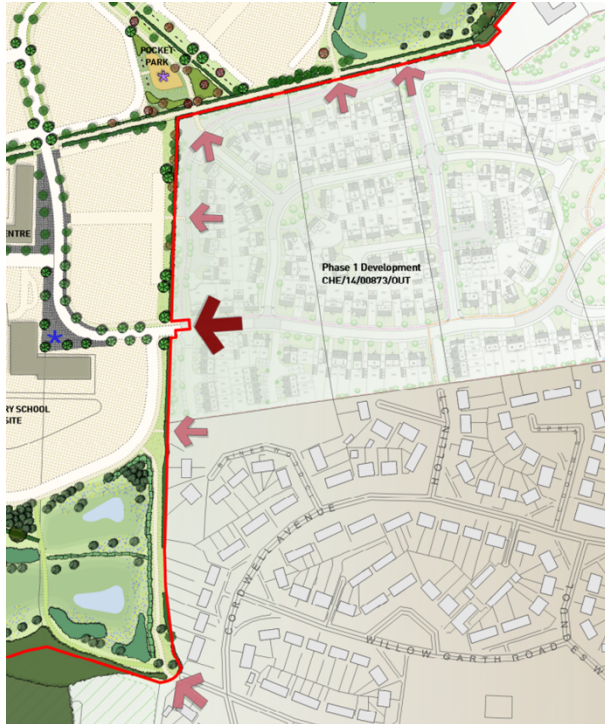
Proposals include pedestrian/cycle routes through the site and linking to surrounding network of streets, paths and cycle routes.

The proposed street hierarchy includes a tree lined primary street with cycle path.

Secondary streets are to be of 5.5m width with 2m pavements, lanes and edge lanes being 5m with one or 2, 2m pavements and shared private drives being 4.5m to 6m width.



Connection into the existing adjacent development is proposed along with connections to Baines Wood Close and the end of Kirkstone Road.



A new perimeter route will create a walking cycling route of around 2km.

There will be connections into the existing public right of way.

It is the aim for paths to be suitable for the disabled and at reserved matters stage suitability for horse riding will be considered.

4.6 Design, Density and Heights:

As a general rule the density will be greater within the perimeter blocks softening and reducing to development edges.

Heights will generally be 2 storey with 2.5 to 3 storey in certain circumstances, such as for nodal points, set backs to open spaces, key vistas etc.

The design parameters are intended to continue from the existing development.

4.7 Landscape:

There is to be a generous landscape buffer to the northern edge of the site.

The scheme will enrich biodiversity.

Specimen tree planting will be used at key nodal points, with trees within the pocket parks other incidental areas of open space with public art interventions.

4.8 Climate:

In terms of climate matters the approach will be reducing energy usage and increasing efficiency of energy used.

As a primary matter walking and cycling and proximity of useable services have been considered.

Tree planting whilst not detailed is likely to be in the region of 250 equating to absorption of 5 tonnes of Co2 per year.

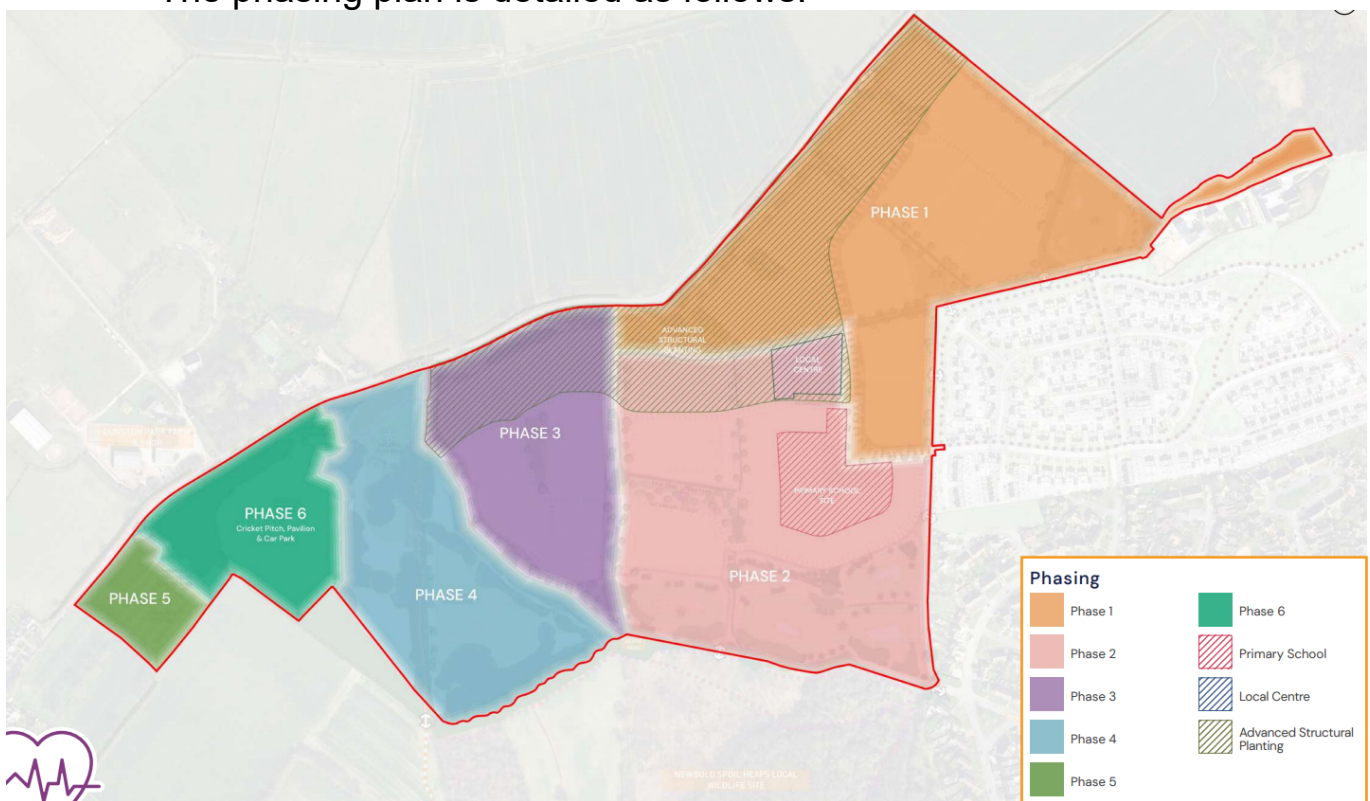
The housing will need to comply with the updated building regulations of June 2023 which will include solar pv, more efficient fabric and EV charging points providing in the region of 30% carbon reduction from earlier building regulations.

Further changes to the building regulations will arrive from 2025 and therefore will be relevant in future reserved matters applications.

4.9

Phasing:

The phasing plan is detailed as follows:



The intention is that the structural landscaping to the northern edge will be within the first planting season prior to first occupation in relation to each phase.

A serviced site for the local centre to be available within Phase 2, delivery dependent on sufficient housing completions.

The land reserved for the 1FE primary school will be for a set period of time as set out in the legal agreement.

4.10

The assessment of the proposed development is set out in the report below.

5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP6 Economic Growth (Strategic Policy)

CLP9 Retail

CLP10 Social Infrastructure

CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

CLP23 Major Transport Infrastructure

SS6 Land at Dunston (Strategic Policy)

5.3 Other Relevant Policy and Documents

National Planning Policy Framework (NPPF):

Part 2. Achieving sustainable development

Part 4. Decision-making

- Part 5. Delivering a sufficient supply of homes
- Part 6. Building a strong, competitive economy
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 11. Making effective use of land
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

Supplementary Planning Documents:

- Designing Out Crime
- Successful Places’ Residential Design Guide
- Historic Environment

5.4 Key Issues

- Principle of development
 - Primacy of the Development Plan and allocation and EIA screening
 - Housing need
 - Availability of Brownfield Land and funding for this
 - Cricket Club provision
 - Infrastructure
 - Climate
 - Affordable Housing
 - Accessible and Adaptable Homes
 - Settlement coalescence
- Design and appearance
 - Views
 - Character
 - Layout of masterplan
 - Phasing
 - Open space
- Impact on Heritage Assets
 - Setting of Listed Buildings and Barlow Conservation Area
 - Archaeology
- Impact on residential amenity
- Highway safety
 - Link to Cutthorpe

- Active travel/connectivity
- Biodiversity
 - Trees
 - Biodiversity
- Ground conditions
- Drainage
- Waste
- CIL Liability
- Conclusion

5.5 Principle of Development

Primacy of the Development Plan, allocation and EIA screening

- 5.5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act set out the primacy of the development plan where it states that, ‘regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’. The relevant Development Plan for consideration in this regard is the Chesterfield Borough Local Plan 2018 – 2035, Adopted July 2020. The requirements of the adopted policies of the plan are set out below:
- 5.5.2 *Why was the site allocated for 500 dwellings?*
All of the sites, including this one, were subject to individual appraisal as part of preparing the Local Plan through a process of ‘Strategic Housing Land Availability Assessment’. As part of this an assessment of capacity is made by applying typical development densities to the site after taking account of physical constraints such as flood risk zones or buffers around sensitive uses.
- 5.5.3 For the Dunston site this was informed by a masterplan approach that had been previously prepared by William Davis as part of their representations to consultations on the Local Plan.
- 5.5.4 *Publicity that took place as part of the allocation process:*
The Local Plan was subject to two rounds of public consultation. The first, in January/February 2017, included the land at Dunston as safeguarded land for development needs beyond the plan period. When it became apparent that the Plan needed more flexibility the land

at Dunston was then taken forward as a proposed Strategic Site in the pre-submission version of the Local Plan, which was subject to public consultation in January and February 2019.

Dunston Groups on the mailing list:

Dunston Community Group

Dunston Ladies Club

Dunston Moor & St Helens Community Forum

Dunston Primary School

Dunston Residents Action Group

Dunston Walking for Health Group

5.5.5 Summary of comments on Draft Plan which included the site as a reserved site

- 5 Objections (3 Representees)
- 2 Comments (2 Representees)
- 3 Supports (3 Representees)

Summary of comments on Pre-Submission Plan which included the site as a Strategic Site Allocation:

- 4 Objections (4 Representees)
- 3 Supports (3 Representees)

5.5.6 The Plan was then subject (in November 2019) to an independent Examination in Public undertaken by two Inspectors appointed by the Planning Inspectorate. A further consultation on modifications to the Plan arising from the examination was undertaken in 2020 before adoption by Full Council in July of the same year.

5.5.7 Consultation on the Local Plan included a range of letters to statutory consultees and individuals who had expressed an interest in being informed of the Local Plan, alongside press notices and public exhibition events. Cabinet approval was sought for the draft Local Plan, and the 'pre-submission' Local Plan was approved by the Full Council.

5.5.8 The publicity undertaken and resulting engagement was set out in a Statement of Consultation, which formed part of the suite of documents the Council was legally required to submit with the Local Plan for its Examination.

5.5.9 *Delivering and Contribution to housing supply*

As a Local Plan allocation, the delivery of homes on the Dunston site was incorporated into the estimated housing trajectory that was set out

in the adoption of the Local Plan. It assumes that the site will deliver at least 50 dwellings per annum.

- 5.5.10 The statement setting out the Council's five-year supply of deliverable housing sites is available on the council's website. This demonstrates sufficient supply including an anticipated 274 dwellings by 31st September 2026 from the application site (accounting for 23% of the required supply) on the basis of meeting the tests set out in Planning Practice Guidance for a deliverable site (an up-to-date Local Plan allocation with evidence of delivery in the form of a current planning application).
- 5.5.11 Policy CLP3 states: "Planning permission will be granted for residential development on the sites allocated on the Policies Map and as set out in Table 4, provided they accord with other relevant policies of the Local Plan." Paragraph 11 of the NPPF requires that decisions should apply a "presumption in favour of sustainable development". For decision-taking this means "approving development proposals that accord with an up-to-date development plan without delay".
- 5.5.12 The application site as proposed is an allocated Housing Site as set out in policy SS6 of the Local Plan. Table 4 to Policy CLP3 allocates the site for 799 dwellings, inclusive of the original Phases 1 to 3 of the Skylarks site located to the east adjacent to this application site and which includes a total of 299 dwellings, with the allocation therefore leaving 500 dwellings required on this application site.
- 5.5.13 Policy SS6 sets out the detail of the allocation and states:
"Planning permission will be granted for residential development for approximately 500 dwellings on land north of Dunston and south east of Dunston Road as allocated on the Policies Map and as set out in Table 4 (site reference SS6). Development should be carried out in accordance with a masterplan to be agreed with the Local Planning Authority prior to development that demonstrates:
- i. acceptable access arrangements from Dunston Road and Dunston Lane;
 - ii. appropriate provision for walking and cycling within the site.
 - iii. appropriate transport mitigation to ensure an acceptable impact on the highway network for all users;
 - iv. appropriate mitigation to minimise any adverse impacts to the significance of affected heritage assets, including their settings.
 - v. provision of a new local centre to serve development;

- vi. provision of a site reserved for a new one form entry primary school (to be retained until such time as required or evidence can be provided of a lack of need);
- vii. a scheme of green infrastructure including landscaping, open space, play and sports provision including re-instatement of the former cricket pitch, and early implementation of a landscaping and planting scheme along Dunston Road;
- viii. a phasing plan for development phases and the provision of infrastructure.”

5.5.14 It is clear from the policy SS6 of the Adopted Local Plan that housing development in the region of 500 units is anticipated and accepted in principle on the application site. This fundamental requirement of the allocation is therefore met within this submission. It is therefore necessary to consider the detail of the submission against the remaining aims of policy SS6 and against the other policies of the Adopted Local Plan.

5.5.15 EIA screening was undertaken in 2021 and concluded that the development did not require Environmental Impact Assessment and therefore an Environmental Statement was not required as part of the planning application.

Housing need

5.5.16 To meet the housing needs of a growing population and a growing economy, a total of at least 4080 net new dwellings must be built in Chesterfield Borough between 2018 and 2035. This is derived from the Local Housing Need methodology derived housing requirement of 240 dwellings per annum. The local plan, through the allocations, sets out how these targets and the trajectory of delivery are to be met, the application site is fundamental to this.

Availability of Brownfield Land and funding for this

5.5.17 The Local Plan notes that: Well over 60% of new development in the borough has been delivered on previously developed land. The priority for development will be to continue delivering and regenerating brownfield land. In the borough a minimum of 60% completions on brownfield land will continue to be sought, with the aim being for the redevelopment of the major previously developed sites including Waterside and Staveley Works. However, it is acknowledged that large greenfield sites as extensions to the urban area will also have a role to

play in delivering the borough's strategic housing requirement on an annual basis.

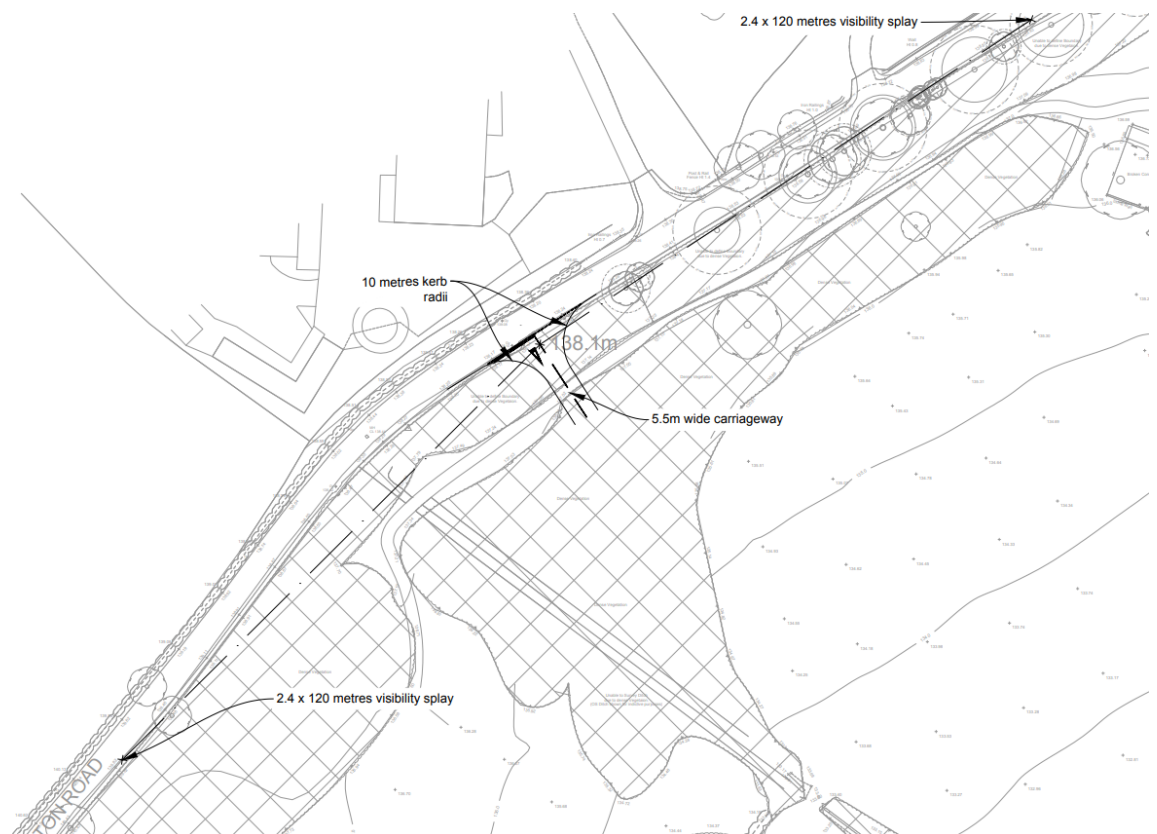
- 5.5.18 It is important to acknowledge that as well as being far more biodiverse than former agricultural land, brownfield land can also be very difficult to bring forward due to the extent of investment required which is why green field sites (but not green belt sites) are also required to meet the housing needs of the Borough. The application site is not Green Belt land to which restrictive planning policies apply. The submitted soil and agricultural baseline report notes the agricultural land on site is not high-quality being grade 3b and 4 which is medium to low quality. Therefore, the quality of the agricultural land is not a barrier to development.
- 5.5.19 The allocation of the site therefore includes an anticipated capacity which in this case is 799, 299 of which are approved and under construction or occupied with the remaining 500 being this application, the capacity included within the local plan trajectory of housing delivery is 799 dwellings. To meet the housing needs of the Borough the allocation is required to come forward. Work within the Local Planning Authority is ongoing in relation to the larger Brownfield sites within the Borough including Waterside and Staveley Works, with applications currently being considered. But as noted these are difficult sites to bring forward in an appropriate manner and with sufficient investment, the delivery of these sites is therefore more uncertain.

Cricket Club provision

- 5.5.20 The allocation requires under SS6 vii. re-instatement of the former cricket pitch. This provision is included in the application, the detail of which is set out in the submission document and includes costings and an Agronomists report noting:
“Cutthorpe Cricket Club is a high achieving and progressive club playing in the Derbyshire Premier and County Leagues, the Mansfield and District Sunday league and the North Derbyshire Youth Cricket League. The Cricket Club performs at the higher levels of each of the league structures. Under lease arrangements there is a risk that the club could lose access to their changing and social facilities which impacts on the clubs ability to seek grant funding for improvements. Therefore, there is a need in the local area for an improved Cricket facility.”

5.5.21 The application site includes the former cricket ground 'Mullan Park' which ceased operating in 1987 when the club building was dismantled although the remains of this are still in place.

5.5.22 To meet the local need and policy requirement the applicant will provide Cutthorpe Cricket Club with the freehold to 2.81ha of land for the site, alongside the installation of the cricket pitch or a financial contribution towards the installation of cricket pitch, in addition to a financial contribution towards essential cricket facilities on site (in accordance with Sport England and ECB requirements and estimated costs) along with the provision of the access and service connections to the edge of the site. The access to the site is detailed in the originally submitted Transport Assessment as can be seen in the image below, the access has a 2.4 x 120m visibility in both directions, it would be a 5.5m wide access road with 10m radii:



5.5.23 The provision of a 215m² pavilion is considered to meet the essential needs of a Club and would incorporate all of the essential and some desirable features recommended by the ECB Pavilions and Clubhouse Guidance (TS5). Sport England in their Clubhouse Design Guidance Notes (2016 update) provide minimum standards in terms floor areas for changing facilities and suggested features. The 215m² which

represents the reinstatement of the previous pavilion can incorporate these facilities into a footprint of 215m².

5.5.24 It is then envisaged that Cutthorpe Cricket Club will subsequently seek to work up detailed plans and use the freehold of the site to assist them in securing additional funding from external sources for further enhancements of the proposed cricket pitch development.

5.5.25 These facilities will be secured through a S106 agreement linked to the granting of Outline Planning permission:

In detail William Davis Homes will provide Cutthorpe Cricket Club with the following:

- Freehold of 2.81ha of land for a nominal (£1) fee.

Planning Obligations totalling up to £887k towards the provision of:

- Delivery of or a financial contribution towards the provision of a 'cricket pitch' including a cricket square (6- pitch square – 458m²) and outfield (11,925m²), including 12 months maintenance/grow-in costs (c.£270 k – Agronomist Costs)

- A two- team pavilion with umpire changing facilities and social space totalling 215 sqm (c.£ 462k SPONS 2021costs (indexed to today))

- Associated infrastructure, e.g. Car park, pavements and drainage (estimated cost of up to £155k) Provision of access and service connections to the edge of the site including (gas, electricity, water and broadband).

- As part of the submission of the detailed application the design of the cricket club and playing pitch will be supported by appropriate surveys and assessments undertaken by appropriate professionals.

Whilst a gas connection is noted in the submission this may not be suitable given the move away from non-renewable energy and therefore this will not be included in the S106 terms.

5.5.26 The Dunston Grange Action Group (DGAG) have raised objection on this element of the scheme, their comments are summarised:

We are concerned that reinstatement of the former cricket pitch and assoc. facilities has escalated well beyond as is required, with the 8-pitch square, 2 winter sports pitches (125.6x164.4m), 2 team pavilion with changing facilities and social space, 2 bay practice cage, storage facilities, car park and access road. This is significantly more than reinstatement of the original one cricket pitch and a pavilion. Query what and where the 'winter pitches' are, query hockey pitches? We

cannot see how all of the currently proposed pitches and facilities can be accommodated in the area assigned on the drawings without impinging on areas allocated to be left for wildlife.

The pavilion looks extremely big and out of proportion and context with its surroundings of a rural wildlife area.

The cricket pitch reinstatement is part of Strategic Site 6 (SS6). However, permission to develop parcels of SS6 has already been granted and building commenced without approval for the cricket pitch. The developer put forward reinstating the cricket pitch to gain inclusion of the site as a strategic development site in the LP. The need for a cricket pitch was not identified from CBC and there has been no assessed need. This clearly contravenes paragraph 98 of the NPPF as it states that planning policies should be based on robust and up to date assessments of the need and opportunities for new provision. There has been no assessed need for additional cricket facilities within Chesterfield.

Policy CLP 17 criterion vii) states that “where proposed development would result in need for new open space and outdoor sports facilities... development must contribute to public open space, sports facilities and play provision. Again, there has been no assessed need for a new cricket pitch as part of this development.

CIL Regulation 122 requires the cricket pitch to be directly related to the development”. This is not the case as it is to serve Cutthorpe in NE Derbyshire.

A walkable link to Cutthorpe Cricket Club is not possible due to the dangerous nature of the section of Dunston Road.

Access is not being considered at the outline stage. Failure to agree a safe access prior to granting outline planning permission is unacceptably risky due to the nature of the road. There is lack of relevant traffic assessment in connection with this access.

This area should be left as such for the benefit of nature, ecology and environment. This site being left to nature would benefit more people than if developed as a cricket pitch which would only benefit a select few people.

If additional cricket facilities are required we believe that an option at Holmebrook Valley Park should be explored.

The Group strongly object to the plans for the cricket] pitch reinstatement.

- 5.5.27 In response to the comments of the DGAG it is noted that the access is detailed in the originally submitted transport assessment and therefore is being considered at this stage.

In terms of policy SS6 – the allocation of the whole site including that already built out at Skylarks amounts to 799 dwellings, 500 of which are to be provided as part of this development. The allocation brings together the existing development which was largely granted planning permission prior to the adoption of the local plan. It is therefore appropriate to consider the Cricket provision part of the policy at this stage.

The Cricket provision is on the application site and required by policy to be provided it is therefore directly related to the development in terms of regulation.

Due to the growth and poor facilities of the existing Club at Cutthorpe, there was considered to be a need for a new facility which was considered to be best placed on the application site due to this being a reinstatement of a previous facility on site. It should be noted that the Local Plan is Adopted and following the Examination In Public cannot now be reconsidered through the consideration of a planning application.

Concerns regarding walkable access and biodiversity are set out in the Highway and Biodiversity sections of the report below.

5.5.28 Comments have also been received from Sport England in response to the proposal. In considering the scheme SE remain in objection as set out in their latest comments:

Whilst the information provided is moving in the right direction, Sport England are still not satisfied that the LPA have been provided with enough clarity to be certain of the scale and nature of the cricket facility that is intended (see points listed below) and maintain its objection.

1. Sport England seeks clarity from the LPA to understand the precise nature of the scale and size of the square. There appears to be a lack of evidence, certainty and understanding of the LPA requirements for the re-establishment of the cricket facility. It is essential that Sport England receive an understanding of this from the LPA. The lack of precise detail in Policy SS6 is not helpful.

2. Seek clarity on the precise infrastructure/services that the developer will provide to the edge of the site, and what is meant by the term edge of the site. It is assumed that the site previously had services, and the lack of services may render the project undeliverable. We recommend that the LPA seeks more certainty and clarification on that matter.

3. Whilst it is reasonable to agree to the principle of a pavilion and storage building of the size that was available previously it must be noted that ECB design standards should be adhered to along with the needs for a given amount of storage to serve the needs of the site. This must be recognised, and facilities of an appropriate scale secured.

There also needs to be certainty of the finishes of the building along with fixtures and fittings, in order for an accurate cost estimate agreed.

4. Resolved

5. The LPA needs to be certain that the delivery of the cricket facility is guaranteed, and Sport England suggest that this should be secured on a timely basis prior to the occupation of the dwellings proposed (were the development to be approved).

6. Section 6 of the feasibility report does not include provision for the storage of maintenance equipment and it needs to.

7. The TGMS report sets out the requirements to establish a 6 pitch cricket square. Whilst ECB are content with the specification set out there still seems to be confusion of how big the square actually needs to be, when the club consider that a six-pitch square would not meet their needs. Sport England's previous advice set out that an 8-pitch square would be provided.

8. The report omits to list the equipment needed to maintain the square.

9. One years' maintenance is wholly inadequate. In establishing pitches Sport England requests that LPAs secure developer contributions for long-term maintenance, (minimum of 10 years) in order for the pitch to become fully established. Sport England's Natural Turf for Sport Guidance explains the need for future maintenance to establish and maintain the performance of the square. The TGMS report, appendix II sets out some of this annual maintenance. Maintenance can be carried out by clubs themselves, provided that they are supplied with the appropriate equipment to do so.

5.5.29 There are a number of issues raised here by Sport England some of which are considered to go above and beyond the requirements of the policy which merely requires for the reinstatement of the pitch without the loss of any existing facilities. Taking each of the matters in turn the response is as follows:

1. In terms of the size of the square, a 6 pitch is to be provided based on the size of the area and ball strike distances. This is considered to be sufficient to meet the policy requirement.

2. It has been clarified that electricity, water and broadband will be provided to the edge of the site – this being the edge of the land to be transferred to CCC.

3. Design standards have been advised in line with SE standards set out in their design and costs guidance and include: A two- team pavilion with umpire changing facilities and social space totalling 215

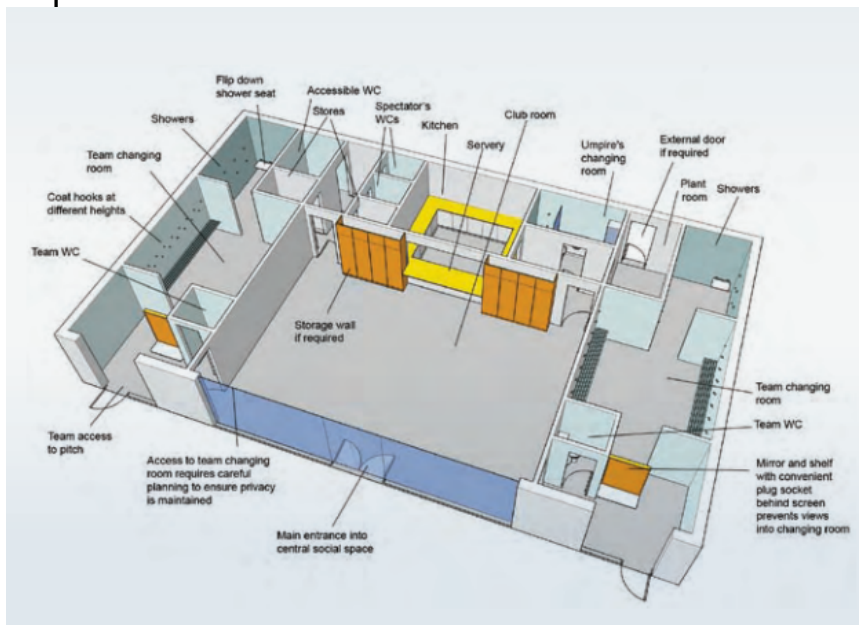
sqm. As this application is outline only the details of the finish of the building have not been set out but would be subject to future reserved matters approval.

The 2009 ECB document on pavilions and clubhouses notes in 056.1 the essential facilities as being:

- Team changing, WC and showers x 2
- Accessible WC
- Spectators WC's
- Kitchen and servery
- Umpire changing
- Club room
- Store

The document provides some of the spacing requirements for this.

Whilst no detail for the extent of floorspace required is provided the advisory diagram is useable to approximate the extent of the building required:



The applicant has used this information to inform their costings and to set out what the essential facilities need to be.

5. The delivery would be guaranteed in so far as can be secured through the S106 agreement – please see the noted in para 5.5.21 regarding the cascade element to the agreement. Given the extent of cost involved in the provision it is not considered that the requirement to provide the monies or facility prior to occupation is reasonable. Please refer to the phasing under para 5.6.15.

6. The provision of essential facilities will presumably include an area of storage which seems feasibly e within the 215 m2. Alternatively

external secure storage can be provided within a further unit if this were preferred. Storage at (c£10k) was noted in the original submission document for the cricket facility, since superseded.

7. The size of the square is set by the land available and is to be a 6-pitch square. Whilst the CCC may wish for an 8 pitch square this is not a requirement of the policy and in line with the report is not feasible on this site.

8. The CCC will be aware of the equipment needed to maintain the pitch, this was set out in the original submission document in relation to the cricket provision. The club will already have the equipment which is used to maintain their existing ground.

9. The submitted report of the agronomist notes the need for the first detailed 12 to 18 month maintenance period to ensure the site is established. To require the applicant to provide maintenance of the facility for 10 years is considered to be wholly unreasonable. The CCC will already maintain their existing pitch and therefore after the initial 12 month period it is reasonable for this to be taken on by the Club themselves.

- 5.5.30 The Council's Leisure Services have noted that:
"We would support bringing back in to use the cricket ground which is detailed in the outline application and would work with the cricket club to secure funding for any pavilion and/or ancillary buildings that would be managed and maintained by them."
- 5.5.31 It is acknowledged that Cutthorpe Cricket Club have not confirmed their willingness to agree to the terms set out above and that they have far greater aims in terms of the extent of facilities; including joint provision of pitches with the Hockey Club, 2 storey club building; adding up to a £2.5 to £3 plus million cost. However, it is not the wishes of the club that are to be considered here, merely the policy requirement for the re-instatement of the pitch for which only the essential facilities are required.
- 5.5.32 The offer from the applicant is considered to be in full accord with the requirements set out in policy SS6 vii) and is therefore acceptable from a planning perspective. It is considered that the information now available within the agronomist's report is sufficient to satisfy what will be provided on site. Whilst additional provision would be welcomed as hoped for by the Club and Sport England, such additional requirements

may impact on other benefits arising from the development including matters such as affordable housing, biodiversity net gain and GP contributions. Therefore, a line of reasonableness has to be drawn in relation to the provision. It is considered that the submission now detailed is satisfactory in this respect. Whilst SE would like to see further detail of the building to be provided this application is outline only and therefore the detail of the building will be considered as part of any reserved matters application, along with details of the housing, school and local centre.

- 5.5.33 As it remains somewhat unknown as to whether CCC will agree to the S106 provision and be a signatory to this, it is therefore considered that a reasonable way forward is to have a cascade clause within the S106 agreement which will seek; first the agreement and transfer to the Cutthorpe Cricket Club as set out in the intensions above, and if agreement is not reached then offer the provision to other Cricket Clubs in the area; and if this fails then secure a revised landscaping scheme for this part of the site to be open space, with biodiversity gains. This reflects on the wishes of some residents who have not been supportive of the cricket club provision and who have noted the need to provide for habitat. On this basis the policy SS6 requirement for the reinstatement of the pitch under vii) is met.

Infrastructure:

- 5.5.34 Concern has been raised in the representations that the development will impact on existing services and facilities such as schools and GP practices.
- 5.5.35 Within the CBC planning boundary the provision of required infrastructure is dealt with via the Community Infrastructure Levy where monies are collected from developments such as this and are coordinated into spending on matters such as school expansion. There is also the ability to secure other matters via legal agreement and direct contributions which in this case will secure funding for the NHS through the CCG who have requested £450,000 towards expansion of GP practices at Newbold, Whittington Moor and Whittington and Holme Hall but may expand to Avenue House, Wheatbridge, Brimington and Calow and Brimington, as patients could register at one of a number of surgeries. The CCG noted that; "Dunston and surrounds is identified in our Primary Care Estates Strategy as a priority area, as a result of current capacity in the local practices and the planned house building in the area. The contribution would be used to increase capacity at one

or more GP practices sites that provides services to the development site, either through internal reconfiguration or extension and we will be able to provide detailed, costed plans prior to requesting the funding”. Such contributions will only secure physical improvements as set out by the CCG. The applicant has raised concern that the lack of specific projects by the CCG means that the contribution request fails to meet the legislative 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*

However, the Local Planning Authority remains in dialogue with the CCG regarding this matter and therefore the contribution is included within the recommended S106 matters.

5.5.36 It is important to note that funding for patient numbers and school pupils remains via direct government funding. In this respect the contribution request for the Chesterfield Hospital is misplaced and cannot be secured via these mechanisms as central government funding of the NHS is provided for this. The funding for Dental Practices, has not been sought through S106 or CIL funding and no requests for any contributions have been received.

5.5.37 In regard to school provision DCC Education have noted:
“The proposed development falls within and directly relates to the normal area of Dunston Primary and Nursery Academy. The proposed development of 500 dwellings would generate the need to provide for an additional 120 primary pupils.
Dunston Primary and Nursery Academy has a net capacity for 315 pupils, with 266 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 265.
An evaluation of recently approved major residential developments within the normal area of Dunston Primary and Nursery Academy shows new development totaling 446 dwellings, amounting to an additional 107 primary pupils.
Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 120 primary pupils arising from the proposed development.

At secondary level:

The proposed development falls within and directly relates to the normal area Outwood Academy Newbold. The proposed development

of 500 dwellings would generate the need to provide for an additional 100 secondary and 40 post 16 pupils.

Outwood Academy Newbold has a net capacity for 1,139 pupils with 1,057 pupils currently on roll. The number of pupils on roll is projected to increase to 1,125 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Outwood Academy Newbold shows new development totaling 446 dwellings, amounting to an additional 89 secondary and 36 post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 100 secondary and 40 post 16 pupils arising from the proposed development.

Mitigation:

Under the CIL system Derbyshire County Council works closely with Chesterfield Borough Council to identify the most cost effective and proportionate bids for funding to support education infrastructure to ensure that sufficient local school places are available in all localities across the borough.

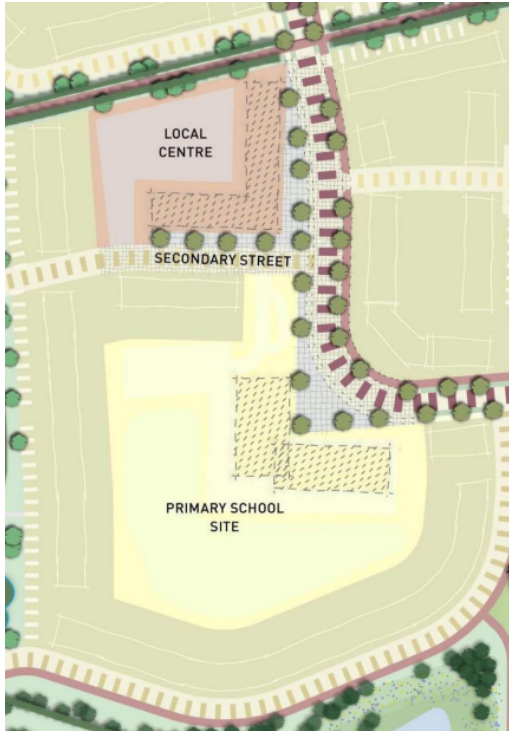
In the context of the assessment above, the County Council, as Local Education Authority (LEA), considers that the strategy for accommodating primary aged pupils from the development in the short and medium term is to agree the extension of the existing local school, subject to approval.

In order to secure sufficient school places for the locality in the longer term, land for a primary school on this site is required by the Local Plan and the inclusion of this on the Masterplan is welcomed. In this context, however, the LEA considers that it would be helpful to have discussions around the location of the school land within the Masterplan.”

- 5.5.38 As indicated by DCC, school provision would normally be provided by CIL but in this case there is additional provision in that part of the site is to be held for a future one form entry primary school. However, as DCC have noted the short to medium term school provision will be to expand existing local schools and it is unknown at this stage whether in the long term the additional school will be needed or whether expansion of existing school sites will be sufficient to serve the development. With this uncertainty there will be a need to preserve the future school site until most of the development is occupied. At which point it is anticipated that DCC as Education Authority will have a

clearer understanding in terms of birth data as to whether the site for the school will be required. The school site can be brought forward earlier if necessary but the S106 needs to have a reasonable cut off as to how long the site is held for.

- 5.5.39 DCC Education noted that they would prefer the school to be to the northern end of the site but following discussions around the local centre, school and active travel have now confirmed that they are happy with the site of the school as proposed within the masterplan. The concerns have now been allayed and the indicative site is considered acceptable to the County Council. Subject to a phasing condition relating to the school and S106 agreement this meets the requirements of Policy SS6 vi).
- 5.5.40 Comments have been made by DCC that library provision in terms of stock may be sought via CIL. The development is CIL liable, and any such requests would have to be made in line with the CIL Expenditure Strategy. However, this Authority would need to be convinced that such a request was appropriate in terms of the legislation.
- 5.5.41 In terms of other services and facilities the local centre, which has in the amended master plan been relocated to the centre of the site adjacent to the school, will provide for the day to day needs of the future residents whilst also being a hub for existing residents. Initial concerns in regard to the location of the local centre were raised by the CPRE and have therefore been addressed. The centre will include Class E use and Sui Generis uses, including hot food takeaway and public house/restaurant. Being located centrally within the site the local centre will be accessible for residents via walking and cycling. This provision meets the requirements of Policy SS6 v).



Illustrative View of Local Centre

It is therefore considered that infrastructure is appropriately considered and can be secured by both CIL provision and S106 contributions.

Climate Change:

5.5.42 The impact of climate change is rightly a serious concern raised by many local residents and in the comments from DCC further confirmation was sought regarding EV Charging and use of renewable technologies, with DCC seeking a commitment to a reduction in emissions. Since those comments were received the Building Regulations which set out how buildings should be constructed have been updated and now include matters such as EV charging for homes

and solar provision in line with certain heating types, such as gas boilers. The applicant submission notes that further changes to the building regulations are anticipated and the homes will be built in accordance with these as and when the changes occur. In time it is anticipated that this will restrict new gas boilers, further increase insulation standards and have a greater focus on more sustainable energy installations and energy efficiency.

- 5.5.43 As the construction of the buildings is a matter for Building Regulations, the main way in which the Local Plan considers climate matters is through the consideration of the location of development to ensure that there are public transport, walking and cycling routes to serve the development as set out in policies CLP1 and 2. As this is an allocated site it is considered to be sustainable in terms of its location. The provision of the local centre and new walking and cycling routes through the site and enhancement of the footpath route all help toward providing a sustainable neighbourhood.
- 5.5.44 In addition, Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Planning applications for major new development should be accompanied by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:
- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
 - ii. optimising the efficient use of natural resources;
 - iii. reducing emissions through orientation and design.
- 5.5.45 The CPRE have noted:
We would remind the Council of the zero-carbon target ambition of the government. Chesterfield Borough Council has also signed the Nottingham Declaration on Climate Change which pledges to address the causes of climate change and prepare for the associated impacts. Furthermore, the Council also declared a Climate Emergency in July 2019. There is limited information provided as to how this proposal would lend itself towards helping the Borough Council address the issue of a changing climate which is one of, if not the biggest issue facing us at the current time. The submission does not address para's 154 and 155 of the NPPF. The Council's Climate Change Officer raises a number of important points and we completely endorse their

comments, particularly in regard to renewables, EV charging points, house insulation, sustainable drainage, waste management and replacement rates for tree felling

5.5.46 The Council's Climate Change officer has considered the scheme and commented that initially the submission did not adequately address climate issues. Questioning a gas connection to the site, renewables, insulation levels, EV charging, street trees, drainage, tree planting. Further comments noted the need to provide details of cycle storage and showers in commercial units, meeting the higher water efficiency standard, storage for recycling bins, commitment not to install coal or log burners, future proofing homes, permeable surfaces.

5.5.47 In response to these concerns the applicant has provided climate information which notes in part:

“The Sustainability Statement prepared evaluates the technical and economic feasibility of using both passive and low and zero carbon technologies and assesses the practical levels of CO2 reduction possible for this development. Measures proposed included:

- 1) Enhanced building fabric to meet Building Regulation ADL1A/2A 2013
- 2) Enhanced air tightness and thermal bridging
- 3) Heating and hot water to domestic areas by a highly efficient gas boiler system
- 4) Continuous System 3 extract ventilation provided to domestic areas
- 5) Efficient lighting provided throughout all building with LED-type fittings
- 6) A photovoltaic array/ heat pumps could be provided on the School block
- 7) Heating/cooling to retail areas by heat pump/ VRF.
- 8) Hot water to commercial areas will be provided by an instantaneous electric system.

The changes to Building Regulations will require any buildings not started by 15th June 2023 will need to accord with the requirements in the following Approved Documents:

- Part L – Conservation of Fuel and Power
- Part O – Overheating
- Part F – Ventilation
- Part S – EV charging

William Davis will include the use of Solar PV, more efficient fabric and the inclusion of EV charging points in the majority of plots as a means of achieving these Regulations.

As part of the Reserved Matters application(s), William Davis will set out ways of future proofing their house types to allow for easy adaptation to the future homes standard; a planning condition / reserved matter can be imposed to ensure that this is provided.

This could include pipework to allow for future installation of heat pumps when the market for alternative heating systems has matured. The dwellings will still be served by a gas combi boiler for heating and hot water with no cooling requirement. Significant passive carbon emissions reductions through fabric, heating and hot water controls and air tightness can be utilised to reduce the consumption of the development.

Overall, the changes in Building Regulation will result in a carbon reduction of around 30% compared to the previous building regulations and mean that homes will have reduced reliance on the national grid for power, will be cheaper to keep warm in the winter, will not overheat in the summer and will have an EV charging connection from Day 1.

Many of the comments raised by the Council's Climate Change Officer (dated August 2022) relates to specific details only likely to be confirmed during the detailed design of the development at reserved matters. William Davis are happy to accept a condition /reserved matter requiring the submission of a detailed energy/sustainability statement that considers and demonstrates how emissions will be reduced and how the development allows for adaptation prior to the commencement of the development.

The road through the development has also been designed to allow for bus penetration increasing the opportunity for sustainable transport choices. A travel plan has been provided.

The masterplan shows a landscape buffer along the northern boundary of the site and a number of street trees; once fully grown trees can absorb around 20kg of carbon dioxide per year. While the number and type of tree to be planted has not yet been determined it is likely to be more than 250 which equate to 5 tonnes of Co2 per year."

- 5.5.48 In response to this information the Council's Climate Change Officer has noted that the willingness to accept a condition to provide detailed energy statement is welcomed. On this basis it is considered that climate matters are considered as far as can be through this outline planning application by imposing a number of conditions including:
The submission of details through each reserved matters submission to set out the construction of the dwellings in terms of; heating, cooling, use of renewables, insulation, orientation and energy efficiency.
The submission of a strategy to reduce carbon emissions through construction.

The submission of a justification for any mains gas connection, given the likely short-term use of this.

Removal of permitted development rights for the installation of chimneys and flues.

- 5.5.49 On this basis of the imposition of the condition it is considered that climate matters have been suitably addressed.

Affordable Housing:

- 5.5.50 Policy CLP4 states in part that: In order to increase local housing choice, respond to emerging needs and promote the creation of sustainable communities, in new housing developments the council will seek a range of dwelling types and sizes based on the council's most up to date evidence of housing needs and the location and characteristics of the area.
- 5.5.51 The application site is within the medium CIL charging zone where the affordable housing requirement Local Plan is 10% provision with a 90/10 percentage split of affordable rent and shared ownership.
- 5.5.52 The Design and Access Statement notes:
"As required by the Local Plan 10% affordable housing will be provided within the development, with details of the precise tenure arrangements being submitted at Reserved Matters Stage through consultation with the Planning Authority. This will be informed by the affordable housing provisions contained within the Section 106 Agreement. The affordable housing should be located around the development and their design must be tenure-blind, ensuring their integration into the scheme."
- 5.5.53 The approach to tenure blind affordable units is welcomed and the proposal as set out meets the policy requirements. More detail will be considered under each reserved matters application.
- 5.5.54 The CPRE have noted: "How will the Council ensure that the developer would meet their requirements on affordable housing contribution? Section 106 agreements are all well and good until the developer comes in with a variation request stating that it is no longer viable to provide affordable housing. How can this be prevented from happening on this site if the proposal goes ahead? We would suggest that if development of the site were restricted to affordable and smaller units

in the eastern part of the site only, then the same number of units could be achieved with higher densities and more sustainable designs. What this Masterplan shows is the provision of larger, suburban style homes on the edge of open countryside, which are likely to appeal to out-commuters from the area that will do nothing to solve the affordable housing problems of the borough, but will destroy valued open countryside in the process.” In their later comments it was noted that 10% provision was unacceptable given the crisis in affordability of housing. In response the 10% provision is policy compliant and the needs within the Local Plan are ascertained on detailed assessment through the formulation of the Plan and the Examination process.

- 5.5.55 Ultimately any viability matters would be resolved pre-determination and will not be a clause in the legal agreement to allow for viability assessment. Therefore, a further application to vary the S106 would be needed if this were to be considered. Given the clear policy requirement and applicant commitment this is not considered to be a likely scenario in this case.

Adaptable and accessible housing:

- 5.5.56 Policy CLP4 also requires that: On sites totalling 10 or more dwellings (including phases of those sites) 25% of dwellings should be built to building regulations standard M4(2) (where a site includes affordable housing this should normally be proportionately split between tenures). Where the council has identified evidence of a specific need for a wheelchair accessible standard M4(3) property (for which the council is responsible for allocating or nominating a person to live in that dwelling) that is relevant to a site, this will be negotiated with the developer and secured by planning obligation, subject to consideration of viability and suitability.
- 5.5.57 In this case there has been no submission of details to set out what is required in terms of any additional affordable needs to the M4(3) standard. In terms of the accessible and adaptable requirements this will be conditioned and through each reserved matters/phased submission will be considered in more detail to ensure the provision of 25% and to ensure this is across all tenures. On this basis the policy requirement is met.

Settlement Coalescence

5.5.58 Concern has been raised that the proposed development will result in settlement coalescence between Cutthorpe village which is within North East Derbyshire District Council area and Chesterfield, the edge of the built up area which at the closest point now ends at Dunston.

5.5.59 Whilst the development of this site will result in the expansion of the developed edge of Chesterfield moving towards Cutthorpe. There will be a substantial amount of open space, including the cricket pitch site, between Cutthorpe and the development to ensure that there is a clear separation of the two without any settlement coalescence.





Conclusion

5.5.60 Considering these principle matters it is important to again consider the policy requirements of the allocation:

SS6 requirements:

Planning permission will be granted for residential development for approximately 500 dwellings on land north of Dunston and south east of Dunston Road as allocated on the Policies Map and as set out in Table 4 (site reference SS6). Development should be carried out in accordance with a masterplan to be agreed with the Local Planning Authority prior to development that demonstrates:

- i. acceptable access arrangements from Dunston Road and Dunston Lane;
- ii. appropriate provision for walking and cycling within the site.
- iii. appropriate transport mitigation to ensure an acceptable impact on the highway network for all users;
- iv. appropriate mitigation to minimise any adverse impacts to the significance of affected heritage assets, including their settings.
- v. provision of a new local centre to serve development;
- vi. provision of a site reserved for a new one form entry primary school (to be retained until such time as required or evidence can be provided of a lack of need);
- vii. a scheme of green infrastructure including landscaping, open space,

play and sports provision including re-instatement of the former cricket pitch, and early implementation of a landscaping and planting scheme along Dunston Road;

viii. a phasing plan for development phases and the provision of infrastructure.”

- 5.5.61 The majority of these matters are considered in detailed sections of the report below. However, the following have been met as set out above:
- v. is met with the provision of the local centre in a central location to the site and the neighbouring development.
 - vi. is met with the school site appropriately located to the centre of the site adjacent to the local centre with appropriate cascade clauses within the S106 to ensure the school is provide, if and when required.
 - vii. is met as the Masterplan includes the necessary green infrastructure and including the possible re-instatement of the former Cricket Pitch again with a cascade clause in the case that a Club will not take this on.

The remainder of the report will consider i, ii, iii, iv, and viii.

5.6 Design and Appearance

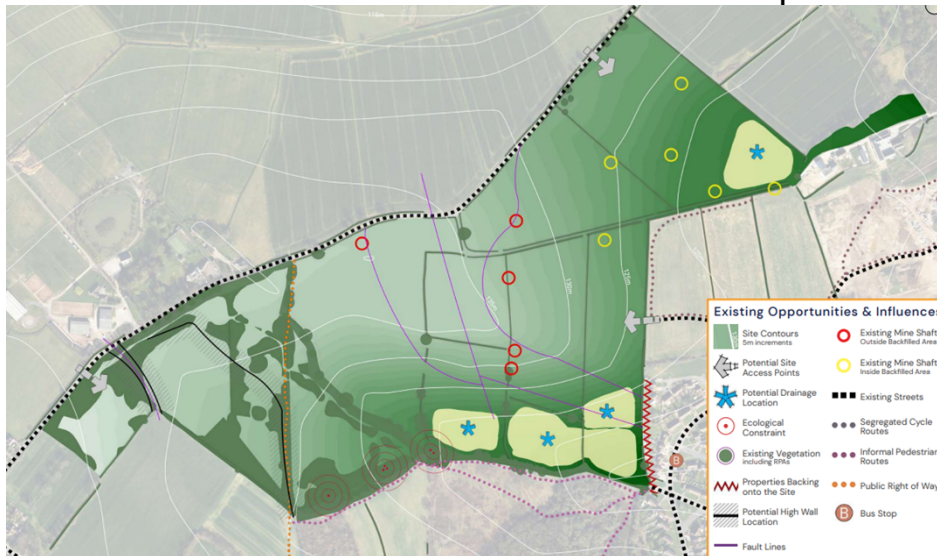
- 5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

Views and Character

- 5.6.2 The character of the site is open green field interspersed with hedgerows and individual trees. The area to roughly the centre of the wider site is the footpath area which is much more overgrown with wooded character. The old Cricket Pitch area is grassed area which is well enclosed by planting, leading west this then becomes more farmland.
- 5.6.3 The site is partly quite steeply sloping to the main fields to the east of the footpath with an incline to the north. Dunston Road sits to the north of the site and forms a boundary with the green belt land beyond this within North East Derbyshire to the north. The site is therefore on rising land and will be visible from multiple locations within the Borough and

beyond. Therefore, it is important to consider this wider visual impact of the scheme.

The constraints of the site can be seen on this plan:



- 5.6.4 A Landscape and Visual impact assessment was submitted to support the application which concluded:
- The wider landscape character is ‘Coalfield Village Farmlands’ the degree of change in the key characteristics of this will be minimal.
 - Direct impacts are limited to the site.
 - Indirect impacts in terms of wider landscape are restricted by the containment of the site by the localised ridgeline and topographically and by the influence of the existing urban fringe to the settlement edge of Chesterfield.
 - The residential development will be contained by the existing urban edge and established vegetation.
 - In the wider landscape there will be a negligible to minor negative adverse effect.
 - In the local landscape there will be minor to moderate adverse effect given the change in character which will have minimal impact on the wider landscape character.
 - The impacts will be highly localised within a contained settlement edge.
 - The landscape strategy has been considered in terms of the impact.
 - The retention of the green areas to the south and north west will serve as a buffer to the development.
 - Given the localised nature of the impact the impacts on the rural nature of the landscape are not considered to be significant.

- 5.6.5 CPRE Derbyshire commented in part that:
In our view, the proposed landscaping plans put forward by the applicant are significantly lacking and do not in any way mitigate against the substantial harm that this development would cause. The submitted LVIA notes viewpoints rather than character. The development will fundamentally alter character in terms of traffic, tranquillity, light pollution, loss of wildlife and general ambiance. There are errors in the application form, there will be and has been an increase in flooding, there are trees and hedges adjacent to the site and not all of the land is in agricultural use.
- 5.6.6 The DGAG have objected noting that the site should be and has inconsistently been referred to as an Area of Multiple Environmental Sensitivity (AMES). This appears to refer to a DCC document from 2013 which helped to inform the targeting of Environmental Stewardship Higher Level Scheme (HLS) funding, the identification of key strategic Green Infrastructure assets, and the potential for housing growth across the county but particularly within the Derby and Nottingham Housing Market Areas (HMA). This site was a secondary sensitivity area as was much of the County. This is not a term referred to in the Local Plan or NPPF.
- 5.6.6 Derbyshire County Council commented on the landscape impact following on from their original criticism of the scheme, stating in part:
“The Landscape Architect has commented that he welcomes the latest iteration of the site masterplan, which now appears to have taken on board and addressed many of his concerns raised in his last response. Most notably the Local Centre has been relocated more centrally within the development site where it is not only accessible to this development but also to existing communities. The school site is then located adjacent to the local centre again promoting more sustainable journeys and creating more of a ‘community hub’ at the heart of the development.

The pocket parks and local play areas have also been relocated away from the linear park that effectively forms the northern boundary to this development and again this is supported because it reduces the urbanising effect of the development on the wider landscape as well as making these areas more accessible to more of this new community. The green infrastructure network seems to be better developed although it would be improved if some of the isolated pocket parks could be better connected to other linear corridors even if this was only

by the inclusion of a few additional highway trees. The boulevard effect along the main access is welcomed but this would be significantly enhanced if a line of highway trees was to continue from the local centre to the community park located within the western development area – effectively along the secondary access road.

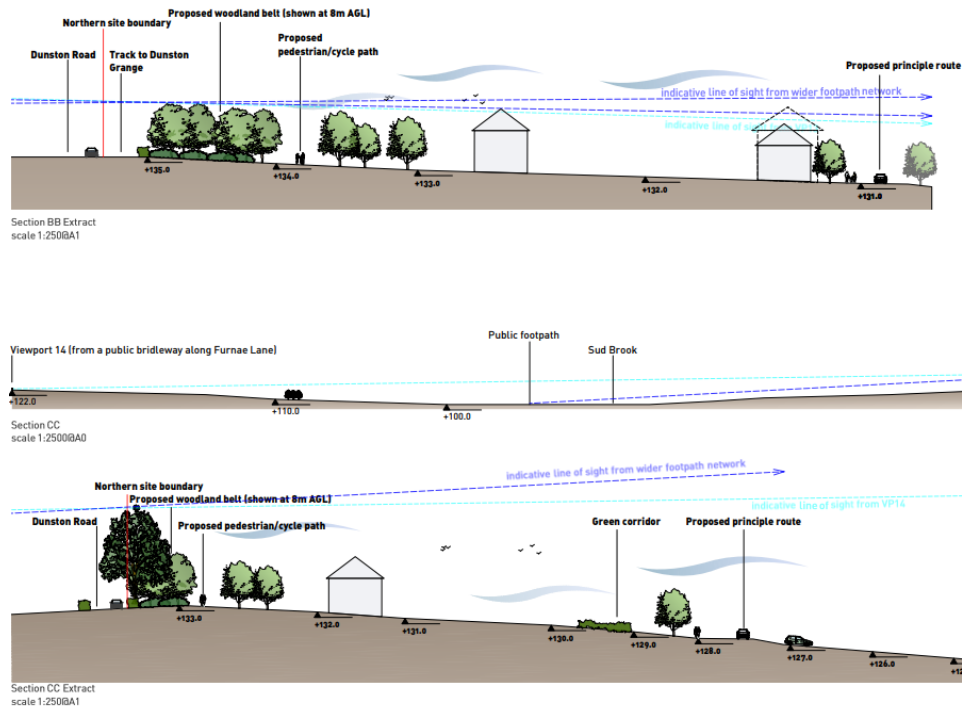
It is noted that the linear park is now referred to as the ‘Northern Landscape Corridor’ which does feel like a retrograde step because this transitional area was never intended to be just a landscape strip but more of an informal park with access running through it and contributing to the wider GI of the development. It does feel narrower in extent than some of the earlier iterations and in that regard, it is questionable the extent that it will mitigate the visual effects of this proposal on the wider landscape and viewpoints to the north. Again, the inclusion of large, long-lived trees such as oak will go some way to addressing that particular issue as well as the finish and materials proposed for the roofscape as raised by the County Council’s Built Conservation Officer in their previous response.” Those comments were: “As the design develops, I would also advise that a suitably recessive roofing material should be used to help further reduce the visibility of the houses, particularly those in close proximity to Dunston Road.” Such detailed matters would be considered under future Reserved Matters applications.

5.6.6 The Council’s Leisure Services made comment in response to the original submission:

“Further consideration should be given to the extent of landscaping to the proposed linear park along the north and north west boundary. The existing landscape setting is particularly attractive on the northern edge and skyline and further urbanisation through this development will detract from this unless adequate landscaping is provided. Overall the linear corridors do not appear to be adequate in size for a development of this size. Opportunities present here to plant trees of significant size and number and would hope that this can be reviewed/resolved going forward.”

5.6.7 From considering the comments of DCC, the revised masterplan with the northern landscaped corridor is considered to appropriately address the wider landscape impacts. Whilst there will be visual impacts from the scheme these are considered to be well contained by topography and settlement edge and will not lead to such visual harm in the wider landscape setting that a refusal could be justified. The planting of the northern corridor needs to be appropriately phased

within the development to ensure an established and effective landscaped edge. The topography to the northern edge of the site will also help to mitigate landscape impact with Dunston Road forming the ridgeline, the set back of the proposed housing area from the northern boundary ridge will slightly lower the dwellings below the ridge line, thereby mitigating the wider landscape impact. This is demonstrated on the indicative section plan contained within the LVIA:



5.6.7 Therefore subject to detailed consideration of the housing scheme and landscaping under the reserved matters applications which will include a need to set out the landscaped buffer to the north along with a condition relating to the phasing of the landscaping, the proposal is considered to accord with the aims of policy CLP2 and SS6 vii).

Layout of masterplan

5.6.8 This scheme is in outline only where the detailed design will be considered under a future Reserved Matters application. In this regard compliance with CLP20 in terms of design is in relation to the proposed layout as indicated in the master plan.

5.6.9 The originally submitted masterplan was as follows:



5.6.10 The Council's Urban Design Officer commented on this scheme, with the comments summarised:

- 1) The Design and access statement should be updated to reflect the latest version of the NPPF in regard to place making, design quality and street trees. There is limited detail to show how the proposals will contribute to creating character and a positive sense of place.
- 2) The Concept Masterplan lacks any 'vision'.
- 3) Distinctive places and points of interest are needed, in addition to the street types, to avoid the risk of a large expanse of repetitious and monotonous housing.
- 4) Proposals should include a hierarchy of buildings and spaces to emphasise key locations, such as modest public squares and spaces at key intersections.
- 5) The Local Centre should be a key public space.
- 6) Entrances should provide distinctive gateways and provide a positive 'sense of arrival'.
- 7) Opportunities for public art should be considered.
- 8) The absence of a suitable walking and cycling connection from Cutthorpe represents a major weakness of the scheme.
- 9) There appears to be no provision of a kickabout space or play area to serve the southern half the site.
- 10) Consideration of the delivery times for the landscaped buffer to the northern edge.

- 11) The NW boundary represents the most sensitive and exposed edge in visual terms with long views along Dunston Road and from the direction of Dunston Hall Garden Centre. Only a narrow landscape fringe is proposed along the boundary and the interface between development and landscape could appear quite abrupt, with limited scope to mitigate with landscaping.
- 12) More detail of SUD's required.
- 13) Clarify mining features.
- 14) Phasing of key infrastructure delivery.
- 15) Consideration of scale/density.
- 16) Consideration of character areas including school and centre.
- 17) A requirement for the preparation of a design code for the site is required.
- 18) A specification/section for typical cycle and pedestrian paths should be provided.
- 19) Provide pedestrian and cycle link along the primary street where this road joins the Skylarks site.

5.6.11 To address the comment of the Urban Design Officer and other matters arising from the initial consultee responses, including concerns regarding biodiversity, the masterplan has been amended as follows:



5.6.12 The Design and Access Statement has also been updated and now includes details of; additional connections into adjacent land, better tree lined routes, street typology details, character areas, density information, the central relocation of the local centre and school area, better interconnected streets, more detail of and additional provision of play space along with an overall improved vision for the scheme.

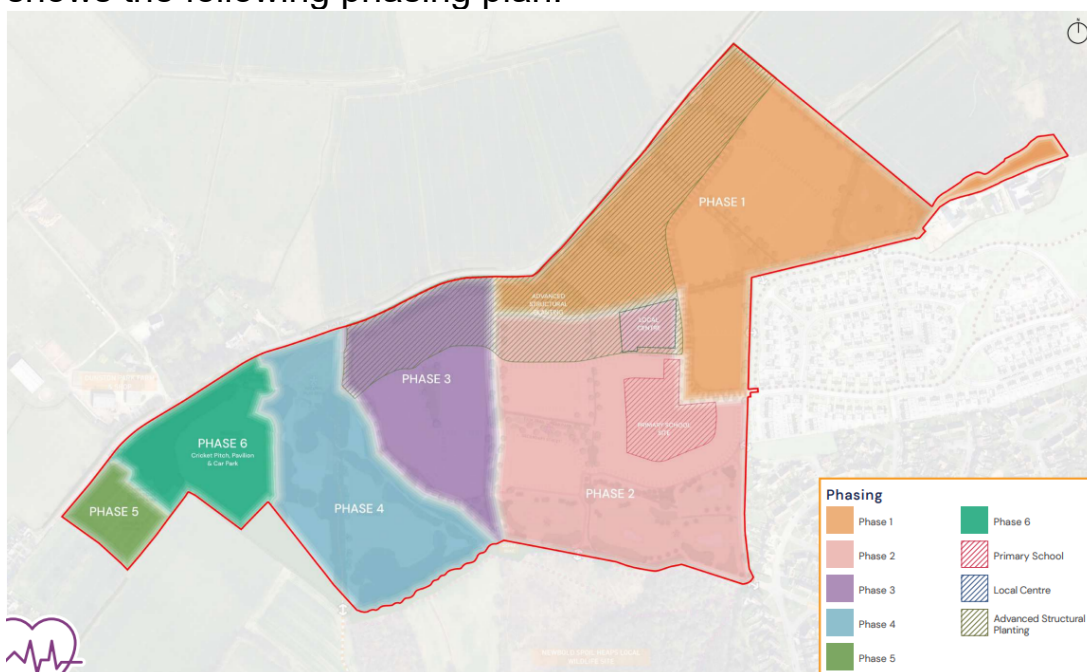
5.6.13 The amended Master Plan along with the updated Design and Access Statement is considered to have appropriately addressed the comments raised by the Council’s Urban Design Officer as well as addressing other comments made including the landscape matters above.

5.6.14 In terms of the status of the Master Plan this is indicative only at the outline stage however, as set out by the Urban Design Officer, this Master Plan should be used to inform the detailed plans of the development, alongside a development framework submission prior to the submission of the first reserved matters to be secured via condition.

Phasing

5.6.15 The proposal is a substantial development where phasing is likely to be needed. In this case this needs careful consideration due to the provision of the local centre, school, Cricket Club and the landscaped edge to provide the mitigation for the visual impact of the scheme. Policy SS6 requires the “early implementation of a landscaping and planting scheme along Dunston Road”.

5.6.16 In terms of the phasing the revised Design and Access Statement shows the following phasing plan:



This indicates that access from Dunston Road will form the first phase with the second Phasing linking into the existing Skylarks development. Then the third phase will be the western edge of the housing, works to open space under phase 4 and 5 and lastly under phase 6 the Cricket Club.

- 5.6.17 The submitted planning statement sets out that the structural planting to the northern edge would take place early within each phase. Noting that “whilst the Council would like to see early implementation of the landscaping to the whole of the northern edge this is not feasible; due to potential risk of damage and disturbance during construction of later phases of development. This would include; site clearance, construction vehicles and plant, compounds, earthworks for infrastructure and alterations to the existing road network. It is also noted that existing trees and hedgerow will act as an initial screen from the outset. It is therefore intended that the landscaping of the northern edge will mirror phased delivery of the development to ensure that the landscaping is implemented robustly”.
- 5.6.18 It appears from this information that there may be some difficulties in early provision of the landscaped northern edge and this is acknowledged. However, it is also considered that some planting here could take place as a level of protection for existing trees and hedgerows will also be needed. It is likely that a clearer picture will emerge as to when planting can take place when the details of the development are further advanced. It is therefore considered that the phasing of the landscaped edge can be conditioned so that it is subject to further discussion with the aim that this is provided as early and robustly as feasible.
- 5.6.19 The phasing of the other matters needs to be considered. The provision of a serviced site for the local centre within phase 2 is considered to be acceptable in principle. It is noted that this is subject to feasibility linked to housing completions so again this is somewhat moveable but would need to be within phase 2. Again, a condition is required to secure this within in association with the phase 2 reserved matters submission.
- 5.6.20 The housing numbers within each phase and M4(2) provision also need to be set out in the phasing to ensure the phased completion of the site does not exceed the overall number to be approved.
- 5.6.21 As set out above, the land reserved for the 1FE primary school will be for a set period of time and needs to be detailed in the legal agreement. This will be dependant on information from County Education based on birth rates and need over time as the development progresses. DCC education have noted the intention that the early development school places will be accommodated in expanded school provision off site. In

this regard a detailed clause within the S106 will need to set out from construction commencing 2 yearly monitoring of need in terms of occupation of units and updates on birth data, with this informing the timing of school provision. Through the monitoring, should the information show that there is no need for the school by the point of final occupation of the development, the S106 needs to allow for the land to be no longer set aside for school delivery and for an alternative use to be provided on the land.

5.6.22 As noted above the provision of the Cricket Club needs to include a cascade clause to cover the possibility that there are no Clubs willing to take the pitch on. The phasing plan submitted by the applicant notes provision in phase 6, after the completion of all of the housing development and works to landscaped areas. This is considered to be late within the development. There seems to be no need for the provision to be the last element of the scheme to be provided. It would be better for this to be at the latest provided, at least in part in line with the Phase 3 area of the housing development. Again, as it is uncertain as to whether the cricket provision will be taken on it is reasonable to impose a condition to agree this phasing, including part provision, such as access, all linking into the S106 agreement.

5.6.23 Subject to conditions and S106 agreement the phasing of the scheme is considered to be appropriately considered in line with policy SS6 viii).

Open space

5.6.24 Policy CLP17 requires that; Where proposed development would result in a need for new open space and outdoor sports facilities and/or exacerbate existing deficiencies in provision, development must contribute to public open space, sports facilities and play provision in accordance with the council's adopted standards as set out in Appendix B of the Local Plan.

5.6.25 The Design and Access Statement notes in relation to open space:

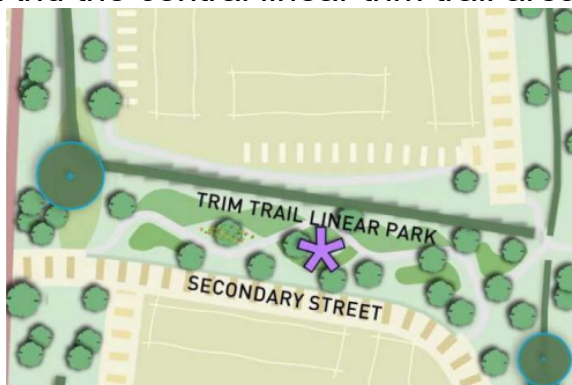


5.6.26 These spaces include; natural play areas, community park, trim trail linear park, kickabout area, pocket parks, formal play and retained landscape features as well as the Cricket Club which would become a private area, cycle and waling routes. Indicative details of these are set out in the Design and Access Statement.

Images include the play to the north:



And the central linear trim trail area:



Which in 3D could appear like this:



5.6.27 The Council’s Leisure Services have commented that:
“Support the location of the informal play space, the location of the more formal play space would again appear to be at the detriment to attractive appearance of the northern boundary by the introduction of more built elements. Perhaps a more central location so that children and young people are overlooked and would also benefit residents from other parts of Dunston.”

This is considered to have been addressed in the amended masterplan.

5.6.28 The Council’s Strategic Policy have noted:
The scheme as proposed exceeds the thresholds for on-site provision in the recommended local standards for all typologies with the exception of Parks and Gardens. In considering growth against existing provision it is considered likely there will be a deficit in allotments type open space. The comments also note there may have been losses and /or additions in the locality since the assessment work was done in 2018. The on-site provision required is noted as:

Public open space of at least 6.21 hectares should be provided on-site, to include:

- two amenity greenspaces (minimum area 0.4 hectares per space)
- one allotment site (minimum area 0.4 hectares)
- natural/semi-natural greenspaces (minimum area 0.4 hectares per space)
- two equipped play spaces (including for older age ranges, minimum area 0.04 hectares per space)
- two informal play spaces (including for older age ranges, minimum area 0.10 hectares per space)

The submitted information indicates provision of 9.65 hectares of public open space (excluding the Cricket Pavilion and attenuation areas). Overall, in area this would meet the total open space needs, but it is not clear whether there will be provision of each required

typology, and whether the spaces will be in locations that are accessible to all residents.

5.6.29 These comments were noted in response to the original master plan with the amended master plan providing more open space, to which further comments have not been received. Whilst the type of open space is also considered, this needs to be balanced with the needs of Biodiversity and as such it is not considered that significant weight should be given to the typologies. It is noted that in terms of the lack of allotment open space type the masterplan shows a community orchard which is within the same typology and therefore welcomed. On this basis the extent of open space provided, balanced with the need for Biodiversity, is acceptable. This is considered to meet policy SS6 part vii).

5.6.30 Whilst this outline application stage only considers the principle of the development and not the detail it is difficult to further consider design matters at this stage. The reserved matters applications will be further planning applications which consider the detail of the development including the design of the dwellings. In this regard it is anticipated that the dwellings will follow the design theme established in the existing Skylarks development adjacent to and which will be linked into this site. However, it is hoped that the developer will provide updated design of the units to reflect a more contemporary approach which may better respond to climate needs. In so far as the outline application can consider design matters it is considered that the scheme meets the requirements of policy CLP20.

5.7 Impact on Heritage Assets

5.7.1 There are a number of heritage assets adjacent to the site, the impact upon these needs to be considered in line with policy CLP21. This policy requires that; “In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible”. The policy also requires the Council will d) identify and, where appropriate, protect important archaeological sites and historic environment features. Under g) it notes that within other areas of archaeological significance, the council require relevant development proposal is to demonstrate appropriate consideration of archaeological impact. This is reiterated in para’s 194, 199, 202, 203 and 204 of Part 16 of the NPPF.

5.7.2 The County Conservation Officer commented on the original scheme, but no further comments were received in regard to the amended scheme, the original comments are as follows:
“While there are no known designated heritage assets within the site, in its current form, it is part of this rural landscape. The site provides a pleasant ‘green’ break between Sheepbridge and Cuthorpe, an important green space which currently provides a degree of detachment from the more dense urban areas associated with the outer-reaches of Chesterfield.

Therefore, it is disappointing that the development of the site in the way proposed is being considered, as it will have a negative impact on the landscape setting of the various heritage assets which surround it. While the Heritage Statement suggests that little or no harm will be done to these assets, it is my opinion that this is incorrect. This is because although there may be little or no intervisibility between the site and the various designated heritage assets, such as Dunston Hall, for example, it is important to remember that an appreciation of their significance is formed through their rural context into which they are inserted. This appreciation will be eroded through the introduction of a development of this kind. However, on reviewing the outline proposals for the proposed housing development site it is encouraging to see that some effort is being made to mitigate some of the worst of the visual impacts. The formation of a linear park alongside Dunston Road is a welcome part of the design as this should help to reduce the visibility of the housing development alongside it. I am therefore wholly supportive of any previous or further comments by DCC’s landscape design architect.

As the design develops, I would also advise that a suitably recessive roofing material should be used to help further reduce the visibility of the houses, particularly those in close proximity to Dunston Road. In the fullness of time, I am hopeful that much of the visibility of housing development will be greatly reduced as vegetation and trees mature.

However, in the short to medium term it is likely that the development could potentially be quite visually prominent from within the rural landscape. Therefore, careful thought should be given towards using roofing materials which are recessive in appearance and which align well with local vernacular buildings; a slate type finish or dark-coloured Rosemary tile may be suitable but further research is needed to explore and justify the use of a suitable roofing material(s). I trust that

discussions along these lines can be accommodated by CBC's Conservation resource.

The design and detailing of the vehicular entrance road from Dunston Road also requires careful thought to help reduce any negative visual impacts this might have. The design needs to be carefully integrated within the wider landscape design for the site and so again I am supportive of the comments made by the County Council's Landscape Architect. From purely a design quality perspective, I do question whether the location of the 'Local Centre' (LC), currently located on the very edge and northernmost tip of the proposed development site, is optimal. It is my opinion this is not a satisfactory location for this and it would be better suited to being located more centrally; closer or adjacent to the potential school site. I understand that the current site may be considered suitable in view that it may capitalise on passing trade, but I consider that this will have a detrimental impact on the long-term sustainability of the site, in terms of green travel and community buy-in. Another final point is that developments such as this often have more onerous lighting requirements and so it is also my opinion that its visual impact could be reduced if it were consolidated at the heart of the site where it would be less visible from along Dunston Road."

In response to these comments it is noted that the location of the local centre has been amended and the comments of the landscape officer addressed as set out above.

- 5.7.3 The CBC Conservation Officer commented:
- "The applicant has, in line with NPPF guidance, produced a Heritage Statement (Lanpro Services Ltd) to accompany the outline application. The Heritage Statement is comprehensive, covering all the relevant heritage issues relating to the site and its environs, including built heritage and below ground archaeology (Derbyshire County Council's comments should be considered regarding the latter). The Heritage Statement is accurate is confirming that there are no designated or non-designated built heritage assets within the boundary of the proposed development site, but that there are a number of listed buildings on the site's environs. Hence any potential impact from the proposed development on the setting of the listed buildings should be considered (a requirement in the NPPF, as set out, for instance, in paragraph 195). To the north east of the site these listed buildings are: Dunston Hall (grade II listed), Farm Buildings to the north east of Farmhouse at Dunston Hall Farm (grade II listed) and Range of brick buildings to the west of Dunston Hall (grade II listed); to the east is

Dunston Grange Farmhouse (grade II listed); and to the west is Newbold Fields (grade II listed).

The Heritage Statement concludes that given the existing screening of the listed buildings and the proposed layout (which includes buffer zones of green space between the listed buildings and the proposed development (as shown in the applicant's Illustrative Landscape Masterplan, drawing ref: P19- 2720_13) 'the proposed development would result in no harm to the significance of any designated asset in the vicinity of the study site'. In this context 'significance' would be defined as any special identity the listed buildings would gain by their setting and what impact (negative or otherwise) new development would have on that setting. The Heritage Statement includes photographs (Plates 1-18) of views from within the site to the listed buildings to demonstrate likely visual impacts from development on their setting.

My view is that the Heritage Statement is accurate in its conclusions and that, in the context of the requirement of the NPPF, it would be difficult to argue that the proposed development would cause significant harm to, or significant erosion of, the setting of the listed buildings. This is primarily because of the proposed site layout which includes significant areas of green space that would act as buffer zones between new development and the listed buildings, but also because of the existing screening, distance and orientation of the listed buildings. This conclusion is on the assumption that the range of housing and development types are typical 2-3 storey relatively low density construction types, the heights and massing of which would be consistent with existing development in the area."

Setting of Listed Buildings and Barlow Conservation Area

- 5.7.4 The development of the site will result in the loss of green fields which have long since formed the rural setting of a range of nearby listed buildings and the Barlow Conservation Area. Therefore, the development will erode that agricultural context of the buildings and groups of buildings which is fundamental to their setting. This is clear from the historic mapping and the description of the assets set out in the Heritage Assessment. Whilst the assessment concludes that there will be no harm to the significance of any heritage asset this is considered to be a high bar judgement given the extent of the development and the proximity of the heritage assets. The report in considering the individual heritage assets clearly considers the site to

be within the setting of these assets. Therefore, to result in no harm at all is difficult to conceive.

- 5.7.5 The assessment notes that setting of a heritage asset is defined as: 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'. The assessment also notes that; Change is only considered harmful if it erodes an asset's significance. But then interestingly notes that; "The majority of the listed buildings in the search area are well screened from the study site by existing development and/or topography and are not considered sensitive to the proposed development". This conclusion is reached despite earlier noting that visibility alone does not define setting.
- 5.7.6 It is therefore important to consider all of these comments including the Conservation officer comments from CBC and DCC and to reach a conclusion on the impacts.
- 5.7.7 As set out in the LVIA the site is relatively well contained within the landscape and the Dunston Road ridgeline is an essential factor in considering the wider landscape character. It is considered that the buffers to be created within the site of wider areas of planting will minimise the impacts of the development upon the adjacent heritage assets that can be viewed from the site. However, all assets will experience change within their more immediate or wider landscape setting from a rural environment to the edge of settlement. This change whilst mitigated with landscape buffers will nevertheless impact on their setting. Whilst this is harm it is considered to be low level harm on the scale of less than substantial harm. In line with para 202 of the NPPF it is considered that the wide ranging benefits arising from the development easily outweigh that harm. Therefore, whilst not all elements of the Heritage Assessment are agreed upon, the conclusion that the development will result in acceptable impacts is considered to be appropriate. On this basis the proposal is considered to meet the requirements of policy CLP21 and Part 16 of the NPPF, in particular para 202.

Archaeology

- 5.7.8 The Heritage Assessment and supporting documents include consideration of below ground archaeology including map regression,

consideration of the HER and Geophysical Surveying; with the assessment concluding:

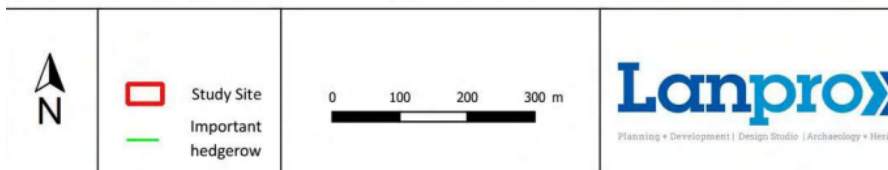
The available archaeological evidence, both within and adjacent to the study site, suggests that it has a low potential for below ground archaeological remains relating to all periods and that much of that potential will have been removed by widespread opencast mining across the study site. Based on current evidence no heritage or archaeological constraints have been identified that would preclude or constrain development of the study site. It is considered that any further investigation of the archaeological potential of the site could be secured by an appropriately worded condition attached to any grant of planning permission.

- 5.7.9 The DCC Archaeologist has considered the initial and updated information in regard to archaeology commenting that; Previous discussion highlighted the fact that the land in question had been heavily impacted by mining in the mid 20th century, and that the main issues here would be the impact on setting of the listed buildings on the margins of the site.

The current application includes a Heritage Statement which considers the impact of the current proposals on the setting and significance of these buildings/building complexes. I would recommend that your Conservation Officer reviews this information and advises further on this element of the scheme. The Heritage Statement includes the results of an archaeological geophysical survey. This has focused on land within the scheme which was judged to have been least impacted by past mining activities. It was not possible to sample the entire area for which this is the case however, as some land was under cultivation. The geophysical survey results indicated evidence of possible industrial structures such as kilns or furnaces in the western area of the site, along linear anomalies that may reflect associated building foundations. Evidence for extraction of coal or iron stone was also identified, along with linear anomalies which may reflect former field boundaries. The Heritage Statement also identifies a series of important hedgerows within, and bounding, the site which would be deemed 'important' under the 1997 hedgerow regulations. (Highlighted in green below).



Figure 9. Important hedgerows on the 2017-2018 aerial photographs



We would recommend therefore that these hedgerows be retained in any overall landscaping/layout plan for the scheme. We would recommend that the geophysical anomalies identified in the survey be sampled by means of trial trenching under a pre-start condition.

5.7.10 Following these comments the applicant submitted an updated geophysical survey on the park of the site not known to be affected by past mining activity. “The additional geophysics has identified essentially more of the same types of evidence: fairly sparse scatters of possible archaeological targets, two foci of ‘burnt’ activity which could be the locations of kilns or furnaces, and other areas which appear to be associated with coal mining disturbance.

None of this resource would constitute an objection to development, though there may be locally/regionally important archaeology present if the geophysical results turn out to be e.g. prehistoric or the ‘burnt’ areas represent well-preserved kilns.

Should the proposals gain consent there is consequently a requirement under NPPF para 204 for a programme of archaeological work in mitigation of the development impact, to be secured by condition and carried out before commencement of the development. This is in line with the previous recommendation the condition wording should supersede that previously recommended.

- 5.7.11 Subsequent comments on additional information also note that; “The Heritage Statement also identifies a series of important hedgerows within and bounding the site which would be deemed ‘important’ under the 1997 hedgerow regulations. This is on the basis that they are part of a field pattern pre-dating land enclosure, which in this area occurred after 1839. It would therefore be beneficial for these hedgerows to be retained in any overall landscaping/layout plan for the scheme.

The applicant has provided some additional information in relation to hedgerows within the site, although these have not been assessed against the criteria for historic/archaeological ‘importance’. I have therefore considered the additional hedgerows (as per ‘Hedgerows and Trees Additional Info’) against the criteria for historic/archaeological ‘importance’ at Schedule 1 Part II of the Hedgerow Regulations (1997) as amended and interpreted by judicial review (1998).

Hedgerow H14 is historically ‘important’. It is shown on the same course on Sanderson’s Map of 1835, and appears to have remained relatively unaltered since. It therefore meets criterion 5a of Schedule 1 Part II (‘pre-dating the Enclosure Acts’ is taken to mean pre-1845 by Judicial Review of the 1997 Regulations).

Hedgerows H15-17 are not historically ‘important’. Although hedgerows are shown on the approximate alignments on Sanderson’s Map and subsequent 19th century Ordnance Survey mapping it is clear that these hedgerows have been substantially straightened during the 20th century, perhaps as part of opencast restoration.”

The maps of the hedgerows:



5.7.12 These hedgerows can all be retained in line with the masterplan and will be considered in more detail at the reserved matters stage and are noted in the biodiversity section of the report below. It is therefore considered that matters heritage matters in terms of archaeology and heritage have been sufficiently considered and subject to the recommended condition meet the requirements of policy CLP21 and Part 16 of the NPPF.

5.8 Impact on Residential Amenity

5.8.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.

5.8.2 The masterplan shows indicatively the areas where the proposed housing will be in close proximity to the existing housing and therefore where the likely impacts will need to be carefully considered in terms of the proximity and amenity impacts such as overlooking and overshadowing. It is only the existing housing on Cordwell Avenue and the new housing within the Skylarks development that will be impacted

in immediate terms by the proximity of new housing as demonstrated on the image below:



Existing housing at Skylarks and Cordwell Avenue that is more immediately impacted by the development.

- 5.8.3 However, the layout clearly shows space for a landscape buffer between the proposed and existing housing to ensure the amenity impacts are appropriate. Whilst this is shown indicatively, the detail of relationship between housing would be considered under the reserved matters application but could be accommodated without unacceptable impacts.
- 5.8.4 A development of this scale will result in noise and nuisance from the construction works which are likely to be undertaken for a number of years. To minimise the inevitable impacts a condition is recommended for a construction management plan to be submitted to include matters such as dust suppression, hours of operation and details of any piled foundation equipment etc. This is considered to be sufficient to address amenity impacts from the construction works.
- 5.8.5 In terms of amenity CPRE Derbyshire have noted:
No measures have been proposed to explain how amenity impacts would be managed and that no information has been submitted about how safer neighbourhoods will be achieved.

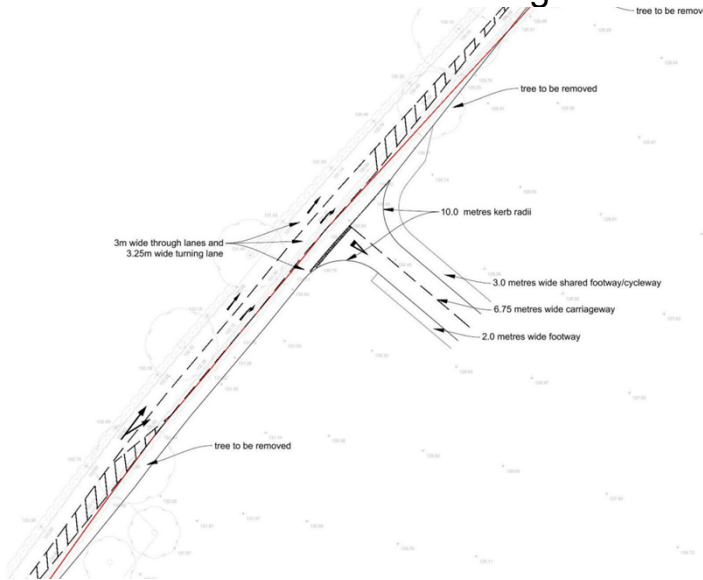
In response, it should be noted that at this stage the consideration of safer neighbourhoods is difficult to determine as such matters as natural surveillance and details of access via footpaths and cycle routes are considered as part of the detailed layout of the development and design of homes with consultation with the Derbyshire Constabulary Designing Out Crime Officer. When the Reserved Matters are considered, issues regarding safety and crime will then be assessed.

- 5.8.6 Concern has also been raised by residents that construction traffic will utilise the main road through the existing Skylarks estate to the detriment of existing residents. It is therefore considered that the phasing also needs to consider construction access so that at the earliest feasible point the access through the Skylarks site is no longer used for construction vehicles.
- 5.8.7 Numerous comments have raised noting concern that the development will result in pollution and poor air quality. The site is not within an AQMA and no concerns in this regard have been raised by the Council's Environmental Health team. The submitted Air Quality Assessment concludes that 'the development is not predicted to result in any exceedances of the relevant air quality objectives and that the impact of the development on local air quality was predicted to be negligible in accordance with relevant guidance'. Therefore, potential impacts on air quality are considered to be minimal and would not warrant refusal of planning permission. EV charging would be required under the updated Building Regulations and over time will improve air quality from traffic in the Borough.
- 5.8.8 The submitted noise assessment notes that the impact of noise from Dunston Road to the future dwellings can be mitigated with appropriate glazing and ventilation where these will front Dunston Road. This would be considered further under the reserved matters applications but does not result in a barrier to the development of the site.
- 5.8.9 So far as can be considered under this outline application with an indicative masterplan the impact of the development on the amenity of neighbouring residents has been appropriately assessed with conditions recommended to minimise impacts from construction works. On this basis the proposal meets the requirements of Policy CLP14 of the Adopted Local Plan.

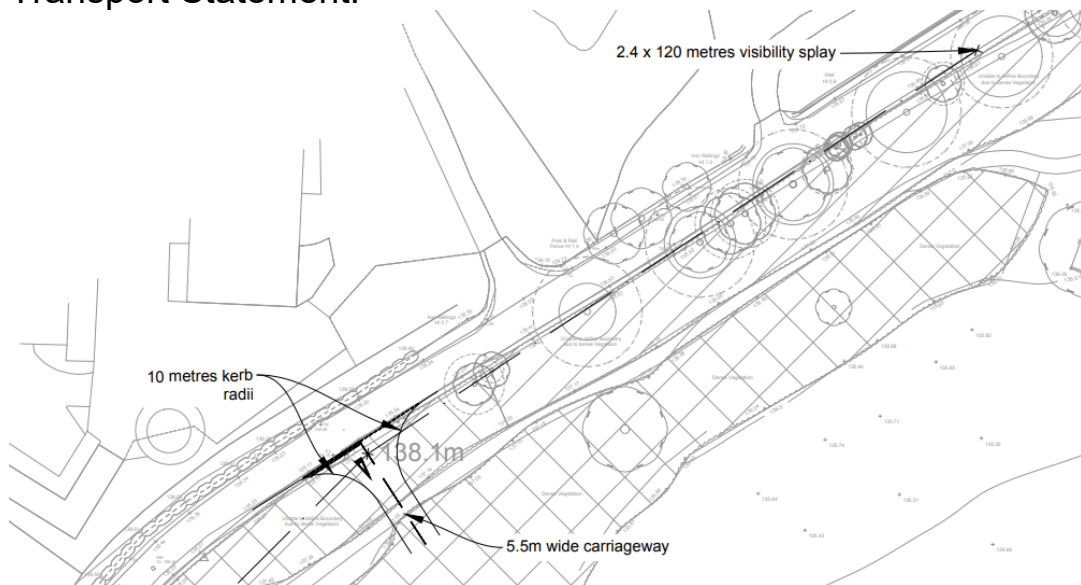
5.9 Highways Safety and Parking Provision

- 5.9.1 Substantial concerns have been raised regarding the increased traffic from the development and the impact this will have upon highway safety.
- 5.9.2 Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In terms of parking the policy goes on to note that; The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:
- i. The size of any dwellings proposed.
 - ii. The type, mix and use of the development.
 - iii. The proximity of facilities such as schools, shops or employment
 - iv. The availability of and capacity for safe on-street and public car parking in the area.
 - v. Proximity to and availability of public transport and other sustainable transport options.
 - vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.
 - vii. Local car ownership levels.
- 5.9.3 The application is Outline only but includes consideration of access at the outline stage. Therefore, access to the development is to be considered at this stage. This consists of an access from Dunston Road and the continuation of the main route through the Skylarks Estate to the site. There will be a further access created to serve the Cricket Club area.
- 5.9.4 Following discussion between the highway agent and the Highway Authority over a number of months the case as now proposed is as follows:
- The access from Dunston Road into the main part of the site will result in the road widening at the access point to secure a central turning lane. Dunston Road is shown to have a 2 x 3m wide passing through lanes and a 3.25m wide turning lane where vehicles can wait to turn into the site, there is a proposed central refuge to protect turners into the site. There will be 2.4 x 137.2m visibility towards Cutthorpe and 2.4 x 108.3m towards Sheepbridge. The access road leading into the site would have a width of 6.75m with a 10m junction radii to allow for a bus route for future proofing the site and development. There would be a

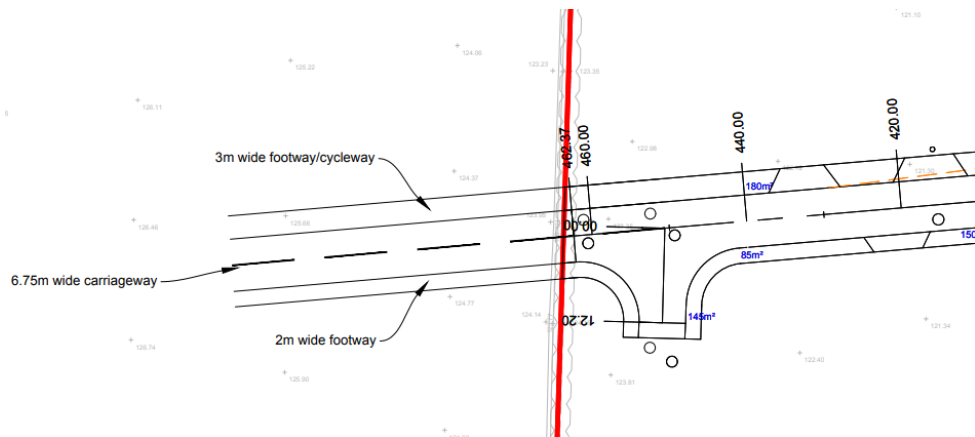
shared path of 3m width to one side of the access and 2m to the opposite side, to allow for walkers and cyclists. Through the discussions the access point has been relocated 2.3m to the south west (Cutthorpe Direction) from the original submission. The proposed access is set out on plan: DGC2-BWB-GEN-XX-DR-TR-101 Revision P7. This can be seen in the image below:



There will be a new Cricket Pitch access as set out in the original Transport Statement:



The road into the adjacent Skylarks estate will be extended:



5.9.5 A Transport addendum was submitted to address some of the issues raised by the Highway Authority:
 DCC queried the capacity of the Dunston Road/Lane junction which was to be upgraded to signal control as a result of the first phase (existing built elements of Skylarks development) of the development, will this still operate within in the capacity of the phase 2 (this application) development proposals. The assessment confirms that the junction would operate within capacity which should be acceptable to DCC.

Following further discussion the Highway Authority have confirmed that they will not be reviewing the speed limit on Dunston Road and that this would not be necessary for the development proposal to be acceptable.

To encourage bus travel the bus stop on Cordwell Avenue would be upgraded.

Whilst some properties would be over 400m away from the bus stop it is nevertheless considered to be a reasonable distance to most of the properties within the development to access public transport until a route becomes available through the site. Whilst there is no bus route through the site immediately proposed by the private bus providers, the scheme is future proofed to allow for this.

5.9.6 The siting of the access will result in three trees being removed and a section of hedge to accommodate the access and the visibility. (This is considered in more detail in the Biodiversity and Trees section of the report below).

5.9.7 Dunston Road is a rural road that is subject to a 50mph speed limit. Substantial concern has been raised by residents and other groups regarding the access and the perceived danger in terms of highway safety resulting from the creation of an access to serve a large development emerging onto this rural road.

- 5.9.8 CPRE Derbyshire have noted in part that:
The surrounding road network is often narrow and winding and an increase of a further 500 homes will cause unsustainable pressure on existing roads. Of particular concern is raised in regard to highways and traffic issues. Reference is made to traffic calming measures but no further details are provided. We would like to draw particular attention to the surrounding road network. Dunston Road is subject of 7.5 tonne weight restriction and 50mph speed restriction, however this narrow road is frequented by HGV's. There is no pedestrian footway on this road, and it has been subject of many road traffic collisions. Although there have, fortunately, been no fatalities so far, it should not take fatalities occurring before something is done. This proposed development will see a significant increase in traffic using Dunston Road, far and above the numbers quoted in the planning statement and the road simply is not wide enough to cope, especially due to its winding nature. Furthermore, the village of Cutthorpe will undoubtedly see a further increase in traffic levels and this village already experiences issues by virtue of being a rat-run through to the Peak District National Park. Due to the character of the area, roads are often used by large and slow-moving agricultural vehicles. Alongside this, the area is enjoyed by cyclists, joggers, walking groups and horse riders. The development will have a knock-on effect, particularly for pedestrians for whom no consideration has been given in this application.
- 5.9.9 The Dunston Action Group have raised the following concerns:
Dunston Road (B6050) connects Sheffield Road to Newbold Road, takes traffic from the Dronfield bypass (A61), the east of Chesterfield, the Sheepbridge Industrial Estate and is a major route to the Peak District. The stretch of the road near the proposed Dunston Grange Extension hosts multiple commercial office units, active agricultural fields, a new wedding venue, a busy garden centre with café, farm shop, an equestrian centre as well as housing. Along the stretch from the entrance to the Strata estate until just before the residences leading to the junction with Newbold Road it has a 50 MPH speed limit. This speed limit was reduced from 60 MPH presumably in response to road safety concerns.
The road is very narrow in places, is subject to inclines, blind bends, a blind summit and a sweeping junction onto Dunston Road from Newbold Road which provides an excellent opportunity to enter Dunston Road at speed.

It is noted in DCC documents that Dunston Road is a rural road which is a fast road with very few places even for a pedestrian to stand.

Additional traffic from the proposed Dunston Grange Extension would filter into Newbold, Cutthorpe and Barlow or travelling east would filter through Dunston, creating significant road safety, pollution and congestion issues for these small villages.

In addition to the planned 500 house development, local centre, school and cricket pitch complex, in the immediate area there is also a significant potential cumulative effect of traffic from developments underway and planned in the locality, including Peak Resort, the Strata development, Dunston Hall etc.

The Dunston Grange Action Group completed a manual traffic vehicle movement count. The count was undertaken between 7 a.m. through to 7 p.m. 12th to the 15th May 2022, including week days and weekends. The group compared their survey data with that taken by ATC pneumatic tube counting. The surveys do not capture vehicles accessing the Strata Estate, Dunston Hall Wedding venue or the garden centre and café, as there is no safe place to stand.

Whilst closely comparable to the BWB survey, DGAG have not captured traffic in a westbound direction which means that the figures may be low compared to the BWB 2019 figures.

The only traffic volume study that captures traffic from the east and travelling to the garden centre was undertaken by BWB in 2016 which is now irrelevant as it is old data and does not capture additional traffic volumes from recent development. As neither survey capture traffic travelling from the east these cannot be used to model current or future traffic volumes on Dunston Rd as it's only part of the picture.

An up to date and accurate picture of current traffic levels on Dunston Road is essential to estimate the effect of the proposed Dunston Grange Extension on Dunston Road and the wider highways network. This should be undertaken independently.

Another 500 houses has the potential to add a further 1000 residents' cars on this busy road, plus related service and delivery vehicles etc. It also must be noted that the full effect of the current Skylarks development has not yet been felt as the development is still under construction.

We are very concerned that the plans for the Dunston Grange Extension do not address issues around pedestrian and child road safety. The development poses a significant road safety risk to local children given the number of education establishments in the locale. Barlow Primary and Cutthorpe Primary are situated on fast twisting country roads and would be negatively impacted by unnecessary additional traffic.

The Dunston Estate suffers from use as 'rat runs' by traffic from the Skylarks Estate which is under construction by William Davis, this will be worsened.

The safety of children living on the Dunston estate would be seriously compromised due to the significant increased traffic.

The public footpath that would cut through the proposed estate exits directly onto the 50 MPH stretch of Dunston Road which is absent of footway. There is no room for a footway provision on this and other stretches of Dunston Road. It should also be noted that on the site illustration childrens' play parks are close to this public footpath which raises concerns for both pedestrians and drivers whose attention may be diverted by stray footballs etc.

There are great concerns that a pedestrian link to Cutthorpe cricket club is not possible due to the dangerous nature of the section of Dunston Road.

In the Personal Injury section of the July 21 Transport Assessment states 'In summary a total of seven PICs have been recorded within said study area between 2016 and 2020, of these three were classified as slight and four as serious'. Sadly, in August there was a serious motorcycle collision close to the proposed housing access site. Subsequently, Dunston Road was closed both directions for a number of hours. Documents note it is not safe to stand on Dunston Road to carry out speed surveys.

A recent planning application for Dunston Hole Farm was approved on the condition that the development remained private and ancillary with DCC highways rationale noting 'Dunston Road is a busy main road and it is considered that sub-letting, subdivision or selling off may result in an increased number of vehicle movements onto this road to the detriment of highway safety.' Therefore, it should follow that the application to build another 500 houses, a primary school and local centre, with the access on the same stretch of road as Dunston Hole Farm, is refused on the grounds that it would result in an increased number of vehicle movements onto this road to the detriment of highway safety.

The location for the revised access reserved for the cricket pitch complex from Dunston Road we believe has dangerous issues due to the vertical alignment of the road and a blind bend. Could it be confirmed whether to reduce the speed limit down from 50MPH.

Due to oversights in the design of the access we have no confidence in the quality or accuracy of the whole suite of BWB's transport assessments and related technical documents commissioned by William Davis.

We note the developer's Travel plan. This is a tick box exercise. What happens if a travel plan does not work – then what??

The developer admits that a proportion of residents on the estate would have to walk more than twice the recommended 400m to a bus stop. Why is the bus provision unknown?

We would reiterate the Chesterfield Cycle Campaign objections: 'there are no connections to the existing cycle network outside of the development'.

Crucially, prediction of pollution levels caused by traffic emissions are modelled on estimation of additional traffic. What about cumulative planned developments? Pollution estimates should be remodelled based on accurate, complete and up to date data.

Despite the difficulties of standing on the road a manual speed survey was undertaken, what is the accuracy of this given the safety difficulties? The survey was a snapshot only, as taken on one day within 2 hours.

The 2016 survey details do not show the maximum, and therefore most dangerous, speeds done by any vehicle; 121 vehicles exceeded 56 MPH. Travelling NE vehicles exceeded 56 MPH limit 647 times, actual speeds unknown. In the 2019 speed survey the maximum recorded speed in the 50 MPH limit, was 89.2 MPH.

To rely on ATC and radar speed merely because they are similar is completely unscientific. The speed survey is therefore invalid.

A new traffic volume and speed survey must be undertaken specifically in relation to the proposed cricket pitch complex entrance.

Traffic generated by the cricket pitch has been excluded as they would not typically generate trips during the weekday peak. However, weekend traffic is heavy and any increase at weekends should be taken into account.

BWB are erring on the low side to estimate likely trip rates and therefore the picture of traffic volumes and impact of the development could well be greater than modelled, reference responses from DCC Highways.

Even with the probable underestimation of traffic trips, it is estimated that the site will generate weekday AM peak of an additional new trip every 10 seconds.

Trip rates should be re-examined.

The Newbold Road/Sheffield Road mini roundabout was already overcapacity in 2019, prior to developments now approved.

EV charging points have not been installed in the new dwellings. What guarantees do we have that they will be installed in all dwellings and at the local centre?

Multiple queries about the trip data and traffic growth rates, survey information.

Query what studies DCC Highways have undertaken themselves in addition to reviewing BWB's documents and providing subsequent advice.

5.9.10 DGAG also submitted detailed comments on the Traffic Model raising again concerns in regard to cumulative impacts of development and traffic forecasting. Dispute use of the studies as an effective mechanism to identify traffic issues caused by another huge development such as the Dunston Grange Extension on Dunston Road and the nearby road network.

5.9.11 The highway agent has responded to the DGAG in detail, the Highway Authority have also responded noting that:
The Highway Authority considers that a Technical response Note that BWB has produced has addressed most of the points raised by the Dunston Grange Action Group. Whilst some of the more subjective aspects of the transportation assessment, in particular observations and assumptions underpinning it, can be debated. However ultimately, in order to support an objection to the proposals on highway grounds, the Highway Authority would need to satisfy the Planning Inspectorate that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the cumulative residual impacts on the road network would be severe'. The Highway Authority has considered all the supporting traffic and transport information submitted in respect of the proposals. It should be understood that, as a generality, the Highway Authority does not always necessarily "agree" with the content of a Transport Assessment in its entirety or, inevitably, concur with every detail contained in it. However, providing it is considered that the conclusion is sound, then it is not regarded as reasonable or warranted to require the applicant to devote resources to amending detail which would not lead to any material variation to its conclusion. Consequently, and having considered the evidence provided in the Applicant's transportation assessment together with the technical note and other supporting documentation, the County Council is not satisfied that there is sufficient basis upon which to warrant a refusal of this application on highways grounds.

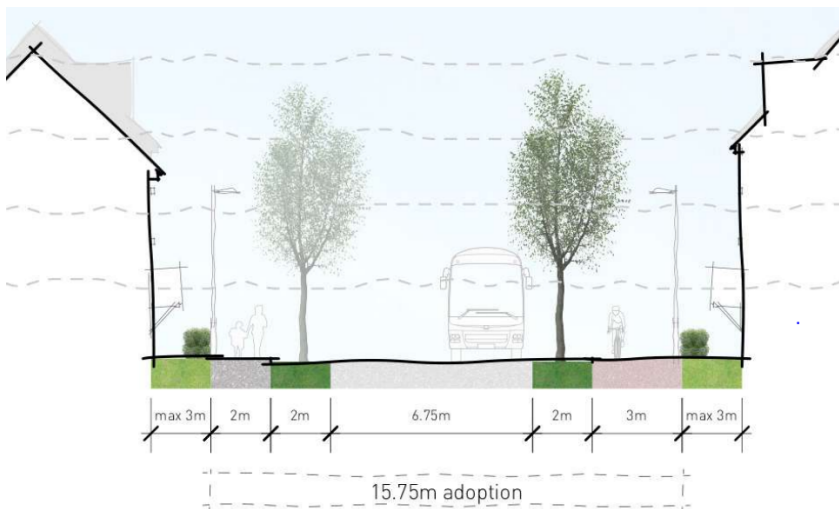
5.9.12 Therefore, whilst the DGAG have a series of questions and queries regarding very technical and specific elements of the reporting

process, the Highway Authority whilst not agreeing every point of detail do consider that the access proposed for the development proposed is acceptable and do not consider it is necessary to go through all of the many points raised.

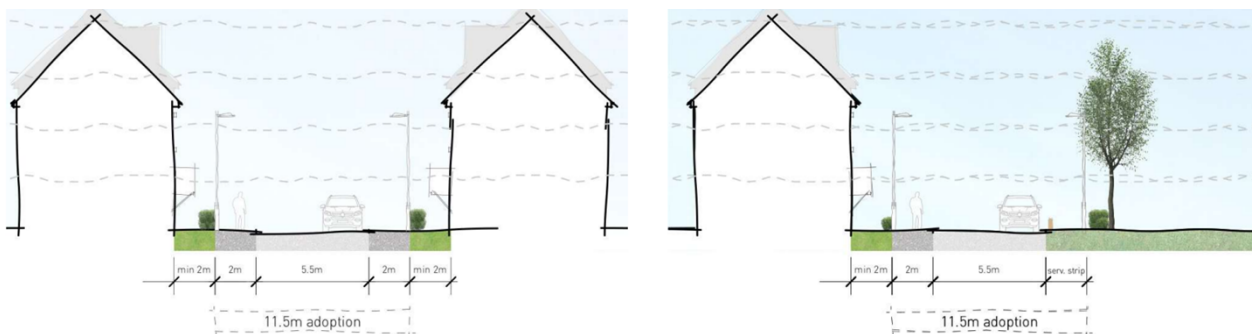
- 5.9.13 The manual speed survey which was required by the Highway Authority to be undertaken to support the earlier automated data. As the result of the later survey largely matched the automated speed survey data from 2016 that the average speed on this road as in the region of 42.5mph this is considered to be largely accurate data upon which to base the design of the access. There will always be upper and lower limits to the speed as pointed out by DGAG but the average speed remained stable and is therefore considered to be a reasonable approach to consideration of the access. The visibility splays to be provided at the access are based on these findings.
- 5.9.14 The access points are considered to be acceptable to the Highway Authority who have based on the amended details advised they have no objection subject to conditions which are included in the recommendation. In addition to conditions the Highway Authority also make requests for a number of matters to be secured via S106:
- Travel Plan Monitoring fee of £11,165.00
 - Travel Bond fee of £413,952.00
 - Upgrade of bus stops on Cordwell Avenue (Costings to be confirmed by the Highway Authority)
- 5.9.14 Whilst the internal road layout is detailed on the masterplan this is indicative and final details will be submitted as part of the reserved matters. The masterplan and Design and Access Statement shows a street hierarchy design with the main route through the site, known as the primary street having a 2m verge to enable it being tree lined as required by NPPF para 131:



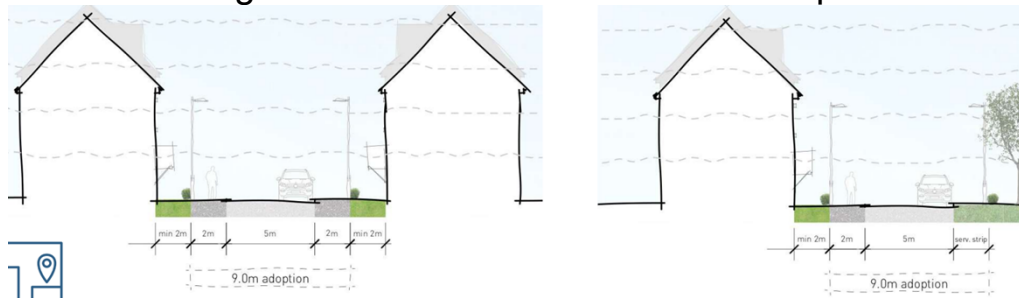
5.9.15 The primary street will also have 6.75 m width to enable bus provision with 2m and 3m footpaths and pedestrian/cycle routes which will be given priority.



5.9.16 A secondary street type will have 5.5m width and 2m footpath.



5.9.17 Lanes and edges will have 5m width and 2m footpath.



With private drives then reducing to a 4.5m minimum width with adjacent footpath routes.

5.9.18 Whilst the details are not being considered in this level of detail at this stage it is anticipated that the reserved matters scheme and required development framework will follow these principles established in the Design and Access Statement. These details are considered to be an appropriate approach to the development. Where tree lined streets are not proposed, it is clear that the extent of open space on the site is aimed to act as a tree lined area adjacent to the streets to ensure green links within the site.

5.9.19 CBC Leisure Services have commented that they would like to see further clarification on then number and types of species for street trees. Street trees are significant in terms of visual amenity but have value for local ecosystems. Along with further detail on the number of replacement trees to reflect any loss as a result of felling trees on site.

5.9.20 Details of the street tree design and species along with the landscaping of the site will form part of the reserved matters and is not being considered at this stage. However, the layout is intended to seek to retain hedgerows and trees where possible. The green links suitably relate to existing features.

5.9.21 Over all the approach to the highway design is considered to be appropriate and in line with policy CLP22.

Link to Cutthorpe

5.9.22 One aspect of the scheme which has not been resolved is the ability to provide a walking route into Cutthorpe. This is ideally required to enable those who live in Cutthorpe to be able to access facilities on site, particularly the Cricket Club. The possibility of a pedestrian access

route into the site has been considered in detail and cannot be achieved in a safe manner.

- 5.9.23 The masterplan indicates a route through the community orchard to the edge of Dunston Road. For all of the safety reasons given above it is not suitable to encourage pedestrian access onto Dunston Road due to the lack of footpath, visibility as a result of road levels and vehicle speeds.



Therefore, whilst a circuitous route around the Orchard would be appropriate as an incidental walking route it is not acceptable for this to link towards the highway.

- 5.9.24 The applicant's agent has noted that there is an informal route through the fields from Newbold Road which appears to be in regular use, however this is not the alignment of the public right of way and such unauthorised access over private third-party land cannot be encouraged. Therefore, the lack of a link into Cutthorpe is a negative of the scheme. However, considering the public benefits arising from the provision of a substantial housing scheme this negative is not considered to be of such weight that a refusal of planning permission would be warranted.

Active travel/connectivity

- 5.9.25 The sustainability and climate aims of the local plan are to ensure sites are connected for walking and cycling in order to minimise the need to travel by car. It is already noted that the development cannot be connected into Cutthorpe in a safe manner. There is a public footpath on the site which leads from the edge of Dunston Road to Newbold Road – this footpath is to remain albeit upgraded as part of the development. Concern has been noted that this path leads out onto

Dunston Road, this is already the case and as a public right of way there is no intention to change this as part of the development.

- 5.9.26 Concern has been raised that the development of the site will result in the loss of walking routes through the site. However, other than the public footpath route there is no public right to access the site or across any of the fields, although it is known that these are used by local residents. The proposed development includes a range of walking and cycling routes through the site and linking into adjacent areas which will be for the benefit of all residents including existing residents living near to the site. Therefore, connectivity and walking routes will be improved.
- 5.9.27 In terms of the connections from the site, the public right of way remains and there is to be additional connectivity from the existing Skylarks development and from the site to Baines Wood Close and from the site southwards to the end of Kirkstone Road via Council controlled land. These connections have been costed and together will be in the region of £111,650.00 including a 10% contingency. This will be secured via a S106 agreement with the option of the developer providing the works directly.
- 5.9.28 Other connections to the south of the site are indicated on the masterplan however, these do not connect to public rights of way but on to third party private land part of which is also a local wildlife site, where public access should not be encouraged. Therefore, only the connections into the existing Dunston Estate via Baines Wood Close and Kirkstone Road are proposed. This provides walkable access to public transport routes should a route not come forward through the development.
- 5.9.29 The Ramblers Association have commented that:
We can see no reason why Chesterfield FP 58 should be adversely affected. As a consequence we have no formal objection to make providing the character of footpath and its immediate surroundings are retained as indicated by the drawings provided.
However, the development will irreversibly destroy a substantial green space in a particularly aesthetic area of the town; this is to be regretted when alternative sites could probably be identified and utilised. We note that the character of Footpath 58 is to be retained as a green corridor through the development. We believe that this will encourage its use as a means to adopting a healthy life style. We note from the proposal that access to the RoW, (Right of Way) Footpath 58, from the

housing areas is to be created as part of the potential pedestrian/cycle links. Footpath 58 terminates at its southern end on Newbold Road. This is immediately opposite Water Meadow Lane which gives excellent access to Holmebrook Valley Park and the wider footpath network around the town. At the northern end, Footpath 58 terminates on to Dunston Road; this is a known fast road and cut through from Whittington Moor. We would request that every effort is made to ensure the safety of cyclist emerging on to this road from the proposed network of cycle ways on the site, i.e. suitable barriers.

- 5.9.30 These comments are noted and when the upgrading of the footpath is considered under the phased reserved matters this element will be considered in more detail. However, such scrutiny is not required at the outline stage.
- 5.9.31 Comments have been made that the informal routes through the site have been used for Hacking as they are a good link into Holmebrook Valley Park. Given the need to protect biodiversity and land ownership issues, it is not possible to find a suitable route for horses other than along the public footpath, again at the reserved matters stage the upgrading of the public footpath will be considered, whether or not this can include access for horses is therefore unknown at this stage.
- 5.9.32 The Chesterfield Cycle Campaign, object as follows:
The development proposes shared paths within the development but there are no connections to the existing cycle network outside the development. The principle for connecting developments to the existing network is enshrined in the local plan so currently this application does not comply with the local plan. The connections should be to:
1. Newbold Road opposite the entrance to the Holmebrook Valley Park allowing cycle journeys to town centre along the Holmebrook Valley Trail.
 2. A connection along the B6050 or in parallel towards Dunston to meet with an existing shared path which will provide a route towards the major employment area of Sheepbridge.
- 5.9.33 In response, the link to Sheepbridge is already provided on the east side of Dunston Lane, this connects into the front of the Skylarks site, the proposed extension will link into the Skylarks site and therefore the eastern connection is provided. This route forms part of the proposed cycle network as defined in the local plan. It is difficult to enhance the public footpath route south through the site as a cycle route along the

whole length given third party landowners and biodiversity restrictions. However, cycle routes through the site will be provided and will connect in as set out above to Kirkstone Road and Baines Wood Close. Future cycle networks can be considered under CIL although this is not part of the strategic or local network as set out in the local plan.

5.9.34 In conclusion on highway matters, whilst concerns have been raised and substantial queries of the technical assessments made, the Highway Authority have confirmed that the access points proposed are acceptable and that there will be no change to the speed limit on Dunston Road. The site will be connected into the adjacent estate via new footpath and cycle links and bus stops on Cordwell Avenue will be upgraded. The existing public footpath route through the site will be upgraded with details to be agreed through reserved matters, whether this can include cycle and horse access will be considered at the reserved matters stage. The recommended matters will be secured via S106 and conditions relating to access are recommended in line with highway authority advice. The proposal is therefore considered to meet the requirements of policy CLP22.

5.10 Biodiversity, impact on protected species, enhancement and Trees

5.10.1 Policy CLP16 requires that; The council will expect development proposals to:

- protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
- avoid or minimise adverse impacts on biodiversity and geodiversity; and
- provide a net measurable gain in biodiversity.

5.10.2 Policy CLP16 goes on to note that: Development proposals resulting in the loss or deterioration (including fragmentation) of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons and the need for, and public benefits of, the development in that location demonstrably outweigh the loss or harm, and a suitable compensation/off-setting strategy has been secured with planning conditions or obligations.

Trees

5.10.3 Based on the originally submitted scheme the Council's Tree Officer advised that:

"A decision on the application is delayed due to the negative impacts for the Dunston Road access and lack of detail and information. Further investigations should be carried out and alternative options explored for the access before a decision is made on the application. T2 & T3 Oak are retained in the design of the new access road off Dunston Road and other solutions investigated.

As advised by DWT, all stand-offs/buffers (m) should be specified along all features of value, including Ochre Dyke (from the bank top), retained hedgerows and retained woodland/dense scrub.

- A Tree Preservation Order is proposed to protect Category A & B trees which are to be retained.
- Exclude the grassland/scrub/woodland mosaic to the west of the arable fields and wooded corridor from development to retain valuable habitat for all wildlife and avoid the requirement to sever the north-south woodland corridor.
- Affected hedgerows not included on the Hedgerow survey map should be included and all hedgerows assessed fully under the Hedgerow Regulations 1997.
- The far western area of the site detailed in the tree survey, which is currently worked as arable land should be updated so as to be accurately reflected in the Concept Masterplan. Ochre Dyke should also be made explicitly clear on the Concept Masterplan and Tree Constraints Plan where it lies and whether it is within the site boundary.
- Street types should include street tree planting as advocated in the current NPPF (July 2021).
- The proposed orchard is extended to provide fruit and nut tree planting around the whole site where open spaces and footpaths are to be provided to provide food, interest, wildlife benefits and allow people to explore and use as an educational resource.

- Existing hedgerows are not incorporated as property boundaries as these could be removed by the occupant in the future and replaced by fencing which would reduce the environmental benefits hedgerows have and the linear wildlife corridors they provide.

- Existing hedgerows are retained in any overall landscaping/layout plan for the scheme and where possible any impact for roadways and access reduced and where no alternatives are possible, in mitigation hedgerows improved in areas where they are in a poor condition or have gaps.”

5.10.4 In response additional information and amendments to the masterplan were provided. To which the tree officer has noted:

“The following documents have been submitted in support of the application in response to the feedback from consultees:

- Additional Information: Hedgerow & Trees dated 25th April 2022
- Dunston Masterplan P19-2720_025 Rev E
- Illustrative Landscape Masterplan P19-2720-13C
- Design and Access Statement Version 2 P19-2720-201A July 2022

Point 1 Dunston Road Access:

The proposed works are shown on the revised access layout DGC2-BWB-GEN-XX-DR-TR-101 Revision P7 and the access location point is shown on the Masterplan P19-2720_025 Rev E. Category B trees T2 & T3 Oak were previously shown as removed to facilitate the new access off Dunston Road. The trees are now shown on the revised masterplan drawing and shown as retained in the land use drawing on page 32 within the Design and Access Statement Version 2 P19-2720-201A.

Point 2 Stand offs/Buffer zones:

Stand-offs/buffer zones are now shown on the Landscape masterplan along all features of value, including Ochre Dyke, retained hedgerows and retained woodland/dense scrub. Buffer zones should therefore be attached as a condition for the reserved matters and influence the final design layout.

Points 3, 4, 5, 8 & 9 Hedgerows, ‘Ochre Dyke’ and trees:

Additional Hedgerow and tree information has now been provided by Baker Consultants dated 25th April 2022 and includes trees and hedgerows missed from the original arboricultural survey and impact assessment undertaken in 2021.

An 'Important Hedgerow' survey of the four additional hedgerows, following criteria for determining important hedgerows under the Hedgerow Regulations 1997 has also been submitted. The four additional hedgerows and 'Important' hedgerow scores have been added to the Hedgerow Schedule at Appendix 1 reference H14, H15, H16 & H17 along with sixteen trees at Appendix 2 of the report. H14 meets the criteria for an 'Important' hedgerow whilst H15, H16 & H17 did not meet the ecological criteria. 3 category A trees and 12 category B were also identified in the area along 'Ochre Dyke' which runs along the southern boundary of the proposed development site which was not previously surveyed in full.

Due to the existing constraints to the west and along 'Ochre Dyke', larger areas of public open space are now included at the development edges and the retention of the existing hedgerows is also proposed to create green corridors throughout the development as shown on the site layout masterplan drawing P19-2720_025 Sheet No: 01 Rev: E. The important buffer zones to the west and 'Ochre Dyke' are therefore welcomed and retain important hedgerows, trees, and habitats.

Point 6 Street Trees:

The proposed tree lined primary street with cycle lanes is welcomed and provides a green route through the development. A 2.0m verge is proposed to allow for consistent tree planting both sides of the street to create a green, visual feature through the development.

Point 7 Orchard and fruit tree planting:

An orchard is proposed in the landscape masterplan and addition fruit tree planting should be included in the final landscaping scheme drawing and schedule.

Conclusion:

In general, the revised details and masterplan provide a separation of the existing habitats to the west from the proposed development. The introduction of a tree lined, primary street, integrating a shared cycle/footpath and the retention of trees and hedgerows is welcomed.

The public open space strategy around the site in general retains the existing trees and hedgerows, where possible, using these existing features as the framework for the Masterplan, and the future character of the development site.

Although all matters are reserved apart from access, future reserved matters applications should demonstrate how they have followed the principles identified within the Masterplan to retain the existing important habitat and landscape features on the site.

I therefore have no objections to the application and if consent is granted to the proposals, conditions should be attached for the protection of the retained habitats, trees, and hedgerows.”

- 5.10.5 To conclude consideration of the impacts on Trees and Hedgerows; whilst there will be impacts arising from the development these can be suitably mitigated with new planting. The access to the site from Dunston Road will lead to the loss of three Category B trees T5, 6 and 7, the Tree Officer is satisfied with this and with the necessary Category B and lower tree removal for the Cricket pitch access. The new planting along the northern boundary of the site will include appropriate compensatory planting for these lost trees. The only Category A trees on site are located within areas to be retained for biodiversity and therefore the development when detailed should not impact on these trees. The amended Masterplan shows a layout which retains all important trees and hedgerows, this demonstrates that these important features can be retained through the detailed design stages.
- 5.10.6 The recommendation includes consideration of a new TPO on the site relating to all Category A and B trees to be retained. The conditions recommended by the Tree Officer are included in the main recommendation below. The site has, in part, been used for agricultural crops which have minimised biodiversity in some areas of the site, therefore most important areas of habitat will be retained and enhanced as part of the development proposals. However, all details regarding the planting will be a reserved matter to be considered at a later detailed design stage.

Biodiversity and ecology

- 5.10.7 The application is accompanied by multiple studies and assessment of protected species and habitat, including; botanical surveys, hedgerow

surveys, badger surveys, bat surveys. reptile surveys, Great Crested Newt eDNA surveys (nearby ponds) and breeding and wintering bird surveys. Evidence of multiple species; mainly birds and bats were present across the site, with the possibility of badgers being present in the wider area; making it important to ensure appropriate habitat for these species is retained. In order to consider the biodiversity and ecological matters pertaining to the site Derbyshire Wildlife Trust were consulted. The initial comment received in 2021 from DWT was a holding objection as a detailed BNG assessment was outstanding and required in order to assess net gains and losses resulting from the development.

5.10.8 Following submission of the required information the Trust then went on to comment that:

“The layout should be changed to leave the mosaic habitat to the west of the field and wooded corridor noting; Areas of highest biodiversity value are to the south west with the mosaic of grassland/scrub and woodland providing diverse habitat.

The hedgerows on site are collectively valuable due to their species, width, longevity and management.

Great Crested Newts are not a constraint to development. Reptiles are likely present in low numbers. To minimise impacts land to the south west could be retained.

Breeding birds are likely to have greatest impacts with loss of hedgerow and arable land for ground nesting. Loss of the mosaic habitat would be detrimental to passerine species including Warblers. Loss of the mosaic to the east of the footpath is harmful in this regard. (See comments above)

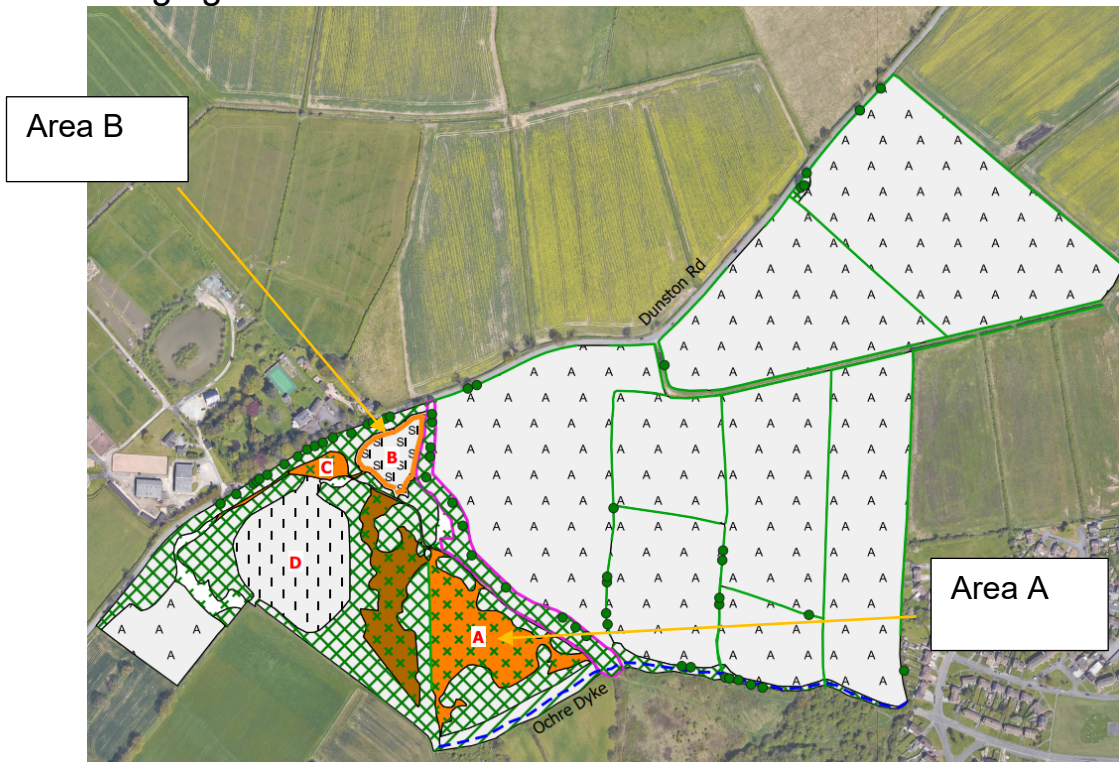
Clarity is needed re: boundary of the site, location of Ochre Dyke and woodland. Any stand-off buffers need to be set out at the outline stage.”

5.10.9 The scheme was then amended to address the comments to which the Trust responded:

“We are pleased to see that the development parcel previously proposed within the south-western area has now been entirely removed. Furthermore, Ochre Dyke and the wooded corridor along this feature and extending north to Dunston Road is retained, unsevered

by roads, and is buffered by open space and SuDS provision particularly in the south-east. Efforts have been made to retain a significant proportion of the hedgerow network (1100 m), including many perimeter hedges, the double hedgerow flanking the lane in the northeast and some internal hedges (albeit with some severance to allow roads and footpaths across the site). A loss of ~700 m of hedgerow will occur, with new planting of 430 m and enhancement of ~280 m.

Whilst we welcome the removal of the development parcel in the south-west and support the retention and management of the grassland / scrub mosaic, we are cautious about removing too much scrub in order to bring the grassland within Area A into management. Whilst this may help to offset the loss of some of the other areas of grassland, the scattered scrub within in Area A provides a haven for breeding and foraging birds.



The change in land-use around the hedgerows in the eastern part of the site will considerably reduce their suitability for farmland birds and this mosaic of scattered scrub and grassland could provide alternative habitat for those species which require dense cover and a lack of human disturbance. To enable a mechanised hay cut, a significant area will have to be cleared of scrub with an access provided for a tractor/machinery, reducing habitat for nesting birds. Whilst we appreciate that 'enhancement' of the grassland will provide some uplift in units, which will contribute to achieving a quantifiable net gain, the

functionality of the habitat should also be considered and the species which it currently supports. The Protected Species and Habitat Surveys - Interim Report (Baker Consultants, July 2022) states that the scrub and grassland mosaic will be retained in its entirety (Section 5.1), however we consider that some additional clarification should be provided as to the impacts of the proposed enhancement / management. The full detail of this would be provided in a Landscape and Ecological Management Plan (LEMP) at the detailed design stage, however we request some additional confidence at this stage that this south-western area will still provide a valuable area of habitat.

Further to the points made above, we have concerns regarding creation of a new footpath through the centre of the south-western mosaic. A public right of way is already present running north-south and existing footpaths are present along Ochre Dyke, just outside the site boundary, which will be connected to the new residential areas. Its wild, 'scrubby' nature should deter a certain level of disturbance, which will retain some of its value for breeding birds and badgers in particular.

We are disappointed to see the proposal for a 'natural play area' within one of the areas of neutral grassland (Area B). We do not support the loss of this grassland to accommodate a play area. The retention and enhancement of this grassland would be a better option, given that meadow indicators are already present at low abundance and the likelihood of success with good management is high.

Further to our comments on Area B, we wish to make similar comments regarding Area D. The creation of the cricket pitch will result in the loss of the neutral grassland in Area D to be replaced with more species-poor modified grassland. As above, this is contrary to the aims of the LBAP, which seeks to restore lowland meadows in this area. Whilst we acknowledge that the grassland is not currently in good condition, without the pitch, there would be the option to retain and restore the grassland. This would be the preferred option for the Trust, given that it sits higher up in the mitigation hierarchy i.e. avoid impacts and it would comply with local policies and Biodiversity Action Plan targets.

Biodiversity Metric Calculations have now been formally provided, one version including the cricket pitch proposals and one omitting this element of the scheme. Both versions result in a net gain, with +1.40 % gain predicted if the pitch were provided and +9.16 % gain predicted if it were omitted.

A meaningful gain in river and hedgerow units is also predicted and welcomed.

The Trust consider that for a scheme of this size, a predicted gain of +1.40 % is relatively low and does not provide any real contingency for a lower success rate of habitat creation and enhancement than that predicted. There is a risk that if any of the habitat creation or enhancements fail, a net loss could be realised, which would be contrary to Policy CLP16. We understand that 10 % net gain is not yet mandatory until 2023, however we would encourage a best practice approach to be taken to net gain and that this should be the benchmark for large-scale development.

We have reviewed the Interim Protected Species and Habitats Update (Baker Consultants, July 2022). The changes in habitat classification summarised in Section 4.2.1 appear reasonable. We agree that Areas B and D comprise meadows that have fallen out of condition and that they do not currently meet Local Wildlife Site criteria. A visit by the Trust in 2021 also picked up several meadow indicator species but at low frequency only and as such we support the grassland assessment. We are pleased to see the updated bat, badger and breeding bird surveys and support the conclusions to date. The Trust have passed on some additional badger information pertinent to the site to Baker Consultants, which has not been included to date. Consideration should be given to the connectivity along the eastern boundary for badgers in the final report and whether a main sett is actually present. We note that the full results of all surveys will be provided once they are completed.

To conclude, we consider that sufficient information has been provided to demonstrate that some level of net gain is possible and we are pleased to see the retention of the south-western mosaic and wooded corridor. We advise the LPA that an appropriate level of up-to-date survey work has been / will be undertaken. We would like to see a review of the play area and cricket pitch and justification provided for these elements of the scheme, taking into account their biodiversity impacts. We would welcome some additional details of the 'enhancement' of Area A, to address our concerns, with the understanding that full details would be provided further down the line. An increase in the net gain figure is also encouraged for the reasons stated.

Once the final survey results and additional information have been provided, we will be able to suggest appropriate condition wording.”

5.10.10 The Trust then commented further as follows:

“Further to our last response, additional clarification has been provided.

We are satisfied with the level of survey work to date and as per our previous letter advise that sufficient information has been provided to determine the application. The final report should be provided when available to feed into reserved matters details.

The Trust acknowledge that the 1.4% biodiversity net gain is considered the “starting point” for the development and therefore increases may be possible during the detailed design stage. This should be kept in mind during the production of final layout and landscaping with every effort made to maximise the biodiversity gains for the scheme.

We appreciate the clarification regarding re-instatement of the cricket pitch and understand that this is detailed within local planning policy. We would therefore encourage the detailed design of this area to be carefully considered to retain / create areas of more diverse grassland where practicable, for example around the perimeter of the area.

With regards to the natural play area, we still consider that any loss of more diverse neutral grassland to provide a play area is unacceptable. We would re-iterate the aims of Local Plan Policy CLP16 and the targets of the Lowland Derbyshire Biodiversity Action Plan, which are to restore and enhance priority habitats and specifically lowland meadows. Given that the final layout will be determined at the reserved matters stage, this can be addressed further down the line, however we strongly encourage either a re-location of this element or a very sympathetic design, plus appropriate habitat management within a site-wide plan. Reducing losses in this area would also increase the biodiversity net gain achieved on site.

We appreciate the additional detail provided by Baker Consultants regarding the management of Area A. This provides a clearer picture of the objectives for this area and confirms that large scale removal of scrub is not proposed and that grass cutting / scrub control will be undertaken via hand tools and pedestrian machinery, rather than larger machinery and vehicles. No additional access will be required other than footpaths. These details are expected to be incorporated within the sitewide habitat management plan. Conditions are recommended.”

- 5.10.11 This is an outline application only and as such sets the parameters for future detailed consideration. The submission and assessment of the information to date and DWT's response sets out that at the worst case scenario the scheme will result in a net gain on site of 1.40% in habitat units. As Policy CLP16 requires a net gain, this is considered to be acceptable at this time as the requirement for a 10% gain is not likely to be introduced at the earliest until Autumn 2023. Given the scale of the site and the complexity of providing a net gain, it is considered that a clause within the S106 agreement to secure off site funding for biodiversity within the Borough should the site fail to achieve the extent of gain anticipated is reasonable. This is included within the recommended S106 matters.
- 5.10.12 The assessment submission notes that appropriate consideration of ecological matters and the need for a net gain have been undertaken and detailed conditions as recommended by the Trust are included in the suite of recommended conditions below. Subject to these conditions and the S106 for potential off site provision, the proposal is considered to meet the requirements of Policy SS6 and CLP16 of the Adopted Local Plan in regard to trees, biodiversity and ecological matters.
- 5.10.13 The comments regarding the play area being inappropriate are noted and will be addressed under the appropriate reserved matters application. Whilst the removal of the natural play area may result in a reduction in play areas overall this is considered to be a reasonable balance against the need to provide for suitable biodiversity gains.
- 5.10.14 The concerns raised regarding the provision of the Cricket Pitch are also noted, the recommended approach to the delivery of the Pitch and facilities secures that if this does not take place in agreement with all parties then the site for the pitch is to become further habitat to increase the gain in biodiversity. This is considered to be a suitable approach to this matter given the policy requirement for the pitch.
- 5.10.15 The CPRE initially commented that:
"An abundance of trees and hedging will be lost during the construction process and the application does not satisfactorily demonstrate how the proposal would achieve a net biodiversity gain as required by the National Planning Policy Framework (NPPF) 2021 (Paragraph 174 (d)). Furthermore, loss of the agricultural land encompassed within the application site will lower crop yield and food production which is not sustainable if agricultural land continues to be

urbanised in this manner. We would remind the Council of their pledge to build on brownfield sites where possible.”

- 5.10.16 In later comments the CPRE go on to note that:
“We would like to reiterate our concerns about loss of habitat. We note that the developer states that they should achieve only a 1.4% BNG. We appreciate that current legislation requires a minimum 1% BNG. However, we also note that in applications recently put before and approved at Chesterfield Borough Council’s Planning Committee, the higher figure of the soon to be mandated 10% BNG has been stipulated as part of planning conditions...We would therefore expect, as a matter of consistency, that a minimum 10% BNG be required as a condition to approve application CHE/21/00549/OUT.”
- 5.10.17 There have been 10% net gains negotiated and achieved on some developments in the Borough and it is acknowledged that 10% biodiversity net gain is encouraged on all developments. This is anticipated to be mandatory when the secondary legislation in relation to the Environment Act 2021 comes into force, likely in November this year, although no date has been confirmed as yet. However, until that time the 10% provision is encouraged but cannot be secured as Policy CLP16 does not specify the percentage gain to be achieved. The gain proposed in this case is the maximum that has been negotiated and is balanced against the need to provide the amount of housing to meet the allocation. Whilst there is only a minor gain proposed in this case, it is nevertheless a policy compliant gain, which is a positive outcome of the application which will be monitored, managed and maintained for a 30 year period, in line with the likely aims of Part 6 of the Act.

5.11 Ground conditions

- 5.11.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 5.11.2 The Coal Authority have raised no objection subject to conditions but note:

“The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application. In this instance, the site has been subject to historic underground recorded coal mining at shallow depth and is likely to have been subject to historic underground unrecorded coal mining at shallow depth. Our records also confirm that thick coal seams outcropped across the site and that there are numerous recorded mine entries (shafts and adits), within, or within close proximity of the planning boundary. The site has also been subject to past surface mining operations.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site, as well as information obtained from preliminary intrusive site investigations. This information has been used to inform the Combined Phase I Desk Study and Phase II Exploratory Investigation (Stage 1) Report (17 December 2020, prepared by GeoDyne Ltd), which accompanies the planning application.

Based on this review of information obtained, the report confirms that further intrusive site investigations are necessary to check for the presence of shallow coalmine workings and to identify any necessary remedial measures. The report confirms that the investigation of the mines entries will also be necessary and that their positions may impact on any subsequent future development layout. Careful consideration is also afforded within the report to foundation design and implications posed by the past surface mining operations, which took place on the site.

Given that there recorded mine entries within, or within close proximity of the site boundary, together with high walls associated with the former surface extraction, after they have been investigated, the Coal Authority would expect the finalised site layout to be informed by their presence.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas:

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

Surface Coal Resource:

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource."

- 5.11.3 The Coal Authority concludes by noting that; an adequate assessment of the coal mining risks associated with this site has been carried out. To ensure the site is safe and stable for development conditions are recommended. Based on the comments of the Coal Authority conditions are included within the recommendation with regard to further investigations. On this basis the matter of former Coal Mining impacts are considered to be appropriately considered in line with Policy CLP14 of the Adopted Local Plan. In terms of mine gas this would be considered alongside other matters of potential contamination.

5.11.4 In terms of other ground matters the submitted GeoEnvironmental Appraisal (Combined Phase 1 and 2 Exploratory Investigation) concludes, in part, that;

“Historically, the site has remained essentially undeveloped with the exception of extensive areas of former opencast activity in the sites northeast and west. The opencast mining operations appear to have generally taken place during the first half of the 20th Century, prior to the land being ‘restored’ to agricultural use during the mid-20th Century. A number of historical mine shafts are recorded at the site, indicative of deeper coal mining activity. The geological publications show the site to be underlain by Pennine Lower Coal Measures of Carboniferous age.

There is made ground on site with deep Made Ground in the northeast and west. The natural strata is clay. Soakaways are unlikely to be feasible so alternative methods of surface water should be considered, attenuation ponds noted. There is evidence of former coal mining activity which will need to be addressed through further investigation and foundation design. Gas protection measures may be needed based on further specific monitoring. Low soil contaminant concentrations found, so no risk to Controlled Waters.

The chemical analysis has revealed the site to be uncontaminated with respect to the determinants tested, based on a residential with plant uptake end-use. Therefore, no remediation works will be required other than the provision of topsoil in proposed gardens and areas of soft landscape to provide a suitable growing media for plants. It may be necessary to increase the thickness of topsoil around the root balls of trees to suit the proposed planting regime. In the unlikely event that any topsoil is proposed for importation to the site, this should be tested at source to ensure it is suitably clean (prior to importation) in accordance with CLEA / generic guidance. Imported topsoil should ideally conform to BS3882: 2015 ‘Specification for topsoil’, with respect to nutrient levels etc. It is recommended that the results of the chemical analysis on the soils proposed for importation are forwarded to the Local Authority (Environmental Health Officer) for approval (prior to importation). Specific remedial measures are considered not necessary within areas of proposed hard standing at the site. The existing topsoil is considered suitable for re-use within the proposed development.”

5.11.5 The Council’s Environmental Health Officer has commented that they would like to see a contaminated land condition and a condition about

working hours on site (See Amenity section above in para 5.8.4). However, the recommendation of a standard condition for consideration of contaminated land will not be applicable in this case as the report already provides much of the detail required by such a condition therefore a more specific condition is required to cover the specific matters raised in the report above. Subject to a detailed condition matters of below ground conditions are appropriately considered in line with policy CLP14 of the Adopted Local Plan.

5.12 Drainage

5.12.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

5.12.2 The submitted FRA summarises that:

The site is in flood zone 1.

The Ochre Dyke is partially culverted within the site boundary and a residual flood risk is posed by blockage of this structure. The development has been sequentially arranged to locate the residential dwellings topographically above the Ochre Dyke.

Surface water flood risk mapping shows several overland flow routes in the vicinity of the site. However, these are highly localised, with the majority of the site being at a low risk of surface water flooding. Resilience against any residual flood risk can be achieved through raising development levels a minimum of 150mm above the existing ground levels and siting of residential units away from topographical depressions. Furthermore, levels should be profiled to direct overland flows away from the development and towards the nearest drainage point.

To mitigate the development's impact on the current runoff regime it is proposed to appropriately manage surface water and foul water

separately, in order to ensure flood risk in the wider area is not increased. Further information on the surface water and foul water Page | iv Dunston Grange Extension, Chesterfield Flood Risk Assessment April 2022 DNG2-BWB-ZZ-XX-RP-YE-0001_FRA drainage approach will be provided within the accompanying Sustainable Drainage Statement (SDS) (reference: DNG2-BWB-ZZ-XX-RP-CD-0001_SDS).

5.12.3 The FRA concludes that:

The majority of the site is at very low surface water risk. Low to medium risk overland flow routes are located within the site. The majority of these emanate from within the site and would therefore be mitigated by the proposed surface water drainage strategy for events up to and including the 1 in 100-year +40%CC event.

The Ochre Dyke is shown to flow in an easterly direction along the southern site boundary. Surface water mapping and available LiDAR data indicates that flood flows would be contained to within the capacity of the channel for the Ochre Dyke and the minor watercourse within the east of the site.

Finished floor levels should be raised a minimum of 150mm above surrounding ground levels.

Proposed that surface water is drained separately to foul water.

The surface water drainage strategy has been created to ensure that water is suitably controlled and there is no increase in runoff to the downstream receiving network.

5.12.4 The revised Sustainable Drainage statement notes:

Surface

The Phase 1 drainage infrastructure was constructed with sufficient capacity to accept surface and foul water flows from some of the proposed extension to the scheme. Surface water drainage spurs have been provided at three locations at the periphery of Phase 1.

Two foul water subs have been provided as points of connection for future development.

The site has been separated into two sub-catchments to inform the proposed drainage strategy.

The aim of the drainage hierarchy approach is to manage surface water runoff close to where it falls and mimic natural drainage as closely as possible. Due to ground conditions soakaways have been precluded.

It is proposed that the drainage spurs incorporated into the Phase 1 development are utilised where possible to accept surface water flows

from the proposed extension. These are understood to have been constructed and adopted by Yorkshire Water.

Based on the development proposals, only one (northern catchment) of the three available drainage spurs will be utilised as part of the proposed surface water drainage strategy.

The topography and assumptions on drainage allowances when designing the Phase 1 sewers mean that it is not practical for all water to be directed here. Therefore, it is proposed that discharge to the Ochre Dyke, the ordinary watercourse along the southern site boundary, is used to accept flows from the remaining portion of the development. Consequently, it is proposed that runoff from the proposed development comprises a combination of discharge to a watercourse and appropriately sized sewer infrastructure.

Given that the Northern Catchment is discharging into the neighbouring Phase 1 development, it is important to ensure that the equivalent greenfield runoff from these catchments does not exceed the rates previously assumed, to inform the design of the Phase 1 infrastructure. This means that the runoff for the Northern Catchment should be over-attenuated.

As the development proposals require a restricted runoff rate, it will be necessary to provide attenuated storage to balance the excess volume in a safe manner within the site.

One detention basin is utilised to provide the required volumes for the Northern Catchment. Volumes for the Southern Catchment have been split into three cascading ponds. (See masterplan)

Design of the basins should be in accordance with Yorkshire Water requirements.

The models have also been run under FEH rainfall conditions (excluding the 15- and 30- minute storm events) and show no flooding of the storage features in all events up to and including the 1 in 100-year plus 40% climate change event. This demonstrates that the storage features are adequately designed.

As the development proposals emerge at detailed design, the impermeable area assumptions should be refined as necessary. It is envisaged that the final required attenuated storage volume will be determined during the detailed design stage as the masterplan aspirations, development layout and drainage areas evolve.

Foul

Correspondence with Yorkshire Water identifies that the existing network in the vicinity has capacity to accept flows from the development. The correspondence outlines that Yorkshire Water have no objections to the following:

- Capacity for the proposed extension up to 500 dwellings.
- Up to 200 dwellings reserved in Phase 1 for the proposed extension with the connection being the 225mm foul water sewer in Dunston Lane.
- Up to 253 dwellings reserved in the proposed extension with the connection being into the newly constructed Phase 1 infrastructure that will in turn discharge into the 225mm foul sewer in Dunston Lane.
- Capacity for 200 to 250 dwellings into the existing foul sewer in Kirkstone Road.

The total number of dwellings being served by each network should be confirmed at detailed design. All discharged by gravity.

All elements of the drainage scheme not adopted by Yorkshire Water would be part of the management company.

5.12.5 Yorkshire Water have commented on the proposal recommending conditions, which are included in the recommendation requiring separate systems of foul and surface water and that the development be carried out in line with the submitted sustainable drainage statement as set out above.

5.12.6 The Lead Local Flood Authority have commented on the case raising numerous queries as set out below:

- “Please provide the Phase I & Phase II report (report reference: D39154) referred to in paragraph 4.6 of the Sustainable Drainage Statement (DNG2-BWB-ZZ-XX-RP-CD-0001_SDS P03)
- On the Illustrative Drainage Strategy drawing (0001 S2 P04) included in appendix 6 of the of Sustainable Drainage Statement, the discharge rate into Ochre Dyke is incorrectly marked as 54.1 l/s.
- The capacity and condition of Ochre Dyke should be investigated from the point of discharge from the proposed drainage scheme to the point of adoption by Yorkshire Water.
- The applicant should note that at detailed design stage, the LLFA would want to see the outlet from the attenuation ponds discharging into Ochre Dyke at an obtuse angle.
- How will it be ensured that existing properties to the east of the proposed detention basins in the south of the site would be protected in the event that the basins were to overtop?
- Could the applicant please confirm whether the drainage system of the Skylarks development is complete, and when the attenuation and flow controls were completed?”

- 5.12.7 The LLFA went on to comment:
“Upon further review of the information provided, it has been noted that the proposed discharge rate is higher than the greenfield runoff rate. Greenfield runoff rate calculations are presented in appendix 4 of the Sustainable Drainage Statement (DNG2-BWB-ZZ-XX-RP-CD-0001_SDS P04). The inputs show that the hydrological region used is 4, whereas the site is actually in region 3, albeit near the border with region 4. This does not affect the discharge rate of the northern catchment, which is determined by the allowance within the drainage scheme for the adjacent development. Regarding the southern catchment, please could the applicant revise the proposed discharge rate into Ochre Dyke? Consideration of the use of SuDS techniques for source control and conveyance would minimise the storage volume requirements of the detention basins.”
- 5.12.8 The final comments of the LLFA were: No objections subject to conditions. Also noting that: The outlet from the attenuation ponds discharging into Ochre Dyke should be at an obtuse angle. At detailed design stage, the applicant should demonstrate exceedance flow paths from the attenuation basins which are designed to protect existing and proposed properties.
- 5.12.9 In terms of drainage the CPRE have noted:
“Although the site is located in Flood Zone 1, CPRE Derbyshire trusts that the Local Planning Authority will take note of the recent flood reports and the requirement of the NPPF that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property (Paragraph 161), particularly in regard to the risk of surface water flooding from Ochre Dyke.”
- 5.12.10 DGAG have commented on drainage matters as follows:

“The LLFA have requested we have provided additional detail about the flooding experienced in the area. On 31.10.21 we recorded flooding on Dunston Rd, below the junction of Dunston Rd and Dunston Lane just above the Sheepbridge Lane junction. The water was flowing from the direction of Dunston Lane, then down onto Dunston Rd towards Sheepbridge Lane. Water was also seen emerging from the storm drain.

Similar flooding on Dunston Rd, below the junction of Dunston Rd and Dunston Lane just above the Sheepbridge Lane junction was recorded on 20.02.2022 - again flowing from the direction of Dunston Lane, then down onto Dunston Rd towards Sheepbridge Lane.

This kind of flooding at the Sheepbridge Lane junction has not been experienced prior to the commencement of the 'Skylarks' development. And the storm drain is also now incapable of coping with run off from the new developments.

Also, on 31.10.21 we recorded flooding on Dunston Road at the position where there is proposed access to the cricket pitch complex. This is historically a blackspot for flooding and is therefore an issue if the proposed cricket pitch complex with hard surface access roads, car parks, buildings etc are allowed to go ahead. The access point to the complex would also be compromised.

We are also able to demonstrate, contrary to the developer's assessment of Ochre Dyke, that it does indeed flood and water is not contained within its banks. It is a regular occurrence that it bursts its banks. This is why further physical assessment of the water course is required.

We also understand that the LLFA have now asked further questions of the developer relating to our concerns as uploaded on the planning portal.”

Further correspondence sent to LLFA:

“We note that the LLFA have not yet responded. We would therefore like the opportunity to raise major concerns about this proposed development as we believe that it will directly result in increased flooding on nearby roads and pose a significant flood risk to nearby properties.

Since the construction of development at the neighbouring Phase 1 (Skylarks) Dunston Lane site by the same builder (LPA references: CHE/16/00016/OUT, CHE/17/00351/REM and CHE/18/00805/REM), incidences of flooding have been reported, notably on Dunston Rd at the Sheepbridge Rd junction. The flood water seen to be flowing from the direction of this recent development. (Evidence can be provided if required).

This is a major concern as flood mitigation measures on Phase 1 have been ineffective. In fact, we anticipate the situation is likely to deteriorate and flooding to increase since a large proportion of the 300 houses in Phase 1 are still in the process of construction. We have no confidence therefore that flood mitigation measures for the proposed additional 500 houses, a local centre and school will be effective.

The proposed use of SUDs attenuation basins on the proposed CHE/21/00549/OUT is particularly alarming as the basin on Phase 1 was clearly ineffective. In the plans three large basins are situated at the lower end of the site. As you will see there are existing properties below and bordering these basins.

We also understand that similar basins have been associated with flooding to properties situated in a similar situation. This is of huge concern.

We also challenge the developer's Flood Risk Assessment (FRA) as more studies need to be undertaken on Ochre Dyke to fully assess its flood risk. Only LiDAR studies were done which do not accurately demonstrate the true nature of this water course. See paragraph 1 .9 from the FRA

1.9 Due to dense vegetation cover at the time the topographical survey was performed, the survey does not cover the Ochre Dyke. Instead, LiDAR (Light Detection and Ranging) has been used to take elevation cross-sections across the channel at several points.

Excerpts from the Flood Risk Assessment show the lack of a full survey and the consultant's erroneous assumption that flows are contained within Ochre Dykes banks. Contrary to this assumption we know that Ochre Dyke frequently floods beyond its banks. (Evidence can be provided if required)

3.19 The LiDAR cross-sections show that the elevation difference between the bed of the Ochre Dyke and top of bank along the cross-sectioned stretch of channel ranges between approximately 2.6m to 5.5m. During flood conditions, it is likely that flows will be contained within bank, leaving most of the site outside of the floodplain.

3.24 In the absence of EA Flood Zones, surface water flood risk mapping and LiDAR data have been used to assess the risk from the Ochre Dyke and indicates that most of the site is at a low fluvial flood

risk. Further, the surface water flood risk mapping indicates that flows generated in a flood event are mainly contained within the channel. However, without floodplain extents a conservative assessment has been taken and flood risk from this watercourse is therefore considered to be medium.

4.2 Although the site is situated within Flood Zone 1, and LiDAR and mapping of surface water flood risk indicate floodplain extents would not extend a significant distance from the channel, the lack of data on the floodplain extents of the Ochre Dyke warrants a more conservative assessment of flood risk.

The FRA report also states that: 4.14 It is proposed to discharge surface water from the northern catchment into the first phase of development to the east at a restricted rate, which has been accommodated during the design of the Phase 1 drainage network. Surface water from the southern catchment is proposed to discharge into Ochre Dyke at the equivalent greenfield Qbar rate.

This is a concern as it suggests that Phase 1 mitigation is assumed to have worked in order for the proposed flood mitigation for CHE/21/00549/OUT to work. Evidence is that Phase 1 mitigation is failing.

Extra pressure on Ochre Dyke, caused by the many impermeable surfaces of a new development, will result in issues with sewers serving the existing Dunston Estate and cause flooding to houses nearer the watercourse. The FRA describes protecting proposed houses but what about protecting existing long-established homes?

We urge the LLFA to respond to the CHE/21/00549/OUT application and object to the plans.”

- 5.12.11 The concerns and comments of the DGAG regarding local flooding issues have been taken into account by the Lead Local Flood Authority. Those comments along with the LLFA’s own assessment of the case has led to the submission of an amended Drainage Statement and FRA. The LLFA after considering all matters have now, based on the additional information, raised no objection to the proposed development subject to conditions being imposed. Yorkshire Water are also satisfied with the proposal at this outline stage subject to conditions. In order to comply with water efficiency element of Policy CLP13 a condition will be required to secure the 110 litres per day. On

this basis the proposal is considered to meet the requirements of policy CLP13.

5.13 Waste

- 5.13.1 DCC Development Management have noted that:
New residential development in Derbyshire can be expected to generate an increase in the overall amount of household waste and depending on the size of the development this can have a varying impact on the existing local Household Waste Recycling Centre network. Where it is expected that new housing development will generate a need for additional provision, funding through developer contributions will be expected to help provide the necessary additional capacity. Based on the capacity at Bolsover HWRC, a contribution from CIL may be requested to enable additional measures to increase capacity.
- 5.13.2 The potential need to increase capacity is noted and any CIL monies to fund this would need to be requested as part of the infrastructure proposals which is dealt with separately to this application process.

5.14 Development Contributions and CIL Liability.

- 5.14.1 The proposed development will be liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the medium CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge will be calculated in detail at the point of the reserved matters submission based on the floor space of each retail and residential unit.

6.0 REPRESENTATIONS

- 6.1 In the region of 595 contributors have made comment, some have submitted more than one comment (619 contributors if those who have not provided addresses are counted) this also includes 31 parties who have commented in support of the application. The comments made are summarised into sections below:

Against the proposal:

6.2 Principle

1. Destruction of treasured green space is not acceptable.
2. There is no need for this housing.
3. This is a huge mistake, heart breaking and destructive.
4. There won't be any green space left in Chesterfield.
5. This will not contribute to a shortfall as so many houses are being built in Chesterfield.
6. Removing the last remaining green space in Dunston is brainless beyond measure.
7. We should be encouraging more food growth from farming not stripping valuable land.
8. The land is needed for food security.
9. We need to future proof food production.
10. A report in 2014 by the University of Cambridge stated that "Britain faces a potential shortfall of 2 million hectares (of farmland) by 2030".
11. The existing housing development at Strata has already had a huge negative effect on the area.
12. Just because its cheaper to build on green fields doesn't make it the right thing to do.
13. Brownfield land should be redeveloped fully before development on agricultural land.
14. Developing brownfield land on Chatsworth Road would be nearer to local facilities.
15. New builds are expensive and bad quality.
16. Revised plans do not address the concerns.
17. This will destroy the small amount of green space we have left.
18. This is green belt land.

19. There is already a Cricket Club in Cutthorpe and Millthorpe, what are the running costs and who is going to run them. We don't need another.
20. The Cricket pitch went into disuse due to lack of support so presumably is not required.
21. If Cutthorpe Cricket Club is thriving as much as Sport England say it is with 5 senior sides, women's sides and also an active junior section is this site really suitable and big enough to provide the playing facilities they require.
22. Only a very small proportion of the population play cricket it would be better if left as a field for all.
23. The Cricket pitch would only benefit very few individuals so it would be better to leave as open green space.
24. Cutting down trees to build a Cricket pitch and access.
25. Wouldn't a skateboard or basketball park be more appropriate than a Cricket Club.
26. Retain the pitch area for open space and picnic space rather than Cricket.

27. Is there any council data available which would support the need for a cricket pitch in this area.
28. What evidence is there to support the need for an additional 500 homes.
29. There is a commitment to lower CO2 emissions and other pollutants harmful to the environment.
30. Loss of green field leads to loss of farming and importing of food which results in more environmental damage.
31. Why not let developers tarmac the whole country.
32. A climate emergency was declared by CBC on the 17th July 2019. The Action Plan does not cover new housing but there are some important points via a link on the preservation and expansion of green sites. If CBC is serious about their responsibilities, they should note this advice when considering development on green fields even if it is included in the Development Plan.
33. There is the potential release of government funds to support brownfield development ahead of greenfield development – the Council should be lobbying for these funds.
34. It is noted that the land has been used for industry in the past but this was generations ago and the site has become a green field.
35. Social housing is the only viable solution to the housing crisis.
36. Developers will renege on affordable housing provision. This needs to be agreed at this stage.
37. There will be no fields, no farming, no bridleways just more pollution.
38. Loss of footpaths.
39. The houses will not be 'low carbon green buildings' they will have gas boilers, no solar panels or EV charging points.
40. Houses should be to the highest green standard.
41. The fields have been used for growing oil products which can be a greener fuel, building on the fields will not support carbon neutral aims.
42. The plan states there will be new footpaths but the existing footpaths and routes across the site would be lost.
43. There is currently overdevelopment in the Dunston area with 406 homes under construction – add the 500 to this and there are too many homes.
44. CBC is planning to build more homes than the government target, this cannot be justified.
45. The allocation of this site is based on outdated and now irrelevant rationale. The local plan took years to develop and does not adequately consider the reduction of emissions, climate change, flooding, food resilience and the need to restore and protect nature. There is also a slowing down of population growth. The plan needs to be reconsidered and fit for now and the future.

46. We are overpopulated, there is plenty of pother land to build on.
47. It's a shame it's all corrupt and about money.
48. A public house would be unlikely to be successful given how any are closing.
49. There is no need for any more takeaways.
50. We don't need any more public houses.
51. Pubs in Dunston will suffer from competition.
52. There is no need for any more shops.
53. None of the accessible links noted will benefit any of the existing residents of the area not already on the new estate.
54. Increased housing will increase traffic and CO2 against the governments aims to reduce emissions.
55. The proposal is at odds with the aims of the local plan as there is no pubic transport in the area and it is not within walking distances of amenities.
56. Utilising precious farmland for housing is contrary to the Local Plan.
57. It feels like the council are panicking - they have to build more houses and it doesn't matter where.
58. We need to look after the environment for the next generation.
59. Newbold has seen enough new housing.
60. Going back to the appeals in 1995 it was clear then and now that the site should not be developed in a piecemeal way.
61. No need to build when the Council is way ahead of its targets.
62. Access to facilities will necessitate a car journey.
63. This is overdevelopment.
64. More shops should be included on a project such as this.
65. The Skylarks development has 12 affordable homes on the plan out of a total number of 157 plots, we need more social housing not luxury homes.
66. Bear in mind the PM's commitment at yesterday's Conservative Party conference when considering this Application.
67. Has a Climate Change Impact Assessment been completed for this development.

6.3 Infrastructure

1. More pressure put on Dentist, Schools, Doctors and the Hospital.
2. Whitting Surgery have already said they are struggling with demand.
3. The school, doctors and shop are unlikely to happen.
4. The area amenities are already stretched to breaking point.
5. Are there adequate secondary school places.
6. No NHS Dentists are taking patients.
7. Drainage, sewage, IT and electricity are already problematic, there are frequent floods, loss of supplies and drainage issues.

8. There is no plan to increase bed capacity at the Hospital given increase in patient numbers.
9. Children have to register at primary schools miles away from their homes.
10. The applicant setting aside land for a school etc. is irrelevant as such developments require capital and more importantly recurrent funding which is neither confirmed or available.
11. All the local primary schools are full, I am currently travelling over 5 miles to take my children to 2 different schools.
12. All education levels need to be accommodated.
13. Will not be able to get places at local schools.
14. Limited facilities including; play groups for local children and care facilities for the elderly

6.4 Heritage and Character

1. This will harm the listed buildings at Dunston Hall and the Dunston Grange Barns.
2. The character of Cutthorpe and Barlow will be changed.
3. This proposed development is totally out of keeping with the area and is not sympathetic with the surrounding area.
4. The buildings are not in keeping with the local house design.
5. The density of housing does not suit the vernacular.
6. The development will impact on Barlow Conservation Area through development on the ridgeline.

6.5 Highways

1. Access from a road with unsighted dips, blind corners, weight restriction and at the national speed limit is dangerous.
2. Chesterfield is getting busier with roadworks everywhere.
3. Roads are already clogged with traffic.
4. The road is already like a race track, mobile police cameras are often on this road.
5. The existing development caused no end of problems for residents with roads being closed for months at a time.
6. Building a school so close to the Industrial Estate is ridiculous, people will be dropping off and parking all over the place.
7. Amount of traffic dangerous for children around local schools.
8. The road is not capable of taking this extent of traffic.
9. Dunston Road is a narrow country lane not a road.
10. 500 houses using this road is over the top.
11. Cutthorpe is already used as a rat run for the Peak District. This will increase traffic through the village.

12. The road is not suitable for this level of traffic.
13. Dunston Road has no provision for pedestrians and is dangerous.
14. The existing road system is already overloaded.
15. This would impact traffic onto Newbold Road at 4 lane ends and Littlemoor which is already constricted.
16. A previous application was refused due to Dunston Road not being a main road.
17. Dunston Road would need to be widened.
18. Dunston Road reached full capacity years ago.
19. Hacking in the area is virtually impossible due to the busy roads and speed of drivers.
20. To widen the road hedgerows and trees would be lost, impacting on the ridgeline views and which would take years to replace.
21. There are no pedestrian crossings at Upper Newbold where the speed changes from 40mph to 30mph making it hazardous to access the bus stop, local school and Holmebrook Valley Park.
22. Highway impacts need to also consider other approved developments in the area.
23. There will be increased hazards for Dunston Primary and Nursery Academy on Dunston Lane.
24. The proposed mitigation (buses and walking and cycling routes) is extremely weak and will have minimal impact.
25. There is no footway or safe access to the Cricket pitch.
26. There would be an unacceptable increase of around 1000 cars on Dunston Road.
27. What are the plans for a bus route through the site when services are being reduced.
28. Will the footpath through the site remain as a bridleway and will informal routes remain accessible.
29. The site is 2 miles from the town centre I doubt many will walk this route.
30. Two access points are not sufficient a third will be needed.
31. Whinfall Road on Skylarks is already too narrow with cars parked it will not be able to support the volume of traffic.
32. A roundabout on Dunston Lane and one on Dunston Road is needed as a T junction will not cope with the volume of traffic.
33. There should be a segregated cycle lane.
34. Dunston Road and Lane should be 30mph, at places the 40mph limit is outright dangerous.
35. Heavy vehicles often use Dunston Road following Sat Nav to avoid Chesterfield.
36. Speed limits in Cutthorpe are already largely ignored, increasing the traffic will increase the dangers.

37. Traffic in the area has already substantially increased with recent developments.
38. Junctions at and through Sheepbridge and Cutthorpe have become saturated at peak times with frequent accidents occurring at these points.
39. Large slow moving agricultural and farm vehicles use the rural narrow roads and are additional hazards.
40. Hazard to farm animals.
41. A pavement along the side of Dunston Road is needed.
42. Why has the notorious Whittington Moor roundabout has been overlooked in the incident figures (33 in the last 5 years on the roundabout)? Whittington Moor Roundabout feeds onto Dunston Road (B6050) and is just 1.5 miles from the site.
43. The traffic survey is not up to date.
44. Why is there no cycle provision on Dunston Road.
45. Dunston Road is not suitable for buses.
46. Junctions in the area cannot cope with this additional traffic.
47. The residents will want to access the footpaths off Dunston Road and will be at risk walking along this narrow road which is unsuitable for pedestrians and has no street lighting.
48. There have been fatalities on Dunston Road.
49. The dry stone wall that used to be the field boundary opposite my drive has been demolished for a distance of about 25m by speeding vehicles, one accident being fatal.
50. Increased traffic also presents additional hazards for the visually-impaired crossing the road.
51. Horse riders have used the lane as a bridlepath in that time to get to Holmebrook Valley Park and for access to other equestrian facilities If this access were to be removed we would be forced onto the busy Dunston Road.
52. Access to the Cricket pitch is dangerous for traffic using our farm access.
53. There is no path link into Cutthorpe.
54. A footway, lighting and cycleway should be imposed along Dunston Road.
55. Where will construction traffic come from and for which phase.
56. What traffic calming within the Skylarks site will be provided.
57. Has the travel plan been reviewed.
58. There are already insufficient safe crossing points.
59. The road should be wide enough to accommodate buses.
60. It is unsuitable for any construction delivery vehicles to access from Dunston Road.
61. Using Whinfell Road as the main access is dangerous.
62. The road into the Skylarks estate is not a main road, we were told there would only be 3 phases of development.

63. The traffic survey was taken at the wrong time of day – due to local schools the busy time starts at 3pm.
64. Traffic has already increased due to the success of the Garden Centre.
65. It is not clear what if any bus routes have been proposed, nor whether safe cycling links to the existing Chesterfield cycle network will be put in place.
66. Our clients have a safe horse riding route via part of the site to Holmebrook Valley Park used for many years with consent of the land owner given 18 years ago – will the tracks proposed include use by horses, we need a safe route to nearby riding areas, if we cannot use the tracks the road will be too dangerous.
67. The route around the cricket pitch has been used for hacking for 34 years.
68. The Technical note considerations to agree an access onto Dunston Road is ludicrous, it is not wide enough to be safe.
69. I am amazed at DCC's insistence that pavements are provided right up to the junction, who would walk to the edge of a road where their next step could be fatal.
The swept path analysis for the bus shows there is potential for collision.
70. Parking is already an issue in the area.
71. What traffic calming measures through the existing Skylarks estate will be imposed.
72. A road is shown to Hollin Close in error on the V2 Design and Access Statement.

6.6 Ecology

1. Harmful to wildlife and the environment.
2. The Government plan to plant more trees not remove them should come into consideration.
3. This is well established farm land rich in wildlife.
4. Insufficient detail on the impacts on wildlife.
5. Wildlife will be lost. Calling a development 'Skylarks' is rubbing salt in the wound.
6. This development is not in line with the recently updated; A Green print for Chesterfield biodiversity action plan for the Borough.
7. With management the soil could be improved and aid biodiversity.
8. Hard to see how a net gain in biodiversity will be achieved when they are building on the site.
9. Even with new planting there will be a loss of what is there now.
10. Open green spaces are important for mental health.
11. Trees and hedgerows should be retained to minimise environmental impacts.
12. There are Munkjack deer, hares, foxes, badgers, grass snakes, slow worms, buzzards and grey leg partridges in the area.

13. The Greenprint for Biodiversity in Chesterfield (2nd edition draft) from last year, states that 258 of Derbyshire's native plants are on Derbyshire's red list, 36 of Derbyshire's birds are on the RSPB red list and around 70 species of larger moths found in Derbyshire are priority species. It notes some species can be protected and their populations enhanced through the protection and management of priority habitats, its states that urgent action is needed to reverse these declines. Given this sensitive location and nearby wildlife site it seems preposterous to a lot of people that this land should be earmarked for development.
14. There are also a number of red and amber listed birds that use the site such as kestrel, dunnock, bullfinch, redstart, willow warbler, house sparrow, fieldfare, redwing, yellowhammer, song thrush, linnet and quite ironically skylark. There are also owls that nest on the site which are not mentioned in the assessment. There are migrating birds that will come back every year not expecting a building site where they usually breed. These will disappear from the area.
15. Open areas such as this are essential for Sparrowhawks, Kestrels and Buzzards (Photograph provided) often seen using the area for hunting.
16. Wild areas are needed to capture CO2.
17. This land also forms one of the few remaining "green corridors" in the area. the wildlife survey was conducted at a time of very dry conditions and therefore is not representative.
18. An article by the Natural History Museum, last year, stated that decades of development "have made the UK one of the most nature-depleted countries in Europe".
19. In 2018 the government produced a document, A Green Future in which the Prime Minister says "Our natural environment is our most precious inheritance". We need the people making the decisions to stop and think about what they want this country to look like for future generations, once our natural environment has been built on and the wildlife has disappeared, we can't get it back.
20. The housing is too close to the sensitive wildlife areas to the south and west of the site.
21. Ecological surveys won't include plants and insects that will be impacted.
22. Without insects our environment would fall apart. The UK has reportedly seen a 25% decline in insects. Urbanization of land will be responsible for lowering crop yield and result in less food.
23. This scheme would destroy that food source and directly be responsible for killing the bee population that pollinates our crops.
The developer netted the hedgerows to prevent nesting birds.
24. How will the proposed ponds be managed in terms of safety, water quality and animal habitat?
25. Biodiversity is already in decline we need these spaces for our wildlife.

26. The government are planning to award grants to land owners to facilitate the re-wilding of rural areas as part of the climate change plans necessary in the world as we know it.
27. There are no comments from Conservation Groups on the impacts of the development.
28. There are Badgers in the area – photographs provided.
29. The net gain in biodiversity should be 10%.

6.7 Landscape

1. Why would the Council consider decimating such a beautiful piece of green belt land when there is so much brownfield land.
2. This will change the character of the area at the entrance to the Peak District.
3. This will harm a picturesque part of the town.
4. All very well having planting plans but these need to be followed through.
5. This will lead to the loss of the currently distinct conurbations of Dunston, Upper Newbold and Cutthorpe.
6. Loss of trees and hedgerows.
7. Policy is that there should be a strategic gap/green wedge between settlements. The applicant states the green areas and Cricket pitch are sufficient, this is nowhere near enough, there should be a cast iron condition for a larger green wedge.
8. There will be harmful impacts on views from Barlow valley.
9. This will adversely impact the view of the area.
10. The rolling aspect of this land creates a wide and attractive vista for local residents and for people accessing Chesterfield and the Peak District from the east side of Chesterfield, this will be lost.
11. Planting sapling hedge and tree species is no replacement for what will be lost.
12. The subdivision of the existing fields would alter the character of the area which is characterised by larger fields separated by hedges.
13. Object to the visual impact of the development in rural open space and the effect of development on the character of the Dunston rural area.
When the western boundary edge of Chesterfield was originally drawn up, it was very cleverly done. None of the houses were visible from the countryside and the far reaching moors because they nestled into the valley. This proposal will be visible for miles. The houses will be built over the crest of the hill.
14. Will there be a 25m buffer of trees on the whole of Dunston Road.
15. In the 1980's the Inspector increased the Green belt to ensure no harm to the Dunston Road ridge, this application breaches that.

6.8 Amenity

1. More pollution and greenhouse gases from all the cars when we should be cutting them.
2. This will increase pollution in Cutthorpe.
3. This will cause disruption, dust and noise for a long time.
4. There will be increased light pollution.
5. The area provides a sense of wellbeing.
6. There is noise from piling - this needs to be considered.
7. William Davis are a bad neighbour to live next to, damage to fencing, damage to cars from spraying concrete, flooded property with many issues going to Police and local MP.
8. Congestion and passing traffic will adversely impact existing residents quality of life.
9. Concerned about increase in air pollution.
10. The construction is noted to be for 10 years – how will this be mitigated for residents. This means existing residents will have had 12 to 15 years of endless disruption.
11. Noise from traffic will increase, this is already a problem.
12. What noise mitigation will there be for existing residents.
13. The development will cause dust issues.
14. Dust from the existing building work has been unbearable, mud has been on the road making it dangerous.
15. This development would lead to a significant deterioration of our air quality which we know leads to premature deaths, particularly near the local school and nursery.
16. Have the impacts of nutrient pollution been assessed.
17. If the new houses need double glazing to address noise then what about existing homes.
18. Holidaymakers come to areas like Barlow for peace and tranquility and to get away from towns and cities, this build will destroy the peace,
19. We have already had enough noise, disruption and dust a total of 10-12 years is not acceptable.
20. Works starting before 8am, with vehicles arriving from 6am, this is disruptive to residents.

6.9 Drainage and flooding

1. Loss of green fields will reduce absorption of rainfall leading to flooding.
2. Farmland reduces the risk of flooding.
3. Flooding is noted in terms of 1 in 100 year event, given climate change these events are becoming more common.
4. Where will the lake in the field west of Dunston Grange drain to.

5. Water mains and sewers in the area are antiquated and beyond capacity. There have been major water bursts on the road (Thought to be due to the weight of vehicles) and incidents of sewers backing up towards Sheepbridge.
6. Untreated waste should not enter our rivers due to insufficient provision at water treatment works.
7. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life - this includes protection of the countryside.
8. It has also been suggested that Ochre Dyke never has water running through it but after many years of walking the dog almost every day around this site I can say that is not the case. Many a time it has flooded along the whole southern boundary of the proposed site, occasionally making it impassable.
9. I am aware of how the clay retains water in periods of high rainfall and gently release the ground water into ochre dyke and adjacent drains.
10. The developer should submit a comprehensive management plan to detail how surface water will be managed during construction as there has been flooding caused by this previously on the earlier phase. Where are the checks on the flood prevention plan?
11. The 300 homes approved have not all been built yet but the effect on flooding is already being felt.
12. The subsoils are slowly permeable throughout which restrict movement of water through the soils resulting in wetness for long periods in autumn and winter. The risk of flooding in the locality will increase as the surface water cannot drain naturally.
13. The submitted FRA says that the local network does not have capacity to receive additional surface flows from the development.
14. Water feeds from the site into the River Whitling which then feeds into the River Rother and Holme Brook which regularly floods the junction at A61/A617 roundabout causing major traffic disruption into and out of Chesterfield after heavy rain and potentially cause substantial economic loss to properties and businesses. These issues have not been addressed.

6.10 Other

1. The developer will only do the works which make a profit.
2. There will be nowhere to walk our dog.
3. Council Tax should go down with all the new houses being built.
4. Dismayed by the short time given to comment.

5. No coincidence that the window of time to comment aligns with the school holidays.
6. There have been times when the website is not available.
7. This will cause chaos.
8. The value of the land should be considered in different ways including; the landowner (CBC) who wants to maximise financial return, the farmer who leases the land, locals who use the land for recreation and walkers and travelers who pass through the area as well as those who wish to tackle climate change. In this regard the value of open spaces cannot be estimated with figures.
9. Building up to Newbold Road would make more sense.
10. This will impact our children and grandchildren.
11. This development will raise funds for CBC and make profit for the developer will it provide affordable homes for first time buyers or will it be executive homes?
12. Jobs would be equally created if the building was on brownfield land.
13. How would the school be built.
14. Where are all the employment opportunities to serve all the new housing.
15. What is the use of everything we are trying to do to save our environment locally, and nationally, if we see our local council blithely ignoring UK government recommendations.
16. It should be the council AND local people who decide where developments should and shouldn't go. NOT the council and developer alone.
17. How will public open space and the Cricket pitch be managed.
18. An Environmental Impact Assessment is required.
19. The council is balancing its books financially at the expense of the local communities health.
20. The application form states this is agricultural land, it also includes grassland/meadow/wooded areas/scrub and hedgerows.
21. The form says there are not trees and hedgerows adjacent to the site, this is untrue.
22. Loss of childhood memories.
23. Local businesses will struggle during construction due to access difficulties.
24. Having considered the existing development at Skylarks I am concerned regarding, the roads being narrow, the gaps between houses being narrow, off street parking inconveniently laid out, the roads would not support a bus route, there are no solar panels and no EV charging. The housing needs to meet modern needs.
25. The scheme could be improved through reducing the number of units, providing more space around each unit, provide more habitat, provide side by side parking for 2 cars for each unit, provide communal parking areas,

provide adequate facilities and require that every unit is to zero carbon standards.

26. Not enough teachers to recruit to a new school.
27. A detailed list of the colliery, place and owners provided for all collieries in the Newbold area between 1854 and 1881.
28. Many residents do not engage with the process as they feel the developers always get the upper hand over the Council.

6.11 Comments in objection from The Dunston Grange Action Group (DGAG):

1. The group comprises local residents of surrounding villages who would be severely and adversely impacted by this development. The Group formally objects to the proposed development.
Acknowledge the allocation. The inclusion of the site in the Local Plan is lamentable due to its high landscape value and open countryside character. Development on this site would suburbanise a large tract of open green space which acts as a significant buffer between the outer boundary of Chesterfield, Upper Newbold and villages on the boundary of Northeast Derbyshire. Notwithstanding the above, just because the site is allocated it does not mean that any proposal should just be deemed acceptable.
The group note that Chesterfield Borough Council has a significant over-provision of housing targets in the Local Plan which are well in excess of the government's objectively assessed need requirements. Chesterfield has many brownfield sites that could and should be used ahead of greenfield sites, such as the land the subject of this application, particularly given the Council's confirmation that they seek to promote brownfield sites.
DGAG is of the view that the amended application remains woefully lacking in sufficient information to enable a thorough and proper assessment of the proposals to take place, even at outline stage. The Local Planning Authority (LPA) is urged not to just defer matters to reserved matters stage.
2. Using the wording from Policy SS6 of the Local Plan, our main areas of concern are:
 - i. acceptable access arrangements from Dunston Road and Dunston Lane;
The surrounding road network is narrow and winding with a number of blind bends and blind summits. An increase of a further 500 homes will cause unsustainable pressure on existing roads and give rise to severe

highway safety impacts contrary to paragraph 111 of the National Planning Policy Framework (NPPF) (2021).

Highways related concerns for this application are too significant to be inaccurately assessed and considered – a full, thorough assessment should be undertaken through a Local Highway Authority approved and agreed method. Officers are also invited to see for themselves the true current traffic situation.

Good, sustainable planning should ensure highway safety is secured before any development is permitted, not looking for solutions after serious accidents.

ii. appropriate provision for walking and cycling within the site.

The lack of public transport provision for the area will naturally result in significant numbers of car users. Walking and cycling provision must be provided. The proposed development does not allow for any connections to be made with existing cycle ways outside of the site.

iii. appropriate transport mitigation to ensure an acceptable impact on the highway network for all users;

It is noted that the applicant has already challenged the Travel Plan Bond put forward by DCC Highways. The applicant should not be allowed to dictate proceedings and if the applicant will not commit to this requirement, then the proposal does not comply with part iii of policy SS6 and should be refused.

vii. a scheme of green infrastructure including landscaping, open space, play and sports provision including re-instatement of the former cricket pitch, and early implementation of a landscaping and planting scheme along Dunston Road;

Though just outside the Green Belt, the application site borders it, and the development is uncomfortably close to this protected land. With regard to the application site, it is noted that Chesterfield Borough Council's Local Plan notes that; *"The area is sensitive in terms of landscape. The ridge line at the northwest boundary is particularly sensitive."* Insufficient regard has been given to this statement. The proposals as submitted fail to respect the sensitive nature of the area in terms of landscaping.

The statement that trees and hedgerows will be retained "where possible" is ambiguous and not acceptable for an application of this size as this will just result in mass clearance of existing trees and hedgerows. Clear, detailed landscaping plans must be provided at the outline stage of this application due to the importance of the area and its landscape value.

DGAG have been in correspondence with a number of stakeholders, including DCC regarding the landscape significance of the locality. It is apparent from the information received that the application site is designated an Area of Multiple Environmental Sensitivity (AMES). The concerns of DCC through the allocation process are noted.

Indeed, there is sufficient evidence to indicate that the true landscape character of the site has not been fully considered by the applicant or the LPA.

The application site will lower crop yield and food production which is not sustainable if agricultural land continues to be urbanised in this manner, particularly in light of the ongoing global pressures being created, such as the ongoing war in Ukraine.

The Landscape Visual Impact Assessment submitted by the developer remains inadequate. From reading, it is clear that the focus is based entirely on 'viewpoints', rather than the landscape character itself, implying that simply by planting screening then there would be no impact on the landscape character. Essentially, the development on this site will fundamentally alter its character and therefore impact on the surrounding area, including the green belt which should be protected, in terms of traffic, tranquillity, light pollution, loss of wildlife and general rural ambience.

The proposal is in conflict with policy CLP15(f) which seeks to protect and enhance landscape character, and policy SS6 vii which specifically requires early implementation of landscape planting.

3. Climate:

The world is experiencing unprecedented warming and climate change is already adversely impacting populations, their homes and their livelihoods. Here in England, 2022 was one of the hottest and driest summers on record. Action is required now.

We would remind the Council of the zero-carbon target ambition of the government. Chesterfield Borough Council has also signed the Nottingham Declaration on Climate Change which pledges to address the causes of climate change and prepare for the associated impacts. Furthermore, the Council also declared a Climate Emergency in July 2019. Regretfully there remains extremely limited information submitted by the applicant in the amended submission as to how this proposal would lend itself towards helping the Borough Council address the issue of a changing climate which is one of, if not the biggest, issue facing us at the current time.

The amended submission still does not provide sufficient information on renewable energy provisions for these dwellings, or indeed, thermal

issues. An ever-warming climate is going to require homes and businesses to be able to adapt effectively. In addition, no detailed information is given on EV charge points which, given the lack of pedestrian walkways and cycleways, is going to be required as fuel supplies diminish. The proposal does not offer sufficient future proofing. As with much of the application submission, the information submitted is vague and lacking detail. The energy and sustainability statement is extremely limited and does not cover other critical aspects such as water usage, materials and waste management. The issue of climate change is too critical for these matters to be deferred to a future application and we urge the LPA to take a lead on this.

From the information submitted, the applicant seems content to offer gas boilers with future proofing additions by way of internal ducting for whatever might lay ahead, whilst at the same time suggesting the best way forward is the use of ground and air source heat pumps for any future school or retail which are very costly and not paid for by the developer. Further, the applicant considers photovoltaic panels as being viable but do not say whether they actually intend to provide them. It is our considered view that the amended application still fails to meet the fundamental requirements of the framework. Although the application is an outline application, the Climate Change Emergency is such that the application should be refused on the grounds of insufficient information having been submitted by the applicant despite having been given the opportunity to do so. Future proofing of large-scale developments such as what is proposed is more critical than ever.

4. Flooding:

Since the construction of development at the neighbouring Dunston Lane site incidences of flooding have been reported, notably on Dunston Rd at the Sheepbridge junction.

Although the site is located in Flood Zone 1, the Group trusts that the LPA will take note of the recent flood reports and the requirement of the NPPF that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible flood risk to people and property particularly in regard to the risk of surface water flooding from Ochre Dyke.

The Group are extremely concerned at the apparent lack of transparency regarding this subject with a number of documents on the portal appearing long after they were apparently received. A separate letter of correspondence has been sent by the group to the Lead Local

Flood Authority (LLFA) detailing a number of flooding occurrences since the Skylarks development was implemented. We would make the Local Planning Authority aware that it is the same builder applying to build on a site adjacent to Skylarks where a number of issues have occurred, as noted by the Council. The topography of the proposed site, being on a significant slope, would bring about an even higher risk of flooding during construction. William Davis failed in their obligations during Skylarks construction, and it must be a significant risk that they would do so again.

5. Infrastructure:

NHS services are under extortionate pressures with many residents unable to get doctor's appointments, dental appointments, opticians' appointments, etc. No provision has been made to address this significant shortfall despite an ever-growing population, brought about by non-stop building of new residential estates. Existing infrastructure needs to be brought up to speed before more residential development is approved. The cumulative effect of overdevelopment in the locality cannot be overstated.

It is widely acknowledged that there are already insufficient places at the local secondary school for the local children and that there is no planned provision for additional infrastructure to accommodate additional children numbers generated by this development.

The locations of the proposed play area and pocket parks next to Dunston Road are unsafe and unsuitable.

The site currently benefits from a long-established network of footpaths which are extremely popular with local residents. The destruction of this network will adversely impact the health and wellbeing of users.

6. Biodiversity:

The application as submitted falls woefully short in terms of Biodiversity Net Gain (BNG). An increase of 1.40% (if the cricket pitch is provided) is nowhere near acceptable for the loss and destruction of existing trees, hedges and countryside. The Council is reminded of their pledges to be a "green" Council it is extremely disappointing that the Local Plan did not include a requirement for 10% BNG.

Even with a minimum 10% BNG, DGAG do not feel that this is sufficient to overcome the significant harm that building on this green field site will create.

The reinstatement of the cricket pitch offers a significant biodiversity loss.

Reference is made to “2 winter sport pitches” what are these and what impact do they have?

‘Sustainable drainage system’ basins should not be included in the BNG as they are actually part of the built environment. The current SUDs basin on Skylarks will attest to the lack of their biodiversity.

Further submissions – additional submission have been received from DGAG regarding accident data and red list species as follows:

We have compared the developers outdated RTC leading to injury statistics (PICs) with more current statistics gained from Derbyshire Constabulary, as set out in this table:

	Serious	Slight	Comments
*Dunston Road 01/01/2016 and 31/12/2020	1	2	
**Dunston Road 01/01/2018- 28/02/2023	7	4	
% increase	600%	100%	
*Dunston Rd/Cutthorpe Rd junction (4 Lanes End junction) 01/01/2016 and 31/12/2020	3	0	

**Dunston Rd/Cutthorpe Rd junction 01/01/2018- 28/02/2023	3	2	
% increase		200%	

The PIC study areas chosen for the William Davis July 21 Travel Assessment do not appear to include roads such as Dunston Lane and the junction between Dunston Road/Dunston Lane or the junction between Dunston Road/ Sheepbridge Lane. These are roads that are definitely ‘in the vicinity of the proposed development.’

The latest data that Derbyshire Constabulary could provide us with took us to the end of February 23. However, a number of serious accidents have occurred on Dunston Road since then- including two separate incidents occurring at a point close to each other and within a few hours of each other on May Bank Holiday (29th May). One resulted in road closure to recover a car from a field and the other

required the casualty to be cut free by the fire service and evacuation via air ambulance.

Many, many more accidents that occur on Dunston Road go unrecorded, including cars leaving the carriageway and ending up in fields.

The Ecological assessment states that at least 29 species of bird have been identified as using the site including 7 red listed and 4 amber listed birds. The proposed development would result in the permanent loss of nesting and feeding sites for red listed, amber listed and green listed birds, the red listed birds including: Song Thrush, Yellowhammer, House Sparrow, Linnet, Marsh Tit, Spotted Flycatcher and Skylark. It is incredibly insensitive that the developer chose to name the first phase of the development 'Skylarks' when the development will have displaced that endangered bird. We must take this destruction of habitat very seriously and use alternative development sites as a matter of priority.

6.12 Comments from Transition Chesterfield:

We are concerned on several levels:

Biodiversity and flooding

The land could be better used for growing food, planting trees, and providing habitat for wildlife in future, rather than housing that can be sited on brownfield land. For example, there appears to be over 60ha of previously developed land on the current Brownfield register. The permanent loss of greenfield sites could, therefore, be avoided if use was made of such land.

The site of the proposed development is a sloping one and likely to need attention to drainage with water run-off increasing.

The plan includes an area to the north that will be planted along the boundary in a linear stretch. This seems quite narrow and there would appear to be a risk that it could be squeezed out. Without more detail on the planting scheme this remains unclear.

1. Planned layout

The proposed layout does not appear innovative in any way that would encourage alternative forms of transport other than the car. There is a lack of public transport to the area and no provision to develop this. The development, therefore, focusses solely on car owners. Cycle routes are shown but these are only marked as 'potential' and appear to be more for recreational use rather than designed as an integral transport measure.

The Local Centre is sited on the edge of the development, rather than at the centre where play areas could also be sited. For the residents of the new development, it would make it more likely that they would end up using their cars.

2. Housing and energy use

The proposal overall seems to suggest that the energy situation will remain as it currently exists with gas boilers as standard. Given the climate emergency all houses should be built to the highest energy efficiency standard. We would have expected to see some consideration for alternatives such as: heat pumps, district heating schemes, solar installations, and other renewables.

In addition to the above, energy requirements can be offset by introducing insulation to high standards. We suspect that adequate insulation is not being proposed.

EV charging points are included in the Local Plan and should be a key requirement. However, we notice that the developers already seem to be ruling this out as it is considered too expensive.

6.13 Comments against the scheme from other group/organisations:

Comment from Chesterfield Royal Hospital – S106 on health to be considered.

Comment from Transition Chesterfield – this involves the development of 34 hectares of greenfield land which would be better used for growing food, planting trees and providing habitat. There are 60 hectares of brownfield land on the register which should be used to avoid using greenfield land. Surface water run off will increase, SUD's would be welcomed. The landscaped edge to the north seems narrow. The layout does not promote other travel options focusing solely on the car. The local centre should be to the centre of the development. Given the climate emergency the houses should be built to the highest efficiency standard. EV Charging points should be included.

Comment from Derbyshire Swift Conservation Project – There is a concentration of breeding Swifts within 0.5 mile of the proposed development focused on Rose Wood Close and Spring Wood Close. Swifts have undergone a drastic reduction in breeding numbers of over 65% in the past 25 years primarily due to loss of nest sites and are now red-listed birds of conservation concern. As such it would seem appropriate that this development is built incorporating Swift bricks (otherwise known as “universal bricks”) so providing nest sites suitable

for rapidly declining and red-listed urban bird species such as Swift, House Sparrow, Starling and House Martin.

Comment to Cllrs from Derbyshire Police and Crime Commissioner -
A number of concerns have been raised with me including increased volume of traffic, speeding vehicles and the safety of the road itself. As you may be aware, Road Safety is one of my key priorities in my Police and Crime Plan and I have led on the substantial partnership work being carried out to improve road safety across Derbyshire since being elected in the role of Police and Crime Commissioner. Residents want to see more work being done to help the safety of our road network. Having looked through the proposals, I am concerned that if it is granted it is likely to see a further increase in the volume of traffic to the area. The addition of an extra 500 new houses would see an increase of hundreds more cars accessing and frequently using the B6050 than current levels.

At the proposed location for the Dunston Grange Extension, the stretch of road on the B6050 includes several commercial units, local businesses including a wedding venue, café and farm shop as well as local housing units which are all situated in in close proximity to where the development would be.

Some of the issues that have been identified on Dunston Road, describing the road as 'very narrow in places, and subject to inclines and blind bends'. I am aware that the speed limit of the road has also been previously reduced from 60mph to 50mph. I am concerned that if this proposal was to be granted, it would have an adverse effect on the safety of pedestrians and school children in the area.

There are multiple schools within the locality of the proposal and the safety of school children could be put at risk with the increase in volume of traffic that would inevitably be generated from Dunston Grange. Residents have said that drivers are using Dunston Estate as a 'rat run' to try and avoid traffic from a neighbouring housing development. Furthermore, the substantial increase in traffic and potential risk of increase in speeding vehicles in the area will have an additional negative impact on what is already a difficult and potentially dangerous local road network.

6.14 In Support of the proposal:

1. A cricket and sports facility will allow youngsters in the area somewhere to play cricket and sport.
2. This will provide valuable sports facilities for local people.
3. Hopefully this will encourage youngsters to get into sport.

4. The idea of a Cricket Pavilion is refreshing.
5. Great that there will be the added benefits of a school and cricket pitch, sport and education are massively under supplied in the area as is housing.
6. Being able to widen the reach of the Cricket Club to the wider community is a prospect all of us at the club relish. It will build on what we have achieved over the last few years.
7. The potential to create a new pavilion and some indoor training facilities that could be used by the wider community is exciting.
8. The new housing, shops and doctors this will ring to the area will make it more desirable.
9. Playing pitches will be a huge boost for the Club. We now have 7 teams playing including youth, women and men as well as 8 junior teams training children from as young as 4 years. We are proud of our inclusivity.
10. We would like to create an indoor facility for year round training.
11. Working together will give us the best chance to seek external funding to provide top of the range facilities. This will be a wonderful legacy of this development.
12. Regenerating a former Cricket pitch would be an amazing bonus for the area.
13. Youngsters need somewhere to go and have fun, Chesterfield lacks these opportunities.
14. Girls and women who play for CCC have no home ground, making them 'nomads', often playing at unsuitable locations with no toilets or changing facilities and amongst broken glass, other unsavoury things and anti-social behaviour. A new ground and facilities would provide them with somewhere to play that is safe, welcoming and comfortable.
15. The club encourage girls and women into male dominated sports bringing forward opportunities for exercise, togetherness, team work and mental well-being.
16. Without adequate grounds and facilities, it will not be possible to continue this expansion of girl's and women's
17. A great incentive for people to move to North Derbyshire, as well as a new green space for all generations to thrive upon.
18. The Clubs ability to maintain, never mind expand, this is severely constrained by a lack of available cricket pitches, outdoor nets and indoor nets.
19. Given the club's ability to grow so effectively in recent years, there is huge potential to increase involvement from near schools. An increase in children and teenagers playing sport, especially in a age of lockdowns, social media and other digital distractions, should be welcomed.
20. There is a severe lack of housing in the UK

21. Having a new build will attract new families to the area which can only be a good thing.
22. The house builders are NOT completely destroying the green areas as other commentators have suggested but are planning to reinstate a long lost cricket field and provide a much needed facility to the area.
23. The planning should be upheld and new facilities built as soon as possible.
24. This development would address the imbalance in sporting facilities in the north of Chesterfield.
25. A great opportunity for much needed housing, education and primarily to get more kids off the PlayStation to play some sport.
26. These houses and amenities are vital to the area in what appears to be a very thoughtful development.
27. More local housing is needed.
28. Young people have had their physical and mental health severely tested during Covid. I have seen at first hand what the lack of opportunities to exercise and play sport has had on our young people.
29. This will provide long term income and infrastructure (wider than this development) to Chesterfield.
30. The town needs to grow, not continue on its current decline.

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.

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 2015 in respect of decision making in line with paragraph 38 of 2021 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The development of such a large greenfield site for housing will bring change to the local area, which is an understandable concern for many local residents. However, planning decisions must be based on the development plan unless material considerations indicate otherwise. The site is allocated for 500 homes with local centre and provision for a 1FE primary school. Policy SS6 sets out the remit of the allocation and the requirements of this policy are considered to have been met. It should be noted that prior to the site being allocated for the extent of development set out in the policy, an assessment of the suitability and sensitivity of the site for development has been undertaken to ensure the capacity and access to the site can be achieved and this involves the consideration of parties such as the Highway Authority. Therefore, this site would not have been allocated if there was doubt as to the suitability of the site for development. In this regard the 'principle' of the development, which this application seeks, is established by the allocation of the site for development.
- 9.2 Policy SS6 sets out the detailed requirements of the allocation, it is important to revisit those points:
"Planning permission will be granted for residential development for approximately 500 dwellings on land north of Dunston and south east of Dunston Road as allocated on the Policies Map and as set out in

Table 4 (site reference SS6). Development should be carried out in accordance with a masterplan to be agreed with the Local Planning Authority prior to development that demonstrates:

i. acceptable access arrangements from Dunston Road and Dunston Lane;

- *The access points from Dunston Road are considered appropriate by the Highway Authority.*

ii. appropriate provision for walking and cycling within the site.

- *Whilst the Masterplan is indicative only the layout shows appropriate footpath connections and cycle links.*

iii. appropriate transport mitigation to ensure an acceptable impact on the highway network for all users;

- *As set out above the Highway Authority are satisfied with the proposal subject to conditions and S106 matters.*

iv. appropriate mitigation to minimise any adverse impacts to the significance of affected heritage assets, including their settings.

- *Sufficient consideration of the heritage impacts has been undertaken in the indicative layout to ensure screening protection to the adjacent Heritage assets.*

v. provision of a new local centre to serve development;

- *A local centre in an appropriate position is proposed within the development.*

vi. provision of a site reserved for a new one form entry primary school (to be retained until such time as required or evidence can be provided of a lack of need);

- *provision of a site for a 1FE entry primary school is included in the layout and tied via S106 agreement.*

vii. a scheme of green infrastructure including landscaping, open space, play and sports provision including re-instatement of the former

cricket pitch, and early implementation of a landscaping and planting scheme along Dunston Road;

- *all of these requirements are met within the development subject to condition and S106 agreement.*

viii. a phasing plan for development phases and the provision of infrastructure.”

- *Phasing will be integrated into the conditions and S106 agreement to ensure appropriate delivery of the various elements of the scheme at an appropriate point in the development.*

9.2 Concern has also been raised that detailed matters are not being considered at this initial stage. Given the scale and complexity of such a development it is a sensible approach to submit an outline application to establish the principle of the development followed by reserved matters applications which then consider detail, likely in a phased approach. This is a standard approach to larger development sites. The reserved matters are then considered through a further application process and are subject to the same level of public scrutiny.

9.3 It is considered that the concerns raised have been considered fully and whilst they no doubt remain these have been addressed within the remit of the application and the planning system.

9.4 The proposal is therefore considered to meet the expectation of the allocation and the requirements of Policy SS6 subject to conditions and matters to be tied into a S106 legal agreement. On this basis the proposal is recommended for approval.

10.0 RECOMMENDATIONS

Recommendation 1

10.1 It is therefore recommended that the application be **GRANTED** subject to the following S106 matters being concluded as set out in 10.2 and conditions as set out in 10.4:

10.2 S106 matters:

1. William Davis Homes will provide Cutthorpe Cricket Club with the following:

- Freehold of 2.81ha of land for a nominal (£1) fee.
- Planning Obligations totalling up to £887k (index linked) towards the provision of:
- Delivery of or a financial contribution towards the provision of a ‘cricket pitch’ including a cricket square (6 pitch square – 458m²) and outfield (11,925m²), including 12 months maintenance/grow - in costs (c.£270 k – Agronomist Costs)
 - A two- team pavilion with umpire changing facilities and social space totalling 215 sqm (c.£ 462k SPONS 2021costs)
 - Associated infrastructure, e.g. Car park, pavements and drainage (estimated cost of up to £155k) Provision of access and service connections to the edge of the site including (gas, electricity, water and broadband).
 - As part of the submission of the detailed application the design of the cricket club and playing pitch will be supported by appropriate surveys and assessments undertaken by appropriate professionals. To be index linked.
- To be linked to the phasing of the development as set out in the conditions.

This will be on a cascade provision firstly to Cutthorpe Cricket Club, then to another local Cricket Club, then if this should fail a scheme to be submitted for the land to become additional habitat with a biodiversity enhancement scheme to be submitted for this along with long term (30+ years) management and monitoring programme agreed.

2. CCG contribution for GP provision - £450,000 (index Linked) to be paid on the occupation of the 10th Unit. (Dialogue with the CCG is continuing regarding the potential project/s)
3. The land reserved for the 1FE primary school will be set aside for such provision for a set period of 10 years from the commencement of the development. With bi-annual assessment from the commencement to the end of a 10 year period, as necessary, to be provided from Derbyshire County Council as Education Authority based on birth rates and cohort data, to set out the need for the school places in order to aid determination under which phase the school shall be provided. At the end of the 10 year period from commencement, or shorter time period to be agreed with both CBC and DCC, should the land no longer need to be set aside for school delivery a scheme for an alternative use to be provided on the land shall be submitted to and agreed in writing with the LPA and subject to a further submission.

4. Footpath and cycle connections to Baines Wood Close and Kirkstone Road at a contribution of £111,650.00 (Index linked) including a 10% contingency (with any over payment to be returned to the developer), or alternatively to be constructed by William Davis on an agreed scheme. Along with William Davis taking responsibility for the long term maintenance of the footpath connections. Contribution to be provided on commencement of the relevant phase from which the footpath will be taken or if provided on site by William Davis for the phasing of the provision to be agreed.
5. Affordable housing provision of 10% provision within each phase with a 90/10 percentage split (or as otherwise agreed) of affordable rent and shared ownership.
6. Highways:
 - Travel Plan Monitoring fee of £11,165.00.
 - Travel Bond fee of £413,952.00.
 - Upgrade of bus stops on Cordwell Avenue – contribution yet to be confirmed by the Highway Authority.
(index linked)
7. Should the extent of habitat creation fall below that anticipated under conditions 31 and 32 of the planning permission, as to be assessed through the submission of each reserved matters application; then an off-site biodiversity contribution of £20,000 per habitat unit (index linked) to CBC for the off site gain to be provided within the borough, shall be provided to equate to the anticipated on-site requirement. A report to assess progress shall be submitted bi-annually from commencement of development to the end of a 10 year period with payments to address the shortfall to be made within 3 months of a submitted report advising that the habitat creation will fall short of the required amount. At the end of the 10 year period then if no off-site contribution is required no further assessments beyond this time period will be required.

Recommendation 2:

- 10.3 It is recommended that a Tree Preservation Order be served to protect the trees on site, specifically all Category A and B trees shown on the Tree Constraints Plan (Appendix A) with the exception of: T43 (G) and T5 to T7, which in the case of T5 to T7 are likely to be removed to allow the main access into the site and in the case of T43(G) are likely to be

at least partially removed to form the Cricket Pitch access/visibility splays.

10.4 Conditions

1. Application for approval of all reserved matters must be made not later than the expiration of ten years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is an extended time period in order to allow for the phased delivery of the development to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. An application for details of the following matters, in a phased approach as required (hereafter referred to as the “reserved matters”), shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) the scale of the development;
 - b) the layout of the development, including internal access roads;
 - c) the external appearance of the development;
 - d) the landscaping of the site

The development shall thereafter be implemented in accordance with the approved details.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The development hereby approved shall only be carried out in accordance with the approved plans (listed below) with the exception of any approved non-material amendment or conditional requirement set out below.
 - Location Plan P19-2720 001 sheet no 1 Rev C received 19.07.2021
 - Access link from Phase 1 DGC-BWB-HML-XX-DR-TR-102 S2 Rev P1 received 19.07.2021

- Cricket Club access plan DGC2-BWB-GEN-XX-DR-TR-100 S2 Rev P7 received 06.07.2022
- Site Access Plan DGC2-BWB-GEN-XX-DR-TR-101 Revision P7 received 06.07.2022
- Design and Access Statement V2 received 06.07.2022 which includes the indicative Master Plan dated June 2022
- Sustainable drainage statement DNG2-BWB-ZZ-XX-RP-CD-0001_SDS Rev P05 received 03.11.2022
- Flood Risk Assessment DNG2-BWB-ZZ-XX-RP-YE-0001_FRA Rev P04 received 10.10.2022
- Geodyne Combined Phase 1 Desk Study and Phase 2 Exploratory Investigation (Stage 1) received 10.10.2022

Reason - In order to clarify the extent of the planning permission.

4. Prior to the submission of the first reserved matters application for the site the subject of this permission, a supplementary Development Framework Masterplan shall be submitted to the Local Planning Authority for approval in writing. The Framework shall seek to establish the overarching design approach for the entire site to inform any phased reserved matters proposals. The Framework should be compatible and expand upon the principles set in the June 2022 Masterplan set out in the Design and Access Statement (DAS) V2 and upon the content of the revised Design and Access Statement (DAS) V2 and those of the adopted Supplementary Planning Document 'Successful Places: Housing Layout and Design'.

Reason: To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies SS6 and CLP20 of the Adopted Local Plan and the 'Successful Places' SPD.

Phasing

5. The first reserved matters submission required by condition 2 shall include a phasing scheme for the whole of the outline permission site area, including;
 - Details of the construction access, detailing the earliest feasible point the access through the Skylarks site will no longer be used for construction vehicles,
 - Setting out the maximum housing numbers within each phase,
 - Referring to the school provision as set out in the S106 agreement;

A phasing scheme for the delivery of the Cricket Pitch and associated facilities and access,

A phasing scheme for the delivery of the Local Centre and associated facilities,

A phasing scheme for the early delivery of the landscaped edge to the northern boundary of the site.

The sequence of development across the whole site; such as strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths (including links to Kirkstone Road and Baines Wood Close), and the associated access arrangements and timescales for implementation of the off-site highway improvements.

The development shall be completed in accordance with the agreed details.

Reason: For clarification and to secure appropriate phasing of the development in accordance with policy SS6 of the Adopted Local Plan.

6. No development shall commence until the site wide phasing programme required by condition 5 has been approved in writing by the local planning authority. 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. The development shall be completed in line with the agreed details.

Reason: For clarification and to ensure appropriate control over the whole development in accordance with Policy SS6 of the Adopted Local Plan.

7. Each reserved matters submission shall set out within a supporting statement, measures to minimise carbon emissions, including but not restricted to;
- The construction of the dwellings in terms of; heating, cooling, use of renewables, insulation, orientation and energy efficiency,
- A strategy to reduce carbon emissions through construction,
- A justification for any mains gas connection,
- Works shall be completed in accordance with the agreed details.

Reason: To seek to minimise emissions from the development in accordance with Policy CLP20 of the Adopted Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no chimneys or flues shall be installed in any housing without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To seek to minimise emissions from the development in accordance with Policy CLP20 of the Adopted Local Plan.

9. a) No development shall take place, within any phase, until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until the pre-start elements of the approved scheme (to be identified in the WSI) have been completed to the written satisfaction of the local planning authority, all can be agreed in a phased manner as required. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) There shall be no occupation within each phase until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of preserving and/or recording historical information in accordance with Policy CLP21 of the Adopted Local Plan.

Highways:

10. Prior to any works commencing within each phase, exceeding site clearance, a construction management plan or construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
 - Routes for construction traffic, including abnormal loads/cranes etc
 - Hours of operation
 - Method of prevention of debris being carried onto highway
 - Pedestrian and cyclist protection
 - Proposed temporary traffic restrictions
 - Wheel washing facilities

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

11. Prior to any works commencing within each phase, exceeding site clearance, construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

12. No part of the development within each phase shall be occupied until parking of residents and visitors vehicles and details of secure cycle parking facilities for the occupants of, and visitors to, the development have been provided within the site in accordance with the details/plan which need to be agreed as part of a subsequent Reserved Matters applications. These facilities shall be fully implemented and made available for use prior to the occupation of the the relevant unit hereby permitted and shall thereafter be retained for use at all times.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

13. In line with condition 5 phasing, no part of the development, other than that served by the access link from the adjacent Skylarks estate, shall be occupied until new vehicular accesses have been formed to the

proposed site in accordance with the application drawing No DGC2-BWB-GEN-XX-DR-TR-101 Revision P7, provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses, for a distance of 108.3m in the northern direction and 137.2m in the southern direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

14. No part of the built development hereby permitted on a development parcel shall be commenced on a particular phase or sub-phase unless the internal layout/ internal design of the roads of that particular phase or sub-phase has been agreed as part of a relevant Reserved Matters applications. As part of a Reserved Matters application (including appropriately worded conditions) the scheme of the internal layout must include information such as detailed design of internal roads, gradients, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage, bus access strategy, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross-corner visibility, forward visibility, pedestrian visibility etc. should be provided, all in accordance with current guidance in a manner be agreed in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

15. The details to be submitted to the Local Planning Authority for approval as part of each reserved matters application shall include scheme/schemes for the storage of refuse and recycling bins and access for refuse collection vehicles. No development within each phase as agreed under condition 5, shall be occupied until the agreed refuse collection scheme relevant to the property has been implemented in full. The refuse collection scheme(s) shall then be retained as such thereafter.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

16. The cricket club/pitch element of the development hereby approved shall not be brought into use until the access has been provided as shown on drawing DGC-BWB-GEN-XX-DR-TR-100 Rev P6, the access shall thereafter be retained throughout the life of the development.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

17. Before any other operations are commenced, within any phase or sub-phase, (excluding site clearance) detailed designs of temporary access(es) to the development site for construction purposes shall be submitted to the Local Planning Authority for written approval. The approved temporary access(es) shall be implemented and maintained in accordance with the approved details throughout the contract period free from any impediment to its designated use.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

Coal:

18. Prior to the submission of each reserved matters application, in a phased approach as required; There shall be the undertaking of a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entries and high walls);
As part of each reserved matters application, in a phased approach as required, a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any high wall and on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones;
Prior to the commencement of development within each phase the agreed remedial works shall be implemented in full and a verification report on the works submitted.

Reason: In order to ensure the site is appropriately remediated in the interests of safety in accordance with Policy CLP14 of the Adopted Local Plan.

19. Prior to development commencing within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 above), an Employment and Training Scheme shall be submitted to and be approved in writing by the local planning authority. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and the scheme. Development shall be carried out in accordance with the approved scheme.

Reason: In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

20. In relation to each phase and as part of the reserved matters submission there shall be:
A plan showing clearly defined Landscape buffers shown on plan along Dunston Road and the natural landscapes to the west and south including 'Ochre Dyke' with the measurement in metres annotated on plan, to separate the development from these landscape features and excluded from residential dwellings and boundaries,
A plan showing appropriate buffer zones where 'Important' hedgerows have been identified, with the measurement in metres shown, to separate the development from these landscape features.
All excluding agreed works taking place such as access, in line with the protection areas to be agreed under condition 21.

Reason: Required to satisfy the Local Planning Authority that the 'Important' hedgerows to be retained will not be damaged during land clearance and construction and to ensure their continued protection under the Hedgerow Regulations 1997 and in line with Policy CLP16 of the Adopted Local Plan. In addition, protecting the appearance and character of the site in accordance with Policy CLP20 of the Adopted Local Plan.

21. Prior to the commencement of the development within each phase or sub-phase as approved under condition 5 above, (including land stripping and all preparatory work), a scheme within each phase, for the protection of the retained landscape features, hedgerows and trees, 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) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) 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.
- f) 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 and existing surfaces.
- g) A specification for protective fencing to safeguard the landscape features, hedgerows and trees during land stripping, demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) 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
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the landscaping features, hedgerows and 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 pursuant to section 197 of the Town and Country Planning Act 1990.

22. As part of each reserved matter to include landscaping, in a phased approach as required; 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 features to be retained and trees and plants to be planted;
 - 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 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: Required 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 in accordance with policy CLP16 of the Adopted Local Plan.

LLFA:

23. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. BWB. (03.11.2022). Dunston Grange Extension, Chesterfield Sustainable Drainage Statement, DNG2-BWB-ZZ-XX-RP-CD-0001_SDS, Revision P05, BWB. (19.04.2022). Dunston Grange Extension, Chesterfield Flood Risk Assessment, DNG2-BWB-ZZ-XXRP-YE-0001_FRA, Revision P04 & Bailey, M. (BWB) (2022). Letter to Jo CrawshawMoore, 18 October (referenced DNG2-BWB-ZZ-XX-RP-CD-0002_S2-P02), including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted. In accordance with Policy CLP13 of the Adopted Local Plan.

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the

development, in accordance with Policy CLP13 of the Adopted Local Plan.

25. The attenuation ponds should not be brought into use until such a time as a scheme for implementation, design and construction in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 in accordance with the submitted design plans submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future, in accordance with Policy CLP13 of the Adopted Local Plan.

26. Prior to commencement of development within any phase to which it relates, a survey of the capacity and condition of Ochre Dyke, from the point of discharge of the proposed drainage scheme to the point of adoption by Yorkshire Water, shall be undertaken and submitted to the Local Planning Authority. The survey shall be carried out by a suitably qualified engineer and shall make recommendations for any maintenance required to ensure the culvert is fit for purpose to accept the flows and to demonstrate that structural integrity of the culvert shall be maintained for the lifetime of the development. All recommendations made by the survey shall be fully implemented prior to the first occupation within the relevant phase of the development.

Reason: To prevent the increased risk of flooding due to inadequacy of the culvert in accordance with Policy CLP13 of the Adopted Local Plan

27. Prior to the first occupation, within each phase relating to its relative drainage catchment, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the serving drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

Ecology and Biodiversity:

29. Prior to the commencement of development in each phase (including compound set-up, fencing installation, ground works, vegetation clearance), updated ecological surveys will be undertaken as necessary and in line with CIEEM 2019 guidelines to ensure appropriate mitigation measures are in place and inform the production of a Construction Environmental Management Plan (CEMP: Biodiversity).

Reason: In order to ensure appropriate consideration of habitat and species in accordance with Policy CLP16 of the Adopted Local Plan.

30. Construction and Environment Management Plan (CEMP: Biodiversity):
Prior to the commencement of development in each phase (including compound set-up, fencing installation, ground works, vegetation clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP shall be informed by update ecological surveys for each phase, in addition to the baseline surveys undertaken at the outline stage. The CEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”, including all retained habitat and sensitive features.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These will specifically include measures to safeguard nesting birds, badgers, reptiles and amphibians, along with more general habitat protection measures.
 - 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: In order to ensure appropriate consideration of habitat and species in accordance with Policy CLP16 of the Adopted Local Plan.

31. Biodiversity Net Gain Update

Prior to the commencement of each phase of development, an updated biodiversity metric for the whole site shall be submitted to the Local Planning Authority for approval. This shall reflect the final layout and landscaping for that phase and ensure the development is on track to deliver the predicted level of biodiversity net gain approved at the outline stage, as a minimum (+1.40 % habitat units, +46.25 % hedgerow units and +21.97 % river units). If this cannot be achieved on site then appropriate provision shall be provided off site in line with the S106 agreement.

Reason: In order to ensure biodiversity net gain in accordance with Policy CLP16 of the Adopted Local Plan.

32. Landscape and Biodiversity Enhancement and Management Plan (LBEMP):

Prior to the commencement of each phase of development, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall be an iterative document, with management prescriptions for each phase of works added over time with a view to producing one document for the whole site. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following:

a) Description and location of features to be retained, created, enhanced and managed.

b) Aims and objectives of management, to include achieving the level of net gain specified in the approved biodiversity metric for each phase and delivering no less than +1.40 % habitat units, +46.25 % hedgerow units and +21.97 % river units across the whole site.

c) Appropriate management methods and practices to achieve aims and objectives, including the desired habitat conditions specified in the approved metric.

d) Prescriptions for management actions.

- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A detailed monitoring schedule to assess the success of the enhancement and management measures.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Reporting requirement to submit monitoring results and any remedial actions to the LPA. The LBEMP 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: In order to ensure biodiversity enhancement in accordance with Policy CLP16 of the Adopted Local Plan.

33. Ecological Enhancement Plan:

Prior to building works commencing above foundation level in each phase, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- integrated bird boxes on all dwellings where possible, as per the British Standard 42021:2022.
- integrated bat boxes in 20% of dwellings.
- insect bricks in 20% of dwellings.
- variety of tree-mounted bat and bird boxes in suitable locations.
- features for amphibians and reptiles in suitable locations, such as log piles and hibernacula.
- gaps 130 mm x 130 mm in residential garden fencing to maintain connectivity for hedgehogs.

Reason: In order to ensure biodiversity enhancement in accordance with Policy CLP16 of the Adopted Local Plan.

34. As part of the appropriate and related reserved matters application to be determined as part of the phasing under condition 5, details of the upgrading of the public right of way through the site, if possible to include hacking and cycling provision, shall be submitted.

Reason: To ensure the appropriate upgrade of the right of way in accordance with policies CLP1 and 2 of the Adopted Local Plan.

35. As part of the appropriate and related reserved matters application to be determined as part of the phasing under condition 5, detailed plans of the connections with Kirkstone Road, existing Skylarks development and Baines Wood Close shall be submitted.

Reason: To ensure the appropriate links into the site in accordance with policies CLP1 and 2 of the Adopted Local Plan.

36. Prior to any construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:
- a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other
Monday to Friday: 08:00 – 18:00
Saturday: 08:00 – 13:00
Sundays and bank Holidays - No working
 - b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;
 - c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;
 - d) Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;
 - e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times.
- All works shall be fully implemented in accordance with the approved CEMP. The CEMP shall be reviewed at least at the start of each phase

of the development or where there are changes to relevant legislation or where changes are made to the agreed CEMP.

Reason: This pre commencement condition is required to safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

37. 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 5 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. Further works/investigations/monitoring, as recommended in the Geodyne Combined Phase 1 Desk Study and Phase 2 Exploratory Investigation (Stage 1) received 10.10.2022, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the local planning authority.
- ii. A detailed scheme of remedial works should the further investigations 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 ensure appropriate mitigation and remediation of the site in accordance with Policy CLP14 of the Adopted Local Plan.

38. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person

per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

39. Each reserved matters submission shall demonstrate that 25% of the residential units across the whole site, including across tenures, shall be to the M4(2) building regulations for adaptable and accessible homes.

Reason: To ensure appropriate consideration of the requirements set out in policy CLP4 of the Adopted Local Plan.

40. The phased scheme to be agreed under condition 5 shall be built in accordance with the approved Plans set out in condition 3 above, unless a further planning application specific to one or more of the phases as agreed is submitted and approved by the Council in substitution for that part of the approved development. If such further planning application is approved, the remaining phase or phases may still be developed as approved in this Planning Permission, it being intended that this overarching Planning Permission should permit each phase separately and severably from the others.

Reason: For clarity and to set out the remit of the permission.

Informatives:

Highway footnotes:

Notes In addition to the above conditions, the following notes should be appended to any consent for the applicant's information: - a) The application site is affected by a Public Right of Way (No 58) also pass across the site on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190. • Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. • If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form. • If a right of way is required to be permanently diverted then the Council that determines the

planning application (The Planning Authority) has the necessary powers to make a diversion order. Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, please contact the ICT Service Desk. • Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission. b) 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, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing development.implementation@derbyshire.gov.uk in Development Control 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. c) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing development.implementation@derbyshire.gov.uk in Development Control 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 Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. e) Pursuant to Section 163 of the Highways Act 1980, where the site curtilages 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 gully laid across the

access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site. f) Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness. g) 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. h) Effective monitoring is an essential requirement of a successful Travel Plan. The Highway Authority recommends the use of the STARSFor Travel plan toolkit: <https://www.starsfor.org> , although other monitoring methods are available. Use of this system ensures a consistency of quality and puts in place a straightforward system for subsequent updating and monitoring. Fees are levied for the use of this system. Contact: sustainable.travel@derbyshire.gov.uk for more details.

Coal note:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and

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

Where development is proposed over areas of coal and past coal workings at shallow depth, the Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from the Coal Authority. Further information can be found at: <https://www.gov.uk/get-a-licence-for-coal-mining>

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

Yorkshire Water note:

i) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act

1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Codes for Adoption - a design and construction guide for developers' supplemented by Yorkshire Water's requirements.

LLFA notes:

Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

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

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

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

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

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. Surface water drainage plans should include the following:

Rainwater pipes, gullies and drainage channels including cover levels.

Inspection chambers, manholes and silt traps including cover and invert levels.

Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.

Soakaways, including size and material.

Typical inspection chamber / soakaway / silt trap and SW attenuation details.

Site ground levels and finished floor levels.

H. On Site Surface Water Management;

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

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).

Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.

A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

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

Volume Control

For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.

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

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

Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning

signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

Guidance on flood pathways can be found in BS EN 752.

The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

I. If infiltration systems are to be used for surface water disposal, the following information must be provided:

Ground percolation tests to BRE 365.

Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.

Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.

Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.

Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.

Drawing details including sizes and material.

Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

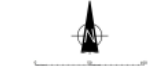
J. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

K. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

Appendix A – Tree Constraint Plan Fig 01 Rev A:



- KEY**
- Category A Tree (High Value)
 - Category B Tree (Moderate Value)
 - Category C Tree (Low Value)
 - Category U Tree (Negligible Value)
 - Category A Group (High Value)
 - Category B Group (Moderate Value)
 - Category C Group (Low Value)
 - Category U Group (Negligible Value)
 - Young/Early Semi-Mature Shrub and Tree Masses
 - Root Protection Area (RPA)



Date	Site	Comments
19/01/2020	100	Publication of terms along Dunston Rd following updated site survey

LANDSCAPE SCIENCE CONSULTANCY LTD
 The Old Barnacks, Sandon Road
 Garsham, Litchfield
 NG13 9AS
 01476 569000
 e: admin@landscapeconsultancy.co.uk
 www.landscapeconsultancy.com

PROJECT: **DUNSTON GRANGE RESIDENTIAL EXTENSION SITE**

TITLE: **TREE CONSTRAINTS PLAN**

SCALE: See Scale Bar DATE: 30/03/2020

SOURCE: Oakes Surveys 3161_DUNSTON_OGL

JOB No.	Figure No.	Revision	Drawing Size
WRS-14	01	A	A2