

**ITEM 1**

Reserved Matters application for CHE/20/00700/OUT - Erection of 143 residential units, associated parking, secondary roads and landscaping, Phase 1 on land south of Worksop Road, Mastin Moor for Harron Homes.

Local Plan: H35 and RP1

Ward: Staveley North

Plot No:

Committee Date: 25.03.2024

**CONSULTATIONS**

Environmental Agency	No comments to make
Chesterfield Canal Trust	No comments to make
CBC Economic Development	Request local labour/training clause and how this will relate to the skills hub.
Derbyshire Fire and Rescue	Recommend water sprinkler systems or 32mm water supply.
National Highways	No objection
Ramblers Association	No comments to make
Derbyshire Constabulary Designing Out Crime	Comment made see report
CBC Tree Officer	Subject to the tree protection measures agreed under CHE/23/00194/REM to be installed – no objection.
Highway Authority	Comments made see report.
Lead Local Flood Authority	No objection
Coal Authority	Concerns raised no information re: the high wall. Additional information submitted objection then withdrawn.
Active Travel England	Comment – Active travel opportunities should be pursued. Priority for pedestrians first. What form is the cycle parking, should be space for 1 cycle per bedroom. Need appropriate crossings incl. dropped kerbs and tactile paving. Query crossings over Bolsover Road, these are unclear.
Yorkshire Water	No objection

DCC Policy	Comment made re: housing mix, more 2 and 3 bed homes and single storey homes.
CBC Design Services Drainage	No comments to make
CBC Strategic Policy	Query the types of affordable housing. The M4(2) requirement is met. Concern regarding the space standards of the affordable units. Query the submission of a sustainability statement. Query open space typologies. Query BNG provision.
Representations	7 comments from the public notification process which are summarised in Part 6 of the report.

## 2.0 **THE SITE**

2.1 The application site relates to Phase 1 of the housing areas of the wider site. The Green Infrastructure and spine road details have already been agreed for the eastern side of Bolsover Road, Phases 1 and 2 under application CHE/23/00194/REM.



2.2 The site is green fields where works have commenced on providing the land levels to achieve the development as well as install the main access which was agreed under the Outline permission CHE/20/00700/OUT. Bolsover Road lies to the west of the site and Worksop Road to the north. There are open fields to the south and a small cluster of housing to the east. The site generally includes to the Worksop Road.

2.3 Photographs of the site:



3.0 **SITE HISTORY**

- 3.1 An outline planning application for 650 dwellings and other development was submitted in June 2017 prior to the Adopted of the Local Plan. The application was refused by the Council's Planning Committee in October 2019 which was allowed on appeal in October 2020.
- 3.2 CHE/17/00469/OUT - Residential development of up to 650 dwellings (including elderly care and specialist accommodation), a Local Centre (including local retail, health facilities, other local facilities and services), open space, community garden extension (including community building and parking) and associated infrastructure – Refused - Appeal Allowed 15.10.2020
- 3.3 CHE/20/00700/OUT Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks. Conditional permission 20.02.2023

- 3.4 CHE/23/00194/REM Approval of reserved matters of CHE/20/00700/OUT for the enabling works and infrastructure across Phases 1 and 2 including details of layout, scale, external appearance, landscaping and access. Conditional permission 22.08.2023
- 3.5 CHE/23/00197/DOC Discharge of conditions 5 (Phasing scheme), 6 (Delivery of Local Centre),7 (Delivery strategy),11 (Design Code/Framework),16 (Scheme to improve pedestrian connectivity with Bolsover Road),17 (Construction Management Plan), 18 (Construction details of estate roads), 20 (Highways details),23 (Disposal of highway surface water),25 (Management of streets) ,31 (Outfall of surface water), 32 (Disposal of on and off site foul surface water sewerage),33 (Drainage investigations),34 (Drainage hierarchy),35 (Avoidance of additional surface water run-off),36 (Attenuation ponds),38 (Site investigations) ,39 (Findings of site investigations),40 (Desktop study and remedial works),41 (Habitat metric),44 (Badger survey),45 (Construction Environmental Management Plan),46 (Badger protection measures),47 (Landscape and ecological management plan),49 (Tree protection plan and arboricultural method statement),51 (Management of public areas),52 (Written Scheme of Investigation),53 (Employment and Training Scheme),55 (Materials),56 (Land levels),57 (In accordance with noise and vibration assessment) and 58 (Sustainability statement) of application CHE/20/00700/OUT- Residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks – Pending consideration.
- 3.6 CHE/23/00399/DOC Discharge of conditions 13 (adaptable and accessible homes), 17 (construction management plan), 26 (bin and waste storage), 28 (layout of roads), 45 (biodiversity), 48 (landscaping), 57 (noise) and 58 (sustainability) of the outline planning permission CHE/20/00700/OUT - Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks - Pending consideration.
- 3.7 CHE/24/00118/DOC Discharge of conditions 3 (Details of planting and management plan), 4 (Geological source of stone for dry stone wall) and 7 (Site sections) of application CHE/23/00194/REM- Approval of

reserved matters of CHE/20/00700/OUT for the enabling works and infrastructure across Phases 1 and 2 including details of layout, scale, external appearance, landscaping and access – Pending consideration.

#### 4.0 **THE PROPOSAL**

4.1 This is a reserved matters application for Phase of the house building element of the wider development. The proposal is for the erection of 143 dwellings and the access roads associated with these, albeit the spine road into the site has already been approved.

4.2 The proposal has been amended through the application process. The application is as follows: all dwellings at two storeys in height, the open market properties will be a mix of 3, 4 and 5 bedroom units. The affordable units of which there are 7 (5%) are 2 and 4 bedroom units. There will be two versions of house types, a contemporary version for the most visible roads and the typical Harron house type referred to as the traditional version. The scheme now also includes street trees to be within the managed open space rather than within the individual plots.

4.3 The site layout:



4.4 The house type variations:

**Traditional type –**



**A 3 bed example, The Brackley:**

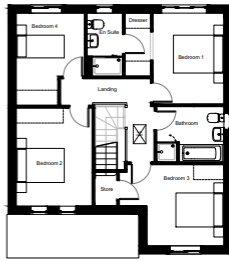


**A 4 bed example, The Bourton:**





Ground Floor Plans



First Floor Plans

A 4 bed example, The Empingham:



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

A 5 Bed example, The Banbury:



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

**Contemporary type –**



**A 3 bed example, The Moreton:**



Front Elevation



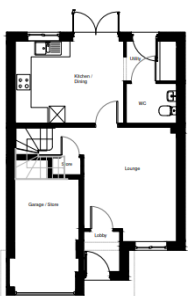
Side Elevation



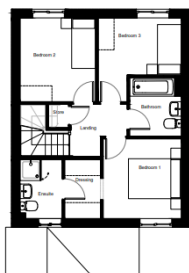
Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans



### A 4 bed example, The Banbury:



Front Elevation



Side Elevation



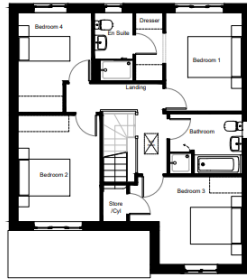
Rear Elevation



Side Elevation



Ground Floor Plans

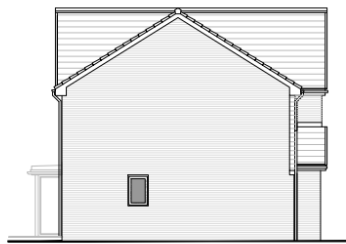


First Floor Plans

### A 4 bed example, The Empingham:



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

A 5 bed example, the Newbury:



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

## 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

RP1 Regeneration Priority Areas (Strategic Policy)

## 5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

## 5.4 **Key Issues**

- Principle of development
- Design and appearance and Heritage matters
- Impact on residential amenity
- Highway safety
- Biodiversity
- Ground conditions
- Drainage

## **5.5 Principle of Development**

- 5.5.1 Legislation requires 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, Adopted July 2020.
- 5.5.2 The application site as proposed is an allocated Housing Site noted as H35 defined in table 4 to Policy CLP3 as set out in the Adopted Local Plan. Table 4 to Policy CLP3 allocates the site for 650 dwellings. The site is also designated under Policy RP1 where it requires that; the council will grant planning permission for development which supports regeneration where it would, amongst other matters, a) extend the type, tenure and quality of housing.
- 5.5.3 In line with policies CLP1, 2, 3 and policy RP1 the principle of the development is established by the granting of the outline permission which was subject to a raft of conditions and S106 matters to include:
- Affordable housing contribution (inc. viability review and escalator clause)
  - £247,260 towards GP facilities / upgrade
  - Appointment of a management company to maintain any communal / green open spaces; including any drainage infrastructure not formally adopted by the Water Authority
  - Funding for upgrading of existing bus stops
  - Funding for investigation into, and any implementation of, revisions to the speed limits on the B6419 Bolsover Road
  - Funding for the provision of a multi user link with Seymour Link Road
  - Funding for investigation into, and any implementation of, revisions to traffic lights at Norbriggs Road / A619 to enable multi usage
  - Travel Plan monitoring contribution sum of £1,500 per annum for 5 years minimum, longer if dictated by build out rate
- 5.5.4 This application seeks permission for the housing element only under Phase 1 of the development. For consideration is whether the submission meets the requirements of Adopted Local Plan policy and the outline permission.
- 5.5.5 Derbyshire County Council Policy Team have commented in terms of Adult Social Care and Health: “ASCH have no objections to 143 residential units being built on land south of Worksop Road, Mastin Moor. Our Older People’s Housing Accommodation and Support

strategy notes a need for age-designated housing suitable for an older population. We welcome the comment in the Planning Statement noting that all dwellings will be built to M4(2) standard; however, this doesn't seem to be echoed by the illustrative site location plan. We note that 89% of housing mix constitutes 4-5 bed dwellings, and that most of these dwellings greatly exceed the suggested National Space standards. We also note that the affordable Windslow type dwellings don't meet National Space requirements and feels this argues against space being used efficiently. In addition to only 11% of the dwelling mix being 2-3 bed, we are concerned that there are no dwellings on one level which will be suitable for users with limited mobility. We would appreciate a greater number of 2-3 bed dwellings being considered, with some dwellings built over one level. We feel this would improve the 'high standard of amenity for all' and ensure 'flexibility for future needs and uses'."

- 5.5.6 The provision of adaptable and accessible homes at 25% is met within the submitted plans (36 out of 143 units = 25.17%). The provision is also across both housing tenures which is welcomed. This is in line with policy CLP4 and the requirements of the outline permission. There is no requirement in Local Planning policy or within the Outline permission to provide single storey fully accessible housing at the site.
- 5.5.7 For affordable housing, the provision sits at 4.89% to meet a 5% provision. This is the first of a number of phases and throughout the whole there needs to be 5% provision, therefore the slight under provision in this case can be made up in other phases. The affordable housing is a mix of 2 and 4 bedroom homes in response to the comments of the Council's housing team where there is an over supply of 3 bedroom units in the area.
- 5.5.8 In terms of the space standards these are not adopted policy but are a useful guide to consider development. The scheme has been amended since the comments of the DCC Policy team were received and now the house types have been amended to the Windslow and Elston, on a basic assessment of the space standards of the these units the 2 bed 3 person unit would be 69.8 m<sup>2</sup> which is very slightly below the 70m<sup>2</sup> space standard and the 4 bed 5 person unit at 97.4m<sup>2</sup> is just above the 97m<sup>2</sup> space standard. On this basis the units are considered to be within acceptable space standard limits.
- 5.5.9 The connectivity of the site is primarily considered under the remit of the Green Infrastructure reserved matters where cycle and pedestrian

routes were considered. The comments of Active Travel England therefore relate primarily to that permission, the main crossing points were agreed under the Outline permission in terms of Bolsover Road. The Highway Authority have been heavily involved in the consideration of this case in terms of the street design in seeking to ensure appropriate highway user priority (Refer to the Highway Section below). The connecting streets and minor footways intended as part of this application are considered to appropriately draw on the agreed provision under application CHE/23/00194/REM. In terms of storage space for cycles, the majority of the units have garages to store cycles and where these are not provided the garden spaces are sufficient for a shed or other cycle storage facility to be installed. Therefore, the cycle storage needs are considered to be met.

- 5.5.10 In terms of principle matters the proposal is considered to be in accordance with the Outline permission and the relevant Adopted Policies of the Local Plan.

## **5.6 Design and Appearance and Heritage matters**

- 5.6.1 Policy CLP21 advises that in respect of heritage assets; “In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the 9 conservation of designated heritage assets and their setting and seek to enhance them wherever possible”.
- 5.6.2 Paragraph 196 of the NPPF requires that; “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.
- 5.6.3 In terms of heritage assets, the outline notes: A total of six designated heritage assets located within the 1 km study area, all of which are listed buildings, one of which is Grade II\* listed with the other five Grade II listed. Of these six, two Grade II listed buildings (Norbriggs House and the Church of St Peter) as well as the cluster of listed buildings at Bolsover Castle have been scoped into further setting assessment, on the basis of the potential for harm to their significance from a change within their setting arising from development within the Site. The outline permission noted that the substantial benefits arising from the development outweighed any lower level less than substantial harm to heritage assets.

- 5.6.4 In this case the matter is considering the detail of Phase 1 of the housing element. It is not considered that the impacts in considering the design of the scheme result in a differing response to the outline permission. Therefore, the impact on heritage matters is acceptable in line with policy CLP21 and para 196 of the NPPF. Matters of archaeology were considered and conditioned under the outline permission.
- 5.6.5 Policy CLP20 requires in part that; “All development should respond positively to the character of the site and surroundings and respect the local distinctiveness of its context.” The issue to consider in this case is that in accepting development on the site is the design of the proposed open space appropriate to that context.
- 5.6.6 Through the application process substantial negotiation has been undertaken which has resulted in positive changes to the submitted scheme in terms of the layout of the housing. The dwellings are now better oriented to the public open space, a footpath has been provided to better link the housing elements and street trees are to be provided within the publicly maintained open space rather than front gardens.
- 5.6.7 The Outline permission required the agreement of a development Framework for the whole development. This has been agreed via condition and sets out character areas for various phases of the site and that a high quality of architecture for the development is required. The original submission had two versions of the house types for the development. Whilst the same in terms of floor plans the two different house types were a typical Harron Homes house type and a more updated contemporary version. This application relates to Phase 1 of a much wider development which will incorporate a number of different house builders who all have differing house types. Therefore, the applicant was advised that the contemporary version of the house types would be a better design solution for the site as a higher quality of architecture which will be easier to assimilate with the contemporary house types of other house builders. Whilst resistant to changing all of the house types to their contemporary version, the applicant has agreed to change the most strategic viewpoints of the site to the contemporary house type, leaving the more traditional house types to the less visible areas of the site. This will ensure that when further phases of housing come forward that in the wider views of the whole site the development will visually assimilate together to create an appropriately designed development.

Site visualisations:



V1  
View from Bolsover Road looking North with PH1 to the East



V3  
View down Road 7 with the Southern POS



V2  
View down Road 1 from Bolsover Road



V4  
View towards Road 8 from central POS

#### 5.6.8

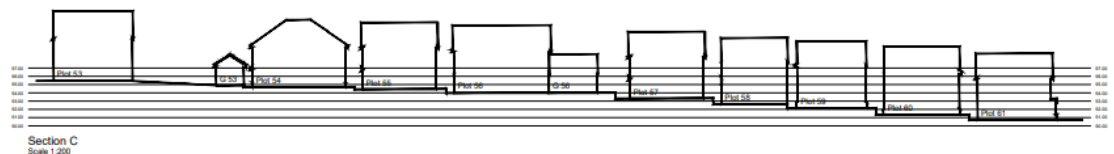
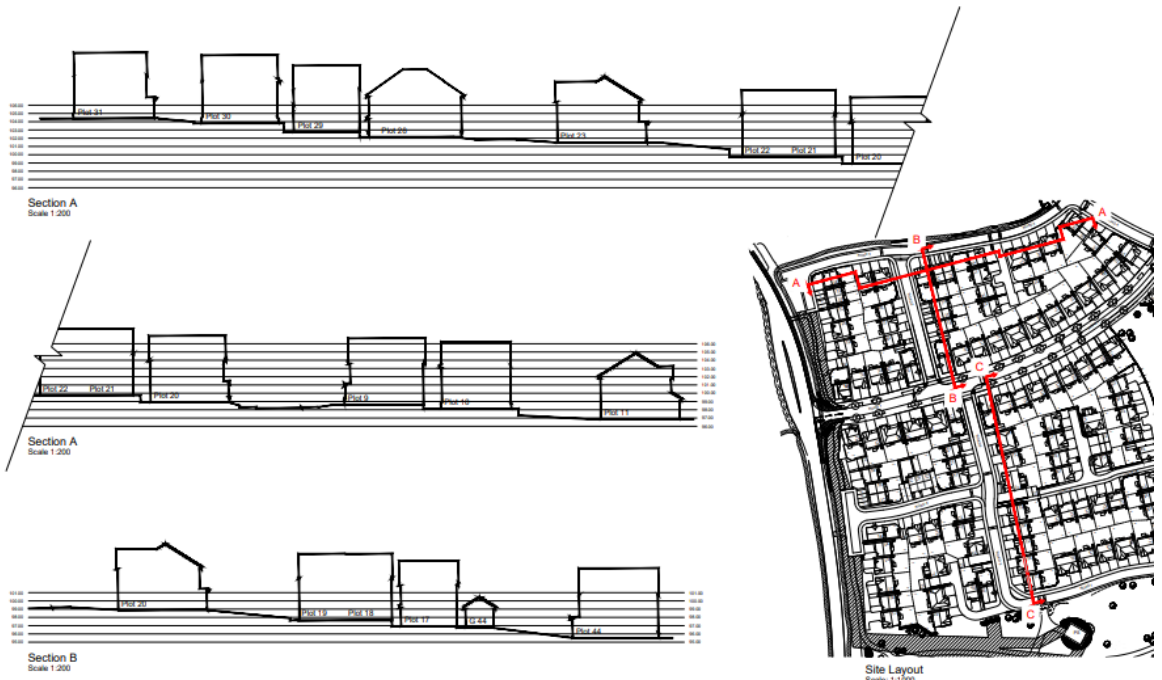
Again, in an approach to ensure a consistency of form and design to the wider development, whilst some materials have been noted within the submitted plans, the mix of materials needs to reflect the local area and therefore a condition is required to agree these. For example, it is likely that a buff brick would be less appropriate in this location where there is a theme of red brick and render. Similarly, a brown or grey roofing material is more suitable than red, given the visual prominence of the roofing on this sloping site. whilst materials are covered by condition 55 of the Outline permission a new condition needs to ensure the materials of the dwellings are not to be as submitted on the materials layout plan 593-005 E. The hard surfacing materials proposed on the submitted plans of tarmac to roads, block paving to driveways and buff paving flags to paths and patios, these are considered to be acceptable.

#### 5.6.9

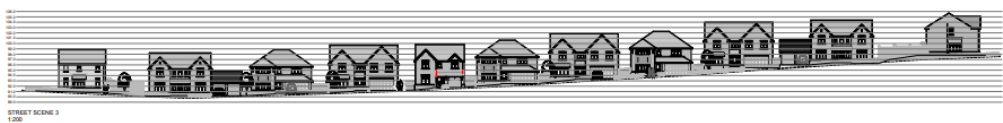
The site is steeply sloping and therefore the consideration of levels is important to the finished form of the development. For this the applicant has provided street scenes and site sections to demonstrate how the levels will be incorporated into the layout and form of the development.

Site sections:





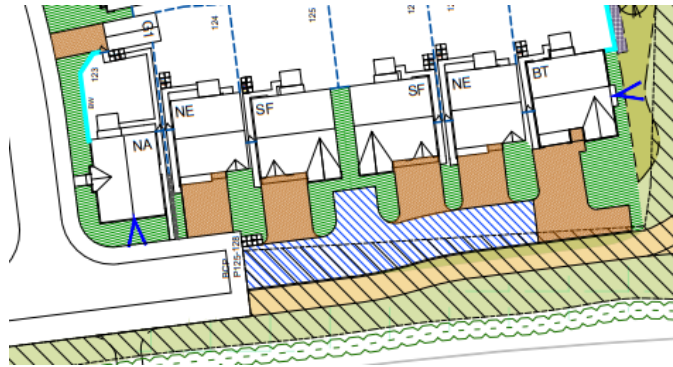
Street Scenes:



- 5.6.10 The resulting details of the levels are considered to be appropriate. Whilst details of boundary treatments have been provided, there are likely to be some retaining boundary treatments which are not detailed on plan. Therefore, a condition is required to secure any retaining features. The boundary treatments are a mix of fences within rear gardens, with screen walls and screen walls with fence insert to the main public facing borders of the housing. These are considered to be appropriate boundary treatments. However, the scheme shows only post and rail fencing to the rear gardens of the affordable units which is not appropriate and a 1.8m high featheredge timber fence should be provided here, in line with what is being provided on the remainder of the plots. This will be secured via condition.
- 5.6.11 Derbyshire Constabulary Designing Out Crime have commented on the scheme as follows:  
“The residential edge of the western side of the site has pedestrian/cycle and pedestrian only routes between house frontages and the roadside/boundary hedge, where I would recommend that boundary division needs to be strengthened because of reduced overlooking and the close proximity between the pathways and residential frontages . The knee rail proposed for parts of this edge should be replaced with the 1.2m estate rail proposed elsewhere. This would be for the shared driveway of plots 13-15/private drive of plot 1, the shared driveway for plots 131 and 142, and for the shared driveway for plots 127-129/private drive of plot 130.  
A significant amount of private frontages and sides are provided with a hedge to define private space. This is indicated as a clipped box hedge on visualisations, the realisation of which will depend upon species and maintenance. Can I suggest that low growing type is specified to maintain the street views available from roadside and key corner plots. Most key corner plots have double fronted Bourton and Empingham house types and present an active edge. There are seven Moreton and Shelford house types sited at key locations, which in my view are weak corner units. Plots 11, 119, 122 and 135 for the Moreton, and 5, 111 and 138 for the Shelford should have an additional side lounge window added at these locations, or alternatively be substituted for Bourton/Empingham/other double fronted house designs.”
- 5.6.12 In order to address the concerns of the Derbyshire Constabulary a condition will be added for further consideration of the treatment to the boundary of the housing where it meets the public open space. There needs to be further consideration of these landscaped areas which will likely be within private plot ownership but appear to be within the public

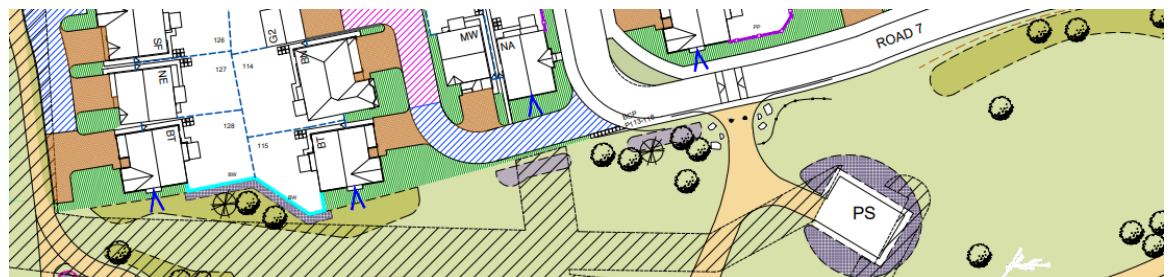
realm. A condition is needed to remove permitted development rights from these areas as well as to ensure appropriate finished boundary treatments in order to define the public and private spaces.

Example of where consideration is needed to define the public and private spaces:



- 5.6.13 In terms of the concerns about natural surveillance from corner plots, the amendments to the scheme have ensured that the properties on corners have side views for natural surveillance. Given the number of properties overlooking the open space it is considered that there is sufficient surveillance of these areas.

For example, the blue arrows indicate side windows:



- 5.6.14 Subject to conditions the design and visual impact of the scheme is considered to be acceptable inline with Policy CLP20 of the Adopted Local Plan. In terms of heritage impacts, these are considered to be no more substantial than as resolved on the Outline permission in accordance with Policy CLP21 of the Adopted Local Plan.

## 5.7 Impact on Residential Amenity

- 5.7.1 Policy CLP14 of the Adopted Local plan requires that; “The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing

environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers.”

5.7.2 The Outline permission require via condition that all reserved matters applications were in accordance with the recommendations of the submitted noise and vibration assessment with each phase accompanied by a report of compliance. That original report noted the potential impact of road noise from the Bolsover and Worksop Roads.

5.7.3 In this application a noise report has been submitted which notes: “A noise impact assessment has been performed for the proposed residential development at land to the east of Bolsover Road. Noise monitoring was carried out on 8th September through to 9th September 2022, to determine the level of external noise affecting the proposed development. Section 4 provides recommendations for a noise mitigation strategy, to protect potential future residential development at the site from the existing noise climate using relevant guidance including BS8233 / ProPG.” This is demonstrated on the following plan:

**Appendix 3 – Sound Attenuation Scheme**



Bedrooms requiring enhanced glazing and ventilation  
2.0-metre-high brick wall / close boarded timber fence

5.7.3 The details in this latest report are considered to be in line with the original submission at the Outline stage. The requirements of the noise report are detailed in the boundary treatment plans for the development. The requirement of the enhanced glazing and ventilation are noted. A condition will secure these matters to ensure the potential noise from

the highway does not adversely impact the amenity of future residents.

- 5.7.4 Given the distance of the new housing to the nearest neighbouring properties there are not considered to be any adverse impacts arising in terms of overlooking or overshadowing issues that would warrant amendments of the application. The relationships between the new housing are also considered to be acceptable in terms of amenity impacts.
- 5.7.5 Subject to the additional condition to secure the noise mitigation measures the proposal is considered to meet the requirements of Policy CLP14 of the Adopted Local Plan.

## **5.8 Highways Safety and Parking Provision**

- 5.8.1 The access point into the site from Bolsover Road were agreed at the Outline stage. The reserved matters for the Green Infrastructure also included the spine road into Phase 1. Therefore this application is considering the layout of the highway within the remainder of Phase 1 only along with parking and details such as gradients.
- 5.8.2 Policy CLP22 requires that; To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices. This will be done by seeking ways in which to reduce travel by private car and seeking enhancements of and incentives for walking, cycling and use of public transport. 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.
- 5.8.3 Through the application process there has been considerable negotiation with the Highway Authority regarding the layout of the streets, designing for the priority of street users, design to reduce traffic speed and street trees.
- 5.8.4 In response to the latest revisions the following comments were received from the Highway Authority:  
*“It is noted that the amendments suggested in previous comments have been made to the layout for roads 8 and 9.*

*Whilst the overall layout remains disappointing on a number of issues as per previous comments, the design is considered to be safe and functional and as such there are no highway authority objections to the application.*

*It is recommended that conditions are included in any consent granted.”*

5.8.5 The previous comments to this reflected the earlier discussions as follows:

*“The lack of tree lined streets in the whole of the layout is again disappointing with the associated benefits of tree lined streets being missed e.g. shading, urban cooling, positive impact on air pollution etc. as outlined in TDAG guidance. It is noted that road 5 includes a section of verge/trees fronting plots 54 – 60 with the verge to the rear of the footway. This area will not be included in any road adoption agreement and the future maintenance of this area will need to be included in a separate management company agreement.*

*The extension of the footway through the junction of roads 5 and 6 included within the raised plateau is welcomed.*

*Road 6 misses the opportunity to provide a more pedestrian friendly layout and environment with, what appears to be, little thought given to creating an alternative to the traditional car dominant layout. The same comments apply to the majority of the layout.*

*Road 7 does incorporate crossing opportunities which align with the POS to the south but will not be effective as a speed reducing features in the locations provided. The junction with road 8, again, could be more inventive to create a more visually pleasing and pedestrian prioritised junction. Similarly, the same applies at the bend on road 8 at the ‘junction’ with the pedestrian access to POS to the north and the private drives serving plots 79 – 86.*

*Roads 8 and 9 include build outs which reduce the road width to 4.1m over a very short length. These will be ineffective and will need to be removed.*

*Ultimately, as expressed previously, the overall design of the internal estate is disappointing and misses opportunities to create a less vehicle dominant, more pedestrian friendly and aesthetically pleasing layout and environment with tree lined streets; however, aside from the removal of the build outs on roads 8 and 9, the submitted layout is*

*considered to be safe and functional to serve the access requirements of the site and as such it is considered that there are no grounds for the highway authority to object to the layout.”*

- 5.8.5 Active Travel England have noted that:  
*Active travel opportunities should be pursued. Priority for pedestrians first. What form is the cycle parking, should be space for 1 cycle per bedroom. Need appropriate crossings incl. dropped kerbs and tactile paving. Query crossings over Bolsover Road, these are unclear.*
- 5.8.6 In response to the comments of Active Travel England, it should be noted that the crossing points their detail and footpath and cycle routes through the site are already secured under either the Outline permission or as part of the Green Infrastructure reserved matters permission. This is why they are not detailed in this application. The matter of cycle parking has also been noted by the Highway Authority and will be controlled via condition. It is therefore considered that active travel aims in terms of this housing phase 1 element only has been met in accordance with policy CLP22.
- 5.8.7 As noted above the street trees other than on the spine road will be within the managed open space rather than front gardens which is considered to be sufficient to meet the definition of street trees.

## **5.9 Biodiversity, impact on protected species, enhancement and Trees**

- 5.9.1 Policy CLP16 of the Local Plan 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. The outline permission considered the need to enhance biodiversity and appropriate measures to mitigate harm to protected species, these matters were secured via condition. The discharge of those conditions is under consideration and

it is important to ensure that each reserved matters application seeks to meet the outline requirements.

- 5.9.2 Derbyshire Wildlife Trust have commented on the submission:  
*“This REM application boundary largely comprises housing, excluding larger areas of open space/soft landscaping. We are pleased to see street trees along the access road and soft landscaping incorporated in front gardens. No detailed comments to make due to the built nature of this phase.”*
- 5.9.3 For clarity the outline permission set out the ecological requirements of the site in seeking a measurable net gain in biodiversity primarily through landscaping of the wider site. as the green infrastructure permission included the open space to Phase 1 and 2 this is where the gains in biodiversity will be provided. Therefore, the Trust in noting that this application is for the housing element only are reiterating the intentions of the developable plots of the site to ensure that the landscaped areas seek the necessary biodiversity gains.
- 5.9.4 However, there are some minor enhancements as part of the housing provision in that the materials layout plan 593-005 Rev E shows the plots which will have bat boxes and swift boxes built into the fabric of the external walls. This is welcomed and the locations chosen are appropriate in terms of their connection to the landscaped areas of the wider site. A condition is recommended to secure these elements prior to occupation. In addition, detailed landscaping plans have not been submitted for this housing layout, these details are therefore required to be agreed via condition. Subject to conditions, the scheme is considered to meet the biodiversity and ecological requirements pertaining to this reserved matters submission in accordance with policy CLP16 of the Adopted Local Plan.

## **5.10 Ground conditions**

- 5.10.1 Policy CLP14 of the Adopted Local plan 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.
- 5.10.2 The Coal Authority have commented:  
“Substantive Concern - Conditions 38 and 39 of the planning permission seeks to address coal mining legacy issues. In terms of providing comments in relation to this planning application, it is noted that the



submission is a reserved matters application in respect of outline planning approval reference CHE/20/00700/OUT. However, on the basis that we remain unclear as to the situation with regard to the high wall of the former surface extraction and whether the built development layout has been designed around these coal mining hazards, the Coal Authority objects to this planning application. In noting the requirements of both Conditions 38 and 39 with specific regard to the high wall, no annotation is included on the layout drawing to show designated no build zones and the precise location of the high walls within the planning boundary.”

Further information was submitted to address these concerns with the Coal Authority then commenting:

“We last commented on this submission in a letter to the LPA dated 14th July 2023. In this letter we noted we remained unclear as to the situation with regard to the high wall of the former surface extraction and whether the built development layout has been designed around these coal mining hazards. The applicant has now provided a Coal Mining Overlay plan which shows that the areas of surface mining activity lie outside of the site and that there is no requirement to design the layout to avoid any surface mining highwalls. On this basis I can confirm that the Planning team at the Coal Authority withdraws its objection to this reserved matters submission.”

5.10.3 On this basis and given the conditions of the Outline permission in terms of ground conditions in relation to former coal mining activity and any associated contaminants, the proposal is considered to be acceptable in accordance with Policy CLP14 of the Adopted Local Plan.

## **5.11 Drainage**

5.11.1 Policy CLP13 Adopted Local Plan advises 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”.

5.11.2 On the basis of the conditional requirements of the Outline permission, the Lead Local Flood Authority and Yorkshire Water have had no comments to make on this housing only reserved matters submission. The SUD’s provision was considered as part of the outline permission and under the green infrastructure reserved matters permission for Phases 1 and 2. Therefore there are no other drainage matters to

consider at this stage. In this regard the proposal is in accordance with Policy CLP13 of the Adopted Local Plan.

## **5.12 Development Contributions and CIL Liability.**

- 5.12.1 Infrastructure matters were considered at the Outline stage where the S106 agreement relating to that permission secured; £247,260 for the expansion of Royal Primary Care and Barlborough Medical Practice, affordable housing provision, £60,000 for cycle connections, and multiple further contributions in relation to highway improvements. Other infrastructure matters such as school provision are considered under the Community Infrastructure Levy.
- 5.12.2 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the low CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)).
- 5.12.3 As the scheme has been amended late in the process the required CIL form 1 setting out the floor space of all dwellings proposed has not yet been submitted. It is anticipated that this information will be updated directly to the committee.

## **6.0 REPRESENTATIONS**

- 6.1 7 representations have been received which are summarised as follows:
- 6.2 This is prime agricultural land needed to feed the nation.  
This is a haven for wildlife.  
Infrastructure cannot cope with this development.  
The A619 is a no-go area at rush hour, school children breathing fumes from standing traffic, emergency vehicles struggling to get through.  
Schools cannot cope with more children.  
GP's and NHS running at capacity additional families mean longer waits for GP's and dentists.  
Chatsworth Estate should concentrate on farming.  
There are plenty of brownfield sites to be delivered.  
There is a private field leased from Chatsworth, the only protection for this field is a sparse hedge, as secure boundary is needed. We do not want new residents to use our land by walking though the hedging.

It seems that resident voices have been silenced to let this development go through.

Local businesses got letters about the development before neighbours. No thought to local infrastructure, roads are not being widened to accommodate this development free for all.

We have raised these issues over many developments, HGV's from Great Bear are increasing the risks to children going to school. The road is jammed and not fit for purpose.

The impact of the development will make things worse with mud on the road etc.

There are probably shady dealings happening between developers and council rep, to dismiss the will of local people is terrible.

Out of 143 homes only 7 will be affordable.

We should be building more council properties instead.

There was mention of a public house being built, assume this has been canned as it doesn't fit the narrative.

6.3 Comments from Chesterfield Hospital requesting £361,000 contribution.

6.4 Comments from Devonshire Group (Landowner) in favour of the application:

Harron Homes were selected in a robust process where 4 housebuilders were considered. The decision was based on a combination of technical competency, sustainability, community engagement, commitment to training and to the Construction Skills Hub, diversity, customer care and most importantly design and quality of product. Harron have a proven reputation for delivering good quality housing.

6.5 **Officer response to matters raised:**

Outline planning permission has been granted and therefore matters pertaining to the principle and quantum of development cannot be considered at this stage. This includes impacts on traffic as this was considered in detail at the outline stage with the access points agreed.

In terms of the boundary to the adjacent field this was considered under the Phase 1 and 2 Green Infrastructure Reserved Matters application CHE/23/00194/REM where it was agreed and conditioned (condition 8) that a post and rail fence and additional hedge planting was appropriate to this boundary. It should be noted that the red edge for this application does not extend to the edge of the field.

The extent of affordable housing is in line with the Outline permission which is policy compliant.

Matters of infrastructure including GP provision were considered and secured at the Outline stage and cannot be reconsidered.

## **7.0 HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 2023 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 This reserved matters submission for the Phase 1 housing element is considered to be acceptable in terms of creating an appropriate form of housing development in line with the aims of the development Framework secured as part of the Outline permission. This is the first of a number of phases of housing where the whole development will need to work as one in terms of the overall design quality and creation of place. The submission is considered to be in accordance with the requirements of the outline permission for which outstanding conditions continue to be considered. On this basis in line with the outline permission and allocation in the Local Plan and subject to the additional conditions as set out above the application is acceptable and recommended for approval.

## 10.0 **RECOMMENDATION**

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

### **Conditions**

1. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any conditional requirement below or of the Outline permission (CHE/20/00700/OUT) or of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):

- Site location plan 593-003 received 15.06.2023
- Site layout 593-001 Rev Q received 08.03.2024
- External materials and boundary treatments layout 593-006 Rev D received 08.03.2024
- Materials layout 593-005 Rev E received 08.03.2024
- House type bundle Rev C received 05.03.2024
- Coal mining overlay 593 received 29.01.2024
- Adoptable highway geometry principles 1163-001 received 29.01.2024

- Street scenes 593-021 received 29.01.2024 (notwithstanding the updated house type bundle Rev C)
- Site sections 593-009 received 29.01.2024
- Fire swept path analysis 593-012 received 15.06.2023
- Refuse swept path analysis 593-011 received 15.06.2023
- Deliveries swept path analysis 593-013 received 15.06.2023
- Drainage strategy 1163-SK04 received 15.06.2023
- Levels Strategy 1163-SK03 received 15.06.2023
- Noise impact assessment received 15.06.2023
- Design and Access Statement received 21.06.2023
- JSP Ltd Sustainability statement Bolsover Road Mastin Moor Phase 1 dated October 2022 received 15.06.2023
- Phase 1 planning statement received 15.06.2023
- Eastwood Remediation implementation plan dated 9<sup>th</sup> November 2022 received 15.06.2023
- Construction Environmental management plan received 15.06.2023
- Eastwood Geotechnical and Geo-environmental Site Investigation dated 12<sup>th</sup> September 2022 Part 1 to 6 received 15.06.2023
- Sales area plan 593-201 Rev B received 15.06.2023

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

2. Notwithstanding submitted plan 593-201 Rev B received 15.06.2023, this permission does not grant advertisement consent for the sales signage or flags.

Reason – For clarification of the permission.

3. Prior to works commencing beyond slab level on the first plot, details of all retaining features; including any walls, structures or banking shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason – To ensure any retaining features are appropriate in scale and finish in accordance with policies CLP14 and 20 of the Adopted Local Plan.

4. Prior to works commencing beyond slab level on the first plot, details of boundary treatments to clearly define the separation of public and private spaces to the housing across the site, shall be submitted to and

approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason – To ensure there is clarity over public and private space in accordance with policies CLP14 and 20 of the Adopted Local Plan.

5. 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 buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the area of the curtilage between the dwelling and the highway or open space edge as defined by the agreed boundary locations set out on the external materials and boundary treatments layout plan 593-006 Rev D received 08.03.2024, in respect of the following plots; 1, 5, 9, 11, 20, 23, 26, 27, 28, 31, 33, 44, 45, 53, 56, 57, 61, 67, 70, 76, 79, 80, 81, 82, 86, 87, 96, 97, 99, 100, 101, 109, 110, 112, 115, 116, 117, 120, 123, 128, 131, 135, 138, 143, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To safeguard the visual amenity of the site in accordance with policy CLP20 of the Adopted Local Plan.

6. Notwithstanding the external materials and boundary treatments layout plan 593-006 Rev D received 08.03.20, the northern boundary to plot 57 where it is adjacent the footpath and shown as a dotted blue line, there shall be a 1.8m high screen fence with brick dwarf wall and piers as demonstrated by the purple line on the same plan.

Reason - To safeguard the visual amenity of the site in accordance with policy CLP20 of the Adopted Local Plan.

7. Notwithstanding the details shown on plan External materials and boundary treatments layout plan no. 593-006 Rev D received 08.03.20, the rear garden boundaries to the affordable housing shall be the 1.8m high feather edge timber fence, not the 1.2m high post and rail fence.

Reason - To safeguard the visual amenity of the site in accordance with policy CLP20 of the Adopted Local Plan.

8. In accordance with conditions 3 to 7 above the agreed boundary treatments defined as agreed or shown on the external materials and boundary treatments layout plan no. 593-006 Rev D received

08.03.2024, shall be installed on site in accordance with the agreed details prior to the occupation of each unit.

Reason – In order to ensure an appropriate finished form of development in accordance with policy CLP20 of the Adopted Local Plan.

9. Notwithstanding the external materials shown on Materials layout plan 593-005 Rev E received 08.03.2024, the external facing materials of the housing hereby approved shall be agreed in writing with the Local Planning Authority in accordance with condition 55 of the outline permission CHE/20/00700/OUT.

Reason – To ensure control over the finished material palette for the visual benefit of the wider development site in accordance with policy CLP20 of the Adopted Local Plan.

10. The development shall be completed in accordance with the recommendations of the Noise Impact Assessment for Harron Homes dated 19<sup>th</sup> September 2022 NIA-10539-22-10680-v1 Mastin Moor, Phase 1.

Reason – In the interests of residential amenity in accordance with Policy CLP14 of the Adopted Local Plan.

11. The bat and bird boxes to be integrated into the fabric of the external walls as shown on materials layout plan 593-005 Rev E shall be installed prior to the occupation of each unit where the boxes are to be provided.

Reason – In the interests of biodiversity enhancement in accordance with Policy CLP16 of the Adopted Local Plan.

12. Further to the requirements of condition 48 of the outline permission CHE/20/00700/OUT, and prior to the development progressing above the slab level of the first dwelling in the phase to which this permission relates, details of the 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.

The details shall include:



- 1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;
  - 2) details of;
    - a) tree pit design;
    - b) underground modular systems;
    - c) sustainable urban drainage integration;
  - 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
  - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
  - 5) types and dimensions of all boundary treatments.
- There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the Local Planning Authority.

Reason - To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies CLP15, 16 and 17 of the Adopted Local Plan.

13. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on the submitted drawing(s).

Reason - To ensure conformity with submitted details.

14. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 25m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason - In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

15. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided for

each plot in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking storage area shall be maintained for this purpose thereafter.

Reason - To promote sustainable travel and healthy communities in accordance with Policy CLP22 of the Adopted Local Plan.

16. Notwithstanding House type bundle Rev C received 05.03.2024, to house type The Empingham there shall be no blocked window detail to the upper floor side elevation, which shall instead have plain bricked walling.

Reason – To ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

### **Informative notes:**

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the design and layout of the development in order to achieve a positive outcome for the application.
2. Highways
  - a) The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Implementation Team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk). You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

b) All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.