

Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 1st April 2019

File No: CHE/18/00805/REM
Plot No: 2/218

ITEM 4

**RESERVED MATTER APPLICATION FOR CHE/16/00016/OUT –
ERECTION OF 200 DWELLINGS (PHASE 2 AND 3) AND ASSOCIATED
LANDSCAPING (ADDITIONAL INFORMATION RECEIVED 25/02/2019,
26/02/2019 AND 28/02/2019; AND REVISED PLANS RECEIVED 08/03/2019
AND 19/03/2019) AT LAND TO WEST OF DUNSTON LANE, NEWBOLD,
CHESTERFIELD, DERBYSHIRE FOR WILLIAM DAVIS LTD**

Local Plan: Open Countryside / Other Open Land
Ward: Dunston

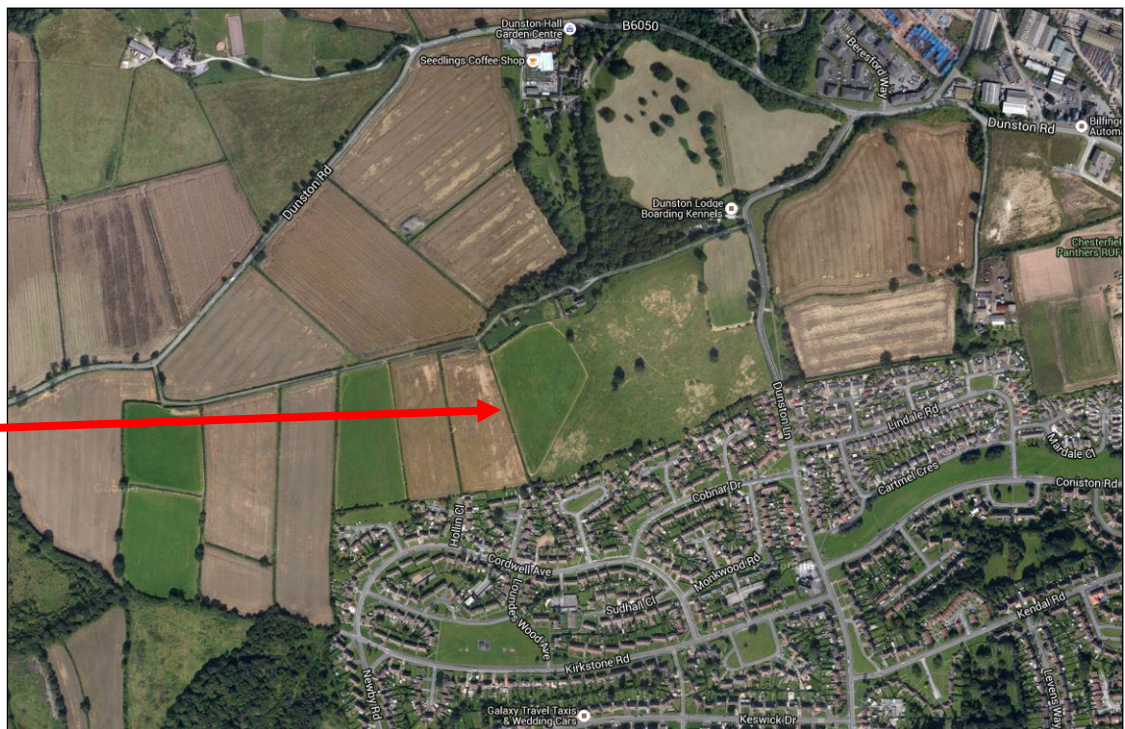
1.0 CONSULTATIONS

Local Highways Authority	Comments received 10/01/2019, 06/02/2019, 19/03/2019, 20/03/2019 and 21/03/2019 – see report
Design Services	Comments received 10/01/2019 – no objections – see section 5.5 of report
Environmental Services	Comments received 04/01/2019 – no objections
Crime Prevention Design Advisor	Comments received 17/01/2019 and 20/03/2019 – see report
Coal Authority	Comments received 21/01/2019 and 08/03/2019 – see section 5.5 of report
Yorkshire Water Services	Comments received 29/01/2019 – no objections - see section 5.5 of report
Derbyshire Wildlife Trust	Comments received 23/01/2019– see report
Lead Local Flood Authority	Comments received 23/01/2019 – see section 5.5 of report
Urban Design Officer	Comments received 19/02/2019 – see report
Tree Officer	Comments received 13/03/2019 – see report

Housing Services	No comments received
C/Field Cycle Campaign	Comments received 02/02/2019 – see report
DCC Archaeologist	No comments received
Derbyshire Fire Officer	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Seven neighbour representations received

2.0 THE SITE

2.1 The site the subject of the application is an area of agricultural land which is located on the northern edge of Dunston. Access into the site is currently only available from a gated entrance off a private lane leading to Dunston Grange, which adjoins the immediate northern boundary of the application site.



2.2 The aerial photograph above shows the application site in its surrounding context. There are residential properties immediately adjoining the southern boundary of the site, the eastern boundary is defined by Dunston Lane, the northern boundary is defined by the private access road which runs from Dunston Lane to Dunston Grange and beyond, and the western boundary is a dividing hedgerow (which runs northerly from the western settlement

boundary edge of Dunston). The site is undulated in part and predominantly slopes down from north to south.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/18/00488/NMA – NMA to CHE/17/00351/REM - Plots 80 and 81 updated to semi-detached; and brock type 1 updated from Terca Oakwood to Terca Blended Red.
Amendment approved on 23/07/2018.
- 3.2 CHE/17/00880/DOC – Discharge of condition 3 (planting) of CHE/17/00351/REM.
Condition 3 approved on 29/03/2018.
- 3.3 CHE/17/00735/DOC – Discharge of condition 2 (roads) of CHE/17/00326/REM.
Condition 2 approved 13/02/2018.
- 3.4 CHE/17/00695/DOC – Discharge of conditions 12 (root protection) and 19 (temporary access) of CHE/16/00016/OUT.
Condition 12 and 19 approved on 16/11/2017.
- 3.5 CHE/17/00681/DOC – Discharge of conditions 4 (drainage) and 24 (estate roads) of CHE/16/00016/OUT.
Condition 4 approved on 08/11/2017.
Condition 24 approved on 13/02/2018.
- 3.6 CHE/17/00449/DOC – Discharge of conditions 7 (phase i geo-environmental assessment report), 13 (site access), 16 (infrastructure), 19 (temporary site access) and 20 (construction method statement) of CHE/16/00016/OUT.
Conditions 7, 13, 16, 19 and 20 approved on 22/08/2017.
- 3.7 CHE/17/00431/DOC - Discharge of planning conditions 2 (reserved matters), 6 (archaeological investigation), 8 (bat survey), 9 (badger survey), 10 (badger protection), 12 (root protection areas), 14 (open space scheme), 18 (materials), 21 (internal site layout), 22 (junction with Dunston Lane), 26 (travel plan), 29 (noise assessment) and 30 (conformity with concept masterplan) of CHE/16/00016/OUT.
Conditions 2, 6, 8, 9, and 10 approved on 09/08/2017.
Condition 26 approved on 30/08/2017.
Conditions 12, 14, 18, 21, 22, 29 and 30 still outstanding.

- 3.8 CHE/17/00381/DOC - Discharge of condition 5 (intrusive site investigations - coal mining) of CHE/16/00016/OUT. Condition 5 approved on 07/07/2017.
- 3.9 CHE/17/00326/REM - Reserved matter application for CHE/16/00016/OUT – erection of 99 dwellings and associated public open space, landscaping and surface water balancing (phase 1). Approved on 19/09/2017.
- 3.10 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) at land to the west of Dunston Lane, Chesterfield, Derbyshire for William Davis Limited. Approved on 29/03/2016.
- 3.11 CHE/14/00873/OUT - Outline application for 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) – additional information received on 16/10/2015 at land to the west of Dunston Lane, Chesterfield, Derbyshire for William Davis Limited. Refused on 19/11/2015.
- 3.12 CHE/14/00641/EIA – Request for screening opinion for proposed residential development at land to the south of Dunston grange, Dunston Lane, Chesterfield, Derbyshire for Pegasus Group. LPA decision dated 23/09/2014 concluded that the proposals were EIA development; however the LPA decision was appealed to the National Planning Casework Unit and subsequently the Secretary of State decision dated 19/11/2014 concluded that the proposals was not EIA development.
- 3.13 CHE/0993/0562 - Outline application for residential development with playing fields and road improvements on land surrounding Dunston Grange Farm, Dunston Lane, Chesterfield. Refused on 10/02/1994.

4.0 **THE PROPOSAL**

- 4.1 In March 2016 planning permission was granted in outline for residential development of up to 300 dwellings on land located to

the west of Dunston Lane. The outline application site measured in 15.81 hectares in area.

- 4.2 In September 2017 reserved matters approval was granted for the first phase of the development for 99 dwellings.
- 4.3 This is an application which seeks reserved matters approval for the second and third phases of that outline planning permission for the erection of 200 dwellings on the remaining two thirds of the outline application site.
- 4.4 The application submitted is supported by the following list of plans / documents (~~struck through~~ plans have been superseded):

House Types

~~Type B – 14-053 TyB-1 (Brick)~~

Type B – 14-053 TyB-1 Rev A (Brick)

Type D – 14-053 TyD-1 (Brick)

Beamish – 14-053 BM-1 (Brick)

Beamish – 14-053 BM-2 (Render)

Dove – 14-053 DE-9 (Render / Gable Option)

Dove – 14-053 DE-7 (Brick / Gable Option)

Denwick – 14-053 DK-2 (Render)

Denwick – 14-053 DK-1 (Brick)

Denwick – 14-053 DK-6 (Brick / Double Gablette Option)

~~Dalton – 14-053 DL-8 (Brick / Soldier Course Option)~~

Dalton – 14-053 DL-8 Rev A (Brick / Soldier Course Option)

~~Hamble – 14-053 HB-1 (Brick)~~

~~Hamble – 14-053 HB-2 (Render)~~

~~Hamble – 14-053 HB-1(S) (Stone)~~

Hamble – 14-053 HB-1 Rev A (Brick)

Hamble – 14-053 HB-2 Rev A (Render)

Hamble – 14-053 HB-1(S) Rev A (Stone)

~~Kildale – 14-053 KD-8 (Brick / Soldier Course Option)~~

Kildale – 14-053 KD-8 Rev A (Brick / Soldier Course Option)

Lea – 14-053 LA-1 (Brick)

Lea – 14-053 LA-2 (Render)

Lydden - 14-053 LN(PC)-(S) (Stone / Chimney Option)

Lydeen - 14-053 LN(PC)-1 (Brick / Chimney Option)

Lydden - 14-053 LN-1 (Brick)

Lydden - 14-053 LN-1(S) (Stone)

Lydden – 14-053 LN(PC)-(S1) Rev B (Brick / Chimney Option) -

Plots 134, 197, 206, 241 + 263

~~Meden - 14-053 MD-1 (Brick)~~
Meden - 14-053 MD-1 Rev A (Brick)
~~Minsmere - 14-053 MM-2 (Render)~~
Minsmere - 14-053 MM-2 Rev A (Render)
Nene 14-053 NN-1 (Brick)
Nene 14-053 NN-2 (Render)
Nene 14-053 NN-2 – (S1) (Render) – Plot 254
~~Rother 14-053 RR-1 (Brick)~~
Rother 14-053 RR-1 Rev A (Brick)
Seaton 14-053 SN-1 (Brick)
Seaton 14-053 SN-2 (Render)
Severn 14-053 SV-1 (Brick)
Severn 14-053 SV-2 (Render)
Severn 14-053 SV-3 (Brick / Tile Option)
Soar 14-053 SR-1 (Brick)
Soar 14-053 SR-1 – (S1) (Brick) – Plots 243, 270 + 280
Solent 14-053 ST-1 (Brick)
Solent 14-053 ST-1-PC (Brick / Chimney Option)
Solent 14-053 ST-6 (Brick / Double Gablette Option)
Solent 14-053 ST-2 (Render)
Solent 14-053 ST-1-PC – (S1) (Brick / Chimney Option) – Plots
200 + 282
Teme 14-053 TM-1 (Brick)
Teme 14-053 TM-2 (Render)
Thirsk 14-053 TS-8 (Brick / Soldier Course Option)
~~Wreton 14-053 WR-8 (Brick / Soldier Course Option)~~
Wreton 14-053 WR-8 Rev A (Brick / Soldier Course Option)

Garages

~~Double Garage Side Gable 14-053 GB02~~
~~Semi Side Garage 14-053 GB03~~
~~Single Front Gable 14-053 GB06~~
Double Garage Side Gable 14-053 GB02 Rev A
Semi Side Garage 14-053 GB03 Rev A
Single Front Gable 14-053 GB06 Rev A

Site Layout

Site Location Plan 14-053 P01
~~Site Layout Plan 14-053 P02 Rev A~~
~~Site Layout Plan 14-053 P02 Rev D~~
Site Layout Plan 14-053 P02 Rev H
~~Materials Plan 14-053 P03~~
Materials Plan 14-053 P03 Rev B

~~Proposed Boundary Treatments Plan 14-053 P04~~
~~Proposed Boundary Treatments Plan 14-053 P04 Rev B~~
Proposed Boundary Treatments Plan 14-053 P04 Rev D
~~Proposed Hard Landscaping Plan 14-053 P05~~
Proposed Hard Landscaping Plan 14-053 P05 Rev B
~~Streetscene Elevations 1 14-053 P06 Rev A~~
Streetscene Elevations 1 - 14-053 P06 Rev C
~~Streetscene Elevations 2 14-053 P07 Rev A~~
Streetscene Elevations 2 - 14-053 P07 Rev C
Proposed Phasing Plan – 14-053 P08
~~Soft Landscape Proposals Sheet 1 of 4 GL0123 01A~~
~~Soft Landscape Proposals Sheet 2 of 4 GL0123 02A~~
~~Soft Landscape Proposals Sheet 3 of 4 GL0123 03A~~
~~Soft Landscape Proposals Sheet 4 of 4 GL0123 04A~~
Soft Landscape Proposals Sheet 1 of 4 GL0123 01C
Soft Landscape Proposals Sheet 2 of 4 GL0123 02C
Soft Landscape Proposals Sheet 3 of 4 GL0123 03C
Soft Landscape Proposals Sheet 4 of 4 GL0123 04C
Tree Pit Detail GL0123 05
1800mm Timber Screen Fence 6235 L44 Rev D
Timber Knee Rail 6235 L59 Rev B
1800mm Waney Edged Panel Fencing 6235 L62 Rev B
Metal Boundary Railing 6235 L83 Rev D
Brick Screen Wall Detail 6235 L89
S38 Vehicle Tracking DGI-BWB-HGN-02-DR-D-110 S1 P2
S38 General Arrangement (Sheet 1 of 2) DGI-BWB-HGN-02-DR-D-100 S1 P2
S38 Longsection (Sheet 4 of 4) DGI-BWB-HGN-02-DR-D-653 S1 P1

Supporting Documents etc

Supporting Planning Statement (P&D Group November 2018)
Ecological Assessment Rev A (Landscape Science Consultancy Ltd November 2018)
Noise Assessment (WYG October 2018)
Landscape Management Plan Rev A – Phase 2 and 3 (Golby & Luck Landscape Architects October 2018)
Landscape Risk Assessment (Golby & Luck Landscape Architects October 2018)
Geo Dyne – Supporting Statements dated 21st September 2018 and 6th March 2019
William Davis Apprentice Vacancy Details – July 2018 Press Release

4.5 A package of revised drawings (reflected in the list above) were also submitted on 08/03/2019, 19/03/2019 and 21/03/2019 and the whole submission is also intends to address the requirements of conditions 14, 18, 28 and 29 of the outline planning permission (CHE/16/00016/OUT) with the details submitted.

5.0 **CONSIDERATIONS**

5.1 **Planning Background / Principle of Development**

5.1.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/16/00016/OUT for residential development along with associated access, public open space, landscaping and surface water balancing which was approved on 29/03/2016 subject to 30 no. planning conditions and a unilateral undertaking covering the provision of public art, affordable housing, an education contribution, management of green space and suds infrastructure and highway work.

5.1.2 The live outline permission enabled applications for reserved matters approval to be submitted for a period of three years following the date of the outline approval (i.e up to 28/03/2019) and this reserved matters application completes the development and concerns the second and third phases of that development. This application was received before the expiry of the outline permission on 12/12/2018.

5.1.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions and the unilateral agreement the issues already agreed and set by the outline permission cannot be revisited. Only the outstanding reserved matters issues concerning appearance, landscaping, layout and scale are to be considered. Access was agreed at the time of the outline planning permission and the subsequent approval of its detail has been dealt with under condition 22 of application CHE/17/00431/DOC. The site access

has since been formed to Dunston Lane under a S278 agreement by the Local Highways Authority.

5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**

- 5.2.1 Having regard to the detailed design and appearance considerations of the proposed reserved matters details alongside the case officers own appraisal of the scheme the Council's Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) were invited to review the submission.
- 5.2.2 Initially the UDO undertook a thorough review the reserved matters submission and offered the following feedback on the submitted scheme:

Use

The principle of residential use of this land was previously accepted with the grant of outline planning permission (16/00016/OUT).

Amount

The outline planning permission (16/00016/OUT) approved up to 300 dwellings. Phase 1 of this site (currently under construction) was granted permission for 99 dwellings. This submission seeks consent for a further 200 dwellings and is therefore within the parameters consented under the outline permission. The site area measures 6.8 hectares. A development of 200 dwellings would equate to a density of 29.4dph.

Layout

Condition 30 of the outline planning permission (16/00016/OUT) required that the reserved matters details shall be in general conformity with the Concept Masterplan Plan Drg No: EMS:2304_003 F.

The general arrangement of the proposed layout broadly follows some of the principles of the Masterplan envisaged and approved at the outline stage, in respect of outward facing edges to the development, introduction of focal point locations, hierarchy of street types, inclusion of amenity green space and pedestrian/cycle routes within the scheme.

Elements of the layout differ from that indicated within the Masterplan due to the presence of cliff walls associated with the previous open casting, which dictate the alignment of the amenity green space due this forming a no build zone. In addition, the removal of three hedgerows has informed an alternative internal layout which is not constrained by the existing hedgerows on site.

While the broad principles of the Masterplan are partially reflected in the current layout, in urban design terms, some of these elements are weak or missing. A number of detailed matters of detail are discussed further below.

Permeability

Internal permeability is provided by a loop road which forms a primary circulation route, although cul-de-sacs and private drives result in limited permeability overall.

Connectivity

Condition 28 of the outline permission (16/00016/OUT) requires details of the provision of a pedestrian and cycle link to Hollin Close or Baines Wood Close.

A link to Hollin Close is shown on the layout plan, although sections should also be submitted to demonstrate that a suitable gradient and level connection will be achieved with the land on the Hollin Close side of the boundary.

Cycle connectivity

A 3m wide shared cycle and footpath route is indicated on the main east west and north-south primary streets. This links back to the main route on Phase 1 of the scheme which is appropriate.

A circulation route is also indicated around the eastern and northern green buffers but is described as a footpath and is shown on the landscape proposals as a mown path only.

However, the Masterplan provided in support of the outline planning permission indicated this as a pedestrian and cycle route. Furthermore, the approved layout for Phase 1 of the development shows a cycle route passing along the northern part of the site along the edge of the balancing ponds / green corridor, past the play area and connecting onto Phase 2.

In the interests of consistency with the supporting Masterplan and providing a more connected development, it is recommended that a surfaced shared cycle and pedestrian path should be introduced through the northern and eastern buffers, forming a secondary pedestrian/cycle path that will promote health and well-being in accordance with the approved Masterplan.

Townscape

The arrangement of spaces and the built form is generally reasonably well considered with buildings arranged to terminate views along most streets.

Where focal point spaces are provided however, the landscape design of these spaces is generally unremarkable and contains little to distinguish these key locations within the wider scheme and set them apart from the general townscape.

The two primary locations that would benefit from a stronger sense of identity are the area west of Plots 122 and 144 and the area at the intersection between Plots 252-254, 261-263 and 288-290. For example, the planting within the triangle west of Plot 144 could utilise a formal line of street trees around the perimeter of the green to echo the approach shown opposite (green edge between Plots 210 and 145) and actually form a genuine tree lined area on both sides of the street at this point. At present the tree planting proposals in this area comprise a more random arrangement that will have limited impact in townscape terms.

Furthermore, the inclusion of suitable means of enclosure, such as vertical railings, to define and enclose these locations is recommended to distinguish them from the generally open plan nature of the majority of the site. For example, this approach has been partially shown in front of Plots 261-263 with railings set out on an 'arc' on one side of the space. However, this is not replicated around the frontages of Plots 252-254 and 288-290 on the opposite side of the junction, which forms the opposite side of this space. The introduction of estate railings to these plot frontages would further reinforce the identity of this space and better define both sides of the street as forming a single space.

The legal agreement accompanying the outline planning permission makes provision for the inclusion of public art and these particular locations would lend themselves well to the inclusion of public art installations. This would raise their status as focal points

of value within the scheme, enhance legibility and strengthen the sense of place and identity of the development.

The proposals for the incorporation of public art are currently unclear, although the development of a strategy and brief, in liaison with the Council, forms part of the legal agreement. It is therefore recommended that this is brought forward in discussion with the LPA, to establish the scope and terms of proposals for public art and how this might be used to enhance the key focal points in this development.

Relationship to edges

The garage of Plot 157 protrudes awkwardly into the green corridor and a smoother more natural transition is recommended. This area should be reconfigured to avoid built forms intruding into the green corridor.

Bin Collection Points

A number of long private drives result in excessive bin carry distances for both residents and operatives. Collection points are generally positioned at excessive distance from the edge of the public highway and would need to be within 15m of the public street. Residents should not normally be expected to carry bin excess of 30m.

A connection path could be provided between Plot 211 and the road to the south to facilitate a short carry distance and enable easy and convenient collection from the public highway.

Elsewhere, connecting private drives to form adoptable roads that provide a continuous loop would overcome this issue and improve the permeability of the development.

Crime and Design

The advice given by the Force Designing Out Crime Officer is supported and the alterations to the design recommended by the FDOC should be implemented through the submission of revised plans.

In addition the terraced house types include long unsupervised rear access paths to afford access to rear gardens. A particularly tortuous example can be seen to the rear of Plots 188-195 and Plots 180-184, which includes a triple line of fences to form two parallel paths in order to serve the back gardens of these

dwelling. This is contrary to guidance contained within Successful Places (2013 – see section 3.19.10) and should be omitted in favour of house types with through passages.

Affordable Housing Layout

The layout incorporates several clusters of affordable houses (40 units in total), mainly situated within separate cul-de-sacs or private drives. These areas have an entirely separate design approach to the rest of this phase.

The affordable housing components appear cramped, comprise car dominated frontages, lack relief or meaningful soft landscape and results in a number of stark vehicle dominated environment for future residents. In some instances the parking for some plots is located in front of the neighbouring property. The parking court to the rear of Plot 211 is also a poor quality space and fails to meet the Council's guidance on parking courts.

The approach to the design of the affordable housing areas represents a poor quality environment and is particularly noticeable in contrast to the market housing. With the exception of Plots 108-113 the affordable housing could not be described as 'tenure blind'.

This is contrary to good practice and the creation of mixed, sustainable and inclusive communities. NPPG advises that: "In well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site". (Paragraph: 039 Reference ID: 26-039-20140306).

There would be a striking visual distinction between market and social housing, which is contrary to national best practice. This part of the layout is wholly unacceptable in its current form and represents poor design. It is recommended that:

- The design of the affordable housing is element is revisited to address the shortcomings identified.*
- The layout and house types are designed to be tenure blind.*
- A reduction in the density the affordable housing is implemented to enable a better design outcome to be achieved in these areas.*

Scale and massing

Scale and massing is generally consistent with that previously agree under Phase I.

Landscaping

Greater use of native species and larger scale trees is recommended that reflect the landscape character of the area. These should be introduced in the open areas and green buffer zones, in lieu of non-native and ornamental species such as Turkish Hazel and Magnolia etc. Species such as lime, beech and hornbeam to be included where space allows in order to support the landscape character, identity and biodiversity enhancement of the site.

Boundary Treatments

The layout generally lacks any meaningful means of enclosure to plot frontages and between public spaces and private areas. Interventions with estate railings are recommended around key focal spaces (see Townscape comments above).

Elsewhere, only knee rails are indicated around the margins of the primary green space. It is recommended that post and rail fencing (height 900mm) is introduced to provide physical separation between the public and private space, together to suitable entry points in logical locations. This style of fencing is suited to the rural context, is relatively inexpensive and easily maintained in the future.

Fencing is recommended to provide enclosure and definition to the central green space and along the edge of the road and driveways that run parallel to the green buffer on the northern and eastern edges of the site.

Appearance

The appearance of the house types reflects that established under the previous reserved matters approval.

Meter Boxes

Meter covers should be located on side elevations, where designs allow, or coloured match the background material if they are only able to be located on the front elevations.

Porch Canopies

Projecting porch canopies with pitched roofs should comprise painted timber frames with tiled pitched roof (not GRP) finished

with a small format tile (such as a plain tile) coloured to match the appearance the main roof covering.

Rear Access Paths

Comments in respect of rear access paths are set out above (see Crime and Design above). A further consequence of awkward rear access arrangements is that waste bins are more likely to remain on frontages, due to the inconvenience and unappealing nature of the rear alleyways. This would be detrimental to the appearance of these areas and further detract from the quality of the environment around areas of affordable housing.

Dual Aspect Units

In addition to the corner plots identified as requiring additional fenestration by the Force Designing Out Crime Officer, Plots 254 and 290 are tilted at an angle to help define the focal space, but as a result exposes their flank walls prominently towards the streetscene. It is therefore recommended that additional fenestration is introduced to the exposed NW elevations. Both house types (Nene and Solent) lend themselves to the addition of a modest bay side window at ground floor, which would also facilitate views from the living spaces towards the green buffer area.

Access

Access is continued from the end of the estate road being constructed under Phase 1. Internally, the acceptability proposed road and access drives will need to be informed by the DCC Highways Engineer.

Conclusion

In light of the above comments, the application in its current form does not achieve an acceptable standard in terms of design quality. The proposals should therefore be amended in response to the issues identified before a favourable recommendation can be made.

5.2.3 The CPDA also provided the following comments:

The footpath/cycle link from the site onto Hollin Close provides connectivity to the south, but links between existing development and new sites often create gathering points which are problematic to neighbouring properties if not sensitively set out. If the link is

ultimately seen as necessary for convenient circulation, it should have an open aspect, without landscape clutter, to keep sight lines open and not encourage gatherings, with as continuous and level passage as possible. In this case potentially being eased slightly from the private boundary of plot 167, adding a section of estate rail along the boundary division.

The following prominent or corner plots require additional fenestration for full supervision of public spaces.

The Lydden has an untreated chimney feature gable end which requires an outlook at plots 134, 197, 206, 241 and 263; The Solent corner plot requires side treatment to lounge and kitchen/diner at plots 200 and 282; The Hamble corner plots at 154 and 234 require the same to ground floor dining and kitchen areas; and The Soar has an untreated short exposed side elevation needing an additional dining room window at plots 243, 270 and 280.

Terraced blocks have a handful of shared garden access routes which are appropriately gated at the point of origin (the lock for plot 221 needs moving out to the side boundary of plot 222 to secure the enclosed access route for this house). There is no gate specification online to accompany the boundaries detail.

Where a ledged and braced timber gate with staple and hasp securing is usually standard for individual gates, these communal gates will require a communal locking schedule, that being key locking from both sides for practicality, and to be additionally framed to be robust enough for continuous communal use and to allow a substantial lock to be morticed into the frame. The plots concerned are 163-165, 181-184, 189-195 and 230-232.

5.2.4

The UDO and CPDA's comments were fed back to the applicant / developer and a subsequent meeting took place whereby the issues highlighted and potential design solutions / responses were discussed. These discussions led to a package of revised drawings being submitted on 08/03/2019 which included the following changes:

Layout:

- Estate railings have been added at appropriate points e.g. corner areas of 289-90 and 252-54;

- Extruding garage removed from plot 157 and alternative parking arrangements proposed with 145/146;
- Private road 'gap' linked-up outside plot 296, to assist with circulation and bin collection;
- Addition of 3m footpath/cycleway to peripheral open space. Surfaces specified (tarmac/pcc edge to central POS and bound gravel/timber edge to peripheral POS);
- Feature timber posts added to drive entrances/POS entrances in key areas (to help delineate to the space), tying in with adjoining boundary treatments (estate rail/fencing/hedges) where appropriate;
- Access paths have been revised in relation to plots 180 -196 in-line with Police recommendations, limiting unsupervised rear access;
- Affordable housing blocks and parking spaces have been broken up at plots 180 – 196, with visitor parking bays now opposite to provide balance;
- Block paving added in relation to plots 220 – 233 (including affordable housing) to create a courtyard feel with integrated landscaping;
- All affordable housing design will be upgraded from a design perspective;
- Post and rail fencing have been added/removed at appropriate boundary locations;
- Meter boxes will be painted to match/blend the brickwork, they cannot be moved for practical reasons;
- Areas for public art installations are indicated throughout the phase (currently in the Landscape Scheme), particularly within the high-wall landscaped area.

Dwellings:

- Fenestration/outlook added to 254/290;
- Lydden outlook added to chimney feature gable end at plots 134, 197, 206, 241 and 263;
- Solent corner plot side treatment added to lounge and kitchen/diner at plots 200 and 282;
- Soar side elevation additional dining room window added at plots 243, 270 and 280.

Landscaping:

- Balance of DWT and Dunston Grange Comments regarding boundary planting;

- Consideration of focal green points (west of plots 122 – 144 and intersection between 252 – 254, 261 – 263 and 288 – 290);
- Lime trees added as main avenue tree;
- Additional arc of hornbeams provided at north of central POS to define the space;
- Timber bollards added to FP/cycleway to slow cycles adjoining highway/prevent vehicular use;
- Plots 189-196 parking area formalised - 3no fastigate trees (ornamental pear) added as requested by visitor parking together with formal beds with feature shrubs in frontage lawns and timber bollards to define area/protect verges;
- Plots 175-185 parking area - hedges added to enclose entrance, together with frontage shrub beds and specimen shrubs to increase landscape provision;
- Plots 221-232 parking area - formal hardscape square area created, with trees in hard pits and railings to define/control parking. Entrance defined with hedgerow & railings. Increased shrub planting to plot frontages. Tree pit detail provided for hard pits - GL1023 05.

5.2.5

The package of revisions were forward to the CPDA and the case officer also reviewed these in connection with the comments made by the UDO set out above. Overall the changes made addressed the majority of the UDO comments above. Furthermore the CPDA confirmed that the changes made addressed the majority of his concerns (20/03/2019) but he queried if the railing detail amended to the Hollin Close connection to a ball top rail to discourage ASB (people sitting on top of the fence). These concerns were fed back and the applicant / developer confirmed (20/03/2019) that these amendments would be accommodated and revised plans are to be submitted. A few other disparities between the landscape details and the boundary treatments plans were also noted and the applicant / developer confirmed they would proceed and amend these to ensure all plans corresponded. These revisions will need to be either added as drawings on the approved plans condition or an additional condition will need to be imposed requiring them to be provided. This will be reported to planning committee verbally.

5.2.6

Overall having regard to the amendments presented it is considered that the applicant / developer has sought to address where possible the comments of the UDO and the changes made are welcomed as positive improvements to the design and appearance of the overall scheme.

- 5.2.7 It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved. The application submission is supported by working details of hard and soft landscaping solutions which have been considered and are acceptable in principle. They offer appropriate response and legibility to the streetscene being created. A detailed materials schedule has been prepared by the developer selecting chosen brickwork and finishes to the individual plots – which are considered to be acceptable as they reflect the local vernacular.
- 5.2.8 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council’s adopted SPD ‘Successful Places – Housing Layout and Design. The details submitted do not at this stage include site levels and therefore these details will need to be conditioned for approval. Levels details will also need to be provided to show the connection between the site and Hollin Close (as per the UDO’s comments) and these matters can also be conditioned.
- 5.2.9 Overall it is considered that the development proposals are acceptable. The design, density, layout, scale, mass and landscaping proposals are considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD such that the scheme is acceptable in this regard.

5.3 **Landscaping**

- 5.3.1 The reserved matters submission is also accompanied by hard and soft landscaping details and landscape management proposals which have been prepared by Golby & Luck Landscape Architects. These details have been reviewed by both the Council’s Tree Officer (TO) and Derbyshire Wildlife Trust (DWT) who each offered the following comments:

TO - The proposals include native tree and shrub planting around the boundaries and open spaces which provide a good variety of

species and also provide a valuable screen to the neighbouring properties. The scheme also provides a good buffer zone between the proposed landscaping and the new dwellings to remove any conflict.

To enhance the development ornamental tree and shrub species have been used within the site which will provide some visual interest and soften the hard landscaped areas.

Details of the tree pit design specifications have also been provided on drawing GL1023 05 and are suitable for the proposed tree planting.

In general the landscaping proposals are acceptable and discharge the soft landscaping section for the reserved matters of condition 27 attached to CHE/16/00016/OUT.

DWT - When comparing the current proposed layout to Concept Masterplan consented at outline, it is clear that there is a much higher degree of hedgerow loss as there is no attempt to retain the three internal hedges in the western half of the site. Whilst these were not considered 'important' under the Hedgerow Regs. 1997, this still represents a net loss of a habitat of principal importance (NERC Act 2006). Development should be aiming for a net biodiversity gain (NPPF 2018) and we do not consider that the current layout complies with this. This should be revised.

The management prescription for meadow grassland in the Landscape Management Plan states cutting from late-June through August. This should state late-July through August. If a spring cut is required this should be done before the end of April, rather than May. This should also be amended in the Maintenance Schedule Table at the end of the Plan.

We would advise that EM2 meadow grassland seed mix should be used as a minimum, if not EM3. The aim is to create a species-rich grassland of high quality that will remain for years to come and we would not advise that the most basic mix is used.

Tree species planted around the site perimeters in the green buffers should be native and not comprise ornamental species that do not complement the meadow grassland or native shrub mix. Furthermore we would advise that there are too many trees within

the western and northern buffers, which are not appropriate to the wildflower grassland and are likely to add nutrients and increase shade. These should be removed or reduced to ensure high quality swathes of wildflower grassland are created.

We would expect to see bat and bird boxes, along with hedgehog highways, to ensure that opportunities for wildlife are incorporated and work towards a net biodiversity gain. No specifications are included on the Landscape Plans for these. Are these details provided elsewhere?

- 5.3.2 Following receipt of the comments made by DWT above the applicant / agent sought to address some of the issues highlighted alongside revisions to the hard and soft landscaping details. These were reflected in the package of revisions details submitted on 08/03/2019. The applicant / agent did however seek to rebut some of the comments made by DWT in a statement made by their consultant ecologist dated 20/02/2019 where they disputed the comments made by DWT about demonstration of a net gain in biodiversity over the site.
- 5.3.3 With regard to the above the site layout details for Phases II and III of the development do result in the loss of the hedgerows dissecting the site on north – south axis; however this matter was discussed with the LPA prior to the applications submission and was accepted in principle. The loss of the hedgerows were agreed in principle in consultation with the TO subject to the applicant / developer agreeing to strengthen the landscaping proposals across the site layout, concentrating on the edges of the development to the north and west and also enhancing the green corridor created on a north – south axis through the site in conjunction with the position of the former open cast high wall (which is a physical constraint to the site layout proposals).
- 5.3.4 The landscaping proposals submit reflect these discussions and whilst they do not retain the hedgerows as were initially shown in the outline planning permission masterplan as highlighted by DWT the compromise achieved is considered to be acceptable. The latest amendments to the landscaping details in all other respects address the comments made by DWT and whilst there further comments have not been received, the Council's own Tree Officer has offered is support for the scheme of revisions.

5.4 Highways Matters

5.4.1 Under the provisions of granting outline planning permission, agreement of the site access details under condition 22 of the outline permission and the subsequent first phase of the scheme under app. reference CHE/17/00351/REM the main site access to Dunston Lane has been formed and implemented under S278 agreement with the Local Highways Authority (LHA). In addition the highway layout of the first phase of development has secured S38 approval (adoption) by the LHA.

5.4.2 Phases II and III the subject of this application are formed as a continuation of the estate road from Phase I and therefore the reserved matters detail the subject of this application must now also be considered by the LHA having regard to the proposed design and layout of the internal access roads / turning heads detailed.

5.4.3 Initially the LHA provided the following response to the reserved matters submission:

The majority of the layout is acceptable in highway terms, however, there are minor elements of the design which should be given further consideration, in order to comply with the requirements of the County Council's current adoptable design guide – condition 21 of the 'parent' outline consent for this site (16/00016/OUT) requires the internal layout of the site to be in accordance with the Highway Authority's current design guide. The following items should therefore be given further consideration:-

The Highway Authority's adopted 'Delivering Streets and Places' design guide suggests a minimum carriageway width of 5m be allocated for new estate streets – this is an increase from the previous minimum of 4.8m. Whilst there will be some streets on this development that have been laid out to the older guidance, all new streets going forward should meet the current criteria. The proposals for phases 2 and 3 include some streets where the geometry should be increased – this is likely to affect the streets serving plots 100-118, 154-241, 243-248, 199-282, 253-255 and 270-244; these streets should be widened to a minimum carriageway width of 5.0m.

Swept path analysis should be provided to demonstrate a large refuse vehicle – minimum 11.6m long – is able to turn at the closed ends of the street. The analysis should show that the vehicle manoeuvre can be wholly contained within the potentially adoptable street limits and does not involve any third party land or shared drives etc to complete the manoeuvre. This should be undertaken particularly for the turning areas identified adjacent plots 188, 247 and 273.

Footways should be provided where there will be a pedestrian demand from frontage development, or to provide continuous links to other existing (or proposed) pedestrian infrastructure. A footway should be provided between plots 154 and 241 – this could be on 1 side of the street only at this stage – this would provide a link to the footways created on phase 1 of the development as well as the proposed new footpath routes within the site. The roads serving plots 243-248, 270-274 and 253-255 should also be provided with at least one footway, given the dimensions of the carriageway are not particularly suited to a shared surface street environment.

The street serving plots 270-274 will also require a radius kerbed junction to be provided to allow satisfactory access for the refuse vehicle and larger delivery vehicles to and from the street.

Consideration should be given to providing connections between the street / private drives and the indicative footpath routes should be shown in order to create a more permeable layout for pedestrians.

A cycle / pedestrian connection is shown to Hollin Close, however, to complete the link requires land outside of the application site boundary (and potentially outside existing highway limits). The developer should clarify how this will be secured / provided.

Visibility at junctions and forward visibilities around the inside of the bends appear to be contained within the street extents and an adequate level of on plot parking appears to be available throughout the development. The proposals are therefore considered acceptable in this respect.

It is recommended that the applicant be given opportunity to submit revised / further details to satisfactorily address the above issues. However, if you are minded to determine the application as submitted, the Highway Authority would be grateful to receive further opportunity to make recommendations.

5.4.4

As a result of receiving the comments of the LHA above, a revised package of plans were prepared by the applicant / developer which were submitted for consideration on 08/03/2019. These were forwarded to the LHA who subsequently commented as follows:

The revised drawings address the majority of issues highlighted by the Highway Authority, in its consultation response dated 6/2/2019. However, I have been unable to locate the swept path analysis, which is alluded to in the applicant's e-mail dated 8/3/2019. Please can this be provided to ensure the refuse vehicle is able to access and egress the new streets, as well as turn at the closed ends of the street (all junctions, bends and cul-de-sac turning areas). The applicant should ensure that all turning areas provided contain the entire vehicle turning manoeuvre within the estate street limits and do not rely on adjoining private third party land or private driveways to complete the manoeuvre.

It is assumed the original outline conditions continue to apply to the overall development, in terms of offsite highway improvements, travel plan, pedestrian connections etc. On this basis I would recommend the following highway related conditions and notes be appended to any consent issued, should your Authority be minded to approve the application details:-

- 1. Prior to any works exceeding demolition or site clearance taking place within any phase covered by this application, space shall be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*

2. *Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.*
3. *The streets shall be laid out in conformity with the revised plans and in accordance with a construction / build sequence program first submitted to and approved in writing by the Local Planning Authority prior to any works exceeding demolition or site clearance taking place within the application site.*
4. *The carriageways of the proposed estate roads within the respective phases shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
5. *No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles (including cycle parking). The parking thereafter remaining free from any impediment to its designated use for the life of the development.*
6. *The proposed property access drives shall be no steeper than 1 in 10 for the first 5m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the street.*
7. *Where any plot curtilage slopes towards the new street measures to capture and deal with surface water run-off from*

within the plot, in accordance with details first submitted to and approved in writing with the Local Planning Authority, will need to be installed. The approved details shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

5.4.5 The swept path details were subsequently provided (19/03/2019) and the LHA confirmed (20/03/2019) that these were also acceptable. The developer will also pursue a S38 agreement to the estate layout for Phases II and III under the provisions of associated conditions of the outline planning permission.

5.4.6 Regarding the recommended conditions set out by the LHA above these can be imposed on the reserved matters consent in the interests of highway safety.

5.4.7 In addition to the comments made by the LHA above, comments were also received from the Chesterfield Cycle Campaign (CCC) as follows:

1. Phase 1 of this development which is already occupied will eventually (we believe) have a shared path along the 'main' road into the estate. However there is no safe crossing provided on Dunston Lane to access the already in place shared path there. The Campaign asked for that in the original application. In fact it has been made more dangerous to cross Dunston Lane in that position because the road is now three lanes wide! There are no dropped kerbs to allow cyclists to cross the road either.

2. It is noted from the plans that this application continues the shared path. The Campaign questions whether shared paths within a 'cul de sac' estate provide any benefit? Much better to design the streets to be cycle and pedestrian friendly as happens in many other European countries and the 'little Holland' projects in London.

Unfortunately this is yet another 'car friendly' development that does little to encourage sustainable transport and will simply add to the traffic numbers.

5.4.8 Having regard to the comments made by the CCC above the new site junction to Dunston Lane (formed as part of Phase I of the development) was designed with footway widths sufficient for a shared pedestrian / cycle route and the junction is to be laid out

with islands to provide safe crossing and access to the shared path on the opposite side of Dunston Lane. The shared path is continued into the site through Phase I and into Phases II and III to allow future occupiers of the site the choice of cycling from their new homes onto the wider network beyond the site. This is a clear benefit of the scheme, despite what the CCC say in their response above, and whilst it may not be designed like examples in London or Holland, the facility is there nevertheless. The site layout also achieves a connection to the existing estate to the south via Hollin Close and this will allow new residents access to amenities in this location including local bus services. Despite the comments of the CCC the development achieves an acceptable balance between car / cycle and pedestrian connectivity given all material planning considerations and site constraints and accords with the provisions of policies CS1, CS2, CS18 and CS20 in these regards.

5.5 **Technical Considerations**

- 5.5.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, ecology protection / enhancement, land condition and contamination; however these matters and the details thereof are either already dealt with under the various discharge of conditions applications (see planning history above) or will be dealt with through forthcoming details under the provisions of these conditions if necessary. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised are already resolved or are to be dealt with separately in connection with each respective planning condition / discharge of conditions application. This is the case for comments which have arisen by the Lead Local Flood Authority about the capacity and calculations of the surface water drainage system which is designed and has already been implemented as part of Phase I of the development.
- 5.5.2 In connection with the comments which were made by the Coal Authority (who sought confirmation of the overall site remediation strategy inc. site investigation and treatment of mine entries / features recorded on the site which were directly affected / associated with the proposed site layout of Phases II and III) these matters have been dealt with through this application process.

5.5.3 In this respect the site as proposed includes features of interest influencing the final site layout including the presence of an open cast high wall (running north – south through the site). In addition beyond that wall where open casting had taken place the Coal Authority also sought assurance, through site investigation results and treatment proposals, that historic mine entries recorded beyond the high wall had been removed by the open cast activity.

5.5.4 Through the process of the application the information sought by the Coal Authority was provided and subsequently the Coal Authority were able to confirm they had no objections to the proposals subject to the developer implementing the site investigation / remediation works set out in the submission. This will be confirmed under the terms of the associated outline planning permission condition, concurrent with any reserved matters approval.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 08/01/2019; by advertisement placed in the local press on 03/01/2019; and by neighbour notification letters sent on 08/01/2019.

6.2 As a result of the applications publicity there have been representations received from seven local residents as follows:

Dunston Grange Barns

15/01/2019 - We have listed objection/concerns/ issues in 3 sections. Most of our concerns are over maintaining privacy both during the development and at completion.

We would like a response on all items. We also request an on site (7 Dunston Grange) meeting with a senior representative from both William Davis and MJ Evans (assuming MJ Evans will still be the ground works sub-contractor) to discuss, in particular the problems noted in the second section of this document. Coming to site is essential for them to appreciate our concerns particularly over privacy.

Section 1: Planning Concerns mainly affecting privacy:

We don't believe there is anything here that cannot be addressed quite easily with little extra expense.

I have also noted point 1-4 on the attached site plane to ensure clarification of position and added the Dunston Grange property numbers.

1. The proposed footpath to the north of the site running a long side the Dunston Grange Farm Development. We originally gained agreement from William Davis (via John Coleman) that the footpath running close to our boundary would be removed but it has re-appeared. This footpath runs close to our boundary and hence our rear garden.

The P&DG Planning Support statement section 5.25 regarding properties on the southern boundary states :

“Development at the southern boundary is almost entirely inward facing, to improve the security of the existing residents by making their rear garden boundaries inaccessible to the public.”

Aren't the residents of Dunston Grange to be afforded the same security considerations ? Having a footpath so close to our boundary gives us concerns over both security and privacy.

We are not sure whether P&DG are aware there are 8 properties(including the Farm House at Dunston Grange) that need due consideration and the whole of the Dunston Grange site is considered a Grade II listed site not just the Farm House.

2. The corner of our garden (no.7 Dunston Grange) is the closest to the new development. In the P&DG Planning Support statement it says there is a minimum 10m buffer with Dunston Grange. At this point it does not look like it is, in which case the road and plots 239 and 240 need moving back.

3. Again at our corner of the garden to no.7 there is no planting on the other side of our SW boundary/hedge. Planting of some mature trees , preferably evergreen is requested to afford us privacy . We also request this is done as soon as possible but certainly before the commencement of Phase 2 and 3 to give the planting time to grow to provide adequate privacy.

4. Further along to the east more mature planting is required to give privacy to nos 1,2,3,5 &6 Dunston Grange, again to be planted as soon as possible rather than leave to the end of the development.

5. All planting along our border/ the buffer zone to be done as soon as possible, to include some evergreen and more mature specimens than indicated as it will be years before the privacy afforded by the planting will be achieved .

6. There are no plans showing the elevation of the new properties of Phase 3. We are concerned that the ground level is not going to

be raised higher than the current level as again this will impact on our privacy. We need to see sections ground levels/elevations for plots 234 thru to 241 thru to no 7 Dunston Grange.

7. A request to planning to request that they are able to enforce conditions in the Construction Method statement which clearly states they should dampen down in dry conditions using hoses and sprinklers for reasons stated below under the considerations for local residents in the development of Phases 2 & 3 following. At the moment this is not enforced.

8. Regarding the maintenance plan from Golby and Luck. Section 2 on the maintenance schedule it show biannual rotational hedge cutting. In the table it is only scheduled in October, if biannually it also should be in March? The hedge owned by William Davis which runs alongside the lane leading to Dunston Grange has always been cut twice a year prior to the William Davis purchase and has been done so on our request so far by William Davis. Can this be agreed and documented in the Golby and Luck schedule of maintenance.

Section 2: Consideration for local residents in the development of Phases 2 & 3

Now that Phase 1 is well and truly underway we have a number of concerns that need to be addressed concerning the consideration of local residents for the continuing development. The responses of William Davis and, in particular their contractor MJ Evans to problems caused to local residents has been poor. We also feel we have not had much support from the council either, although our concerns are raised with the developers, both the council and the local residents are pretty much just fobbed off and at best only deal with issues after much complaining . William Davis need to be more pro-active and pre-emptive in their approach. Here follows our list of concerns based on experience over the last 18 months. We request that these issues are thought about and reasonably mitigated before development of Phases 2 & 3 begin.

1. State of the local roads. More attention is required to keep the local roads, Dunston Lane in particular, clear of mud. Perhaps a proper wheel wash put in place as the road sweepers don't seem able to cope or William Davis aren't putting enough of them on.

2. Litter on site and again on Dunston Lane. Debris from the site gets blown to the boundaries and onto Dunston Lane, William Davis do clear it up when pointed out but we shouldn't have to keep complaining. Simply ensure that at least once a week and

after high winds the boundaries and adjacent roads are cleared of litter.

3. Privacy - bunds need to be kept low, dumpers and diggers on the bunds currently look directly over Dunston Grange properties. Again complaints are dealt with but we shouldn't have to keep pointing this out.

4. Unnecessary noise:

a. We have complained several times about one particular digger that makes excessive squeaks and rattles in dry conditions. We complained to the council, MJ Evans promised to get it fixed but nothing was ever done. The normal sound of the machines is acceptable and obviously necessary but contractors need to maintain or replace problem plant.

b. As phase 3 needs earth removal to 2m and consolidation we need to have some assurances that the consolidation techniques used take into consideration noise levels as this could cause unacceptable noise levels.

5. Dust over the summer months – this was horrendous for the properties down wind. As the development moves up the site this will become a problem for more and more of the surrounding properties and the Dunston Grange properties in particular. There needs to be better use of sprinklers, more control over dumpers when particularly dry as then speed around making the biggest problem.

Also for no 7 there needs to be a discussion as what can be done to mitigate the dust issue and our privacy during development and after as we can see it being a huge problem for us, maybe some sort of fencing. Early planting of mature trees in the buffer zone may help.

Section 3: Planning Objection, the removal of hedgerows

We object to the removal of the hedgerows which, in the outline application it was stated that they would be retained which was positioned as a positive in the original outline application. The extent of the open cast mining on the western part has always been known about as evidenced in several reports on the original outline planning application and here is an example where retaining hedgerow was used as a positive :

From original Design & Access statement:

2.2.7 The proposed development will not require any trees to be removed and only require minimal hedgerow loss. The majority of the existing trees on site are to be incorporated into the open space provision of the development, and proposed landscape buffer strips between residential parcels and along Dunston Lane

Is the change due to the extra expense is piling of the highwall area ? This is not clear though plots 234 -236 seem to be built on the highwall so the reasoning is not clear. If so then this is not an acceptable reason to now remove all the hedgerows as a cheap alternative and make up for the plots lost due to the highwall area. If developing the highwall area is not possible (no documentation has been submitted to clarify this one way or another) then why not still keep the hedgerows? We understand that keeping these would reduce the number of plots but that is not necessarily a negative. The outline planning permission was for **up to** 300. Surely there are now enough developments in the Chesterfield area that a reduction in the number of houses on this site could be accommodated in order to save these wildlife habitats, and which also provide us with some privacy. It has been known from early geological surveys that this was a difficult site due to previous open cast mining and the number of houses should not be the overriding factor over wildlife, site aesthetics and privacy. It seems the original application tried to sweeten the deal knowing full well they were going to remove them.

30/01/2019 to Case Officer - Please can some conditions be added to phase2 & phase 3 that all landscaping for phase 1 is completed before commencement including the Leap in particular, the site offices etc are a real eyesore and would be better moved further up site for phases 2 & 3 rather than leaving the whole site an eyesore for the next 4 -5 years. Their site management is abysmal.

11/02/2019 to Tree Officer - The residents of the Dunston Grange Barns, adjacent to the William Davis development, have requested more planting close to our boundary. At a meeting with David Dodge of William Davis , he was in favour of increasing the planting and doing so this Spring in order that maximum time given to let the planting mature to preserve our privacy. However the comments by Derbyshire Wildlife Trust do not support what we are wanting to do vis :

"Tree species planted around the site perimeters in the green buffers should be native and not comprise ornamental species that do not complement the meadow grassland or native shrub mix. Furthermore we would advise that there are too many trees within the western and northern buffers, which are not appropriate to the wildflower grassland and are likely to add nutrients and increase shade. These should be removed or reduced to ensure high quality swathes of wildflower grassland are created."

We do not believe wildflower grassland would survive, wildflower grassland needs careful cultivation and ongoing maintenance. As the area adjacent to us, on the North side of the development will be used by dog walkers and the residents of Skylarks in general, only basic grassland will survive. We request that the planting is increased and also include some evergreens such as holly if possible. David Dodge was in favour of increased planting but mentioned the Wildlife Trust comments which contradicts our preferences and requested we raised this with yourselves, David Dodge (after consulting with their Ecologist) agreed with us that wildflower grassland is unlikely to survive.

As all the current residents of Dunston Grange Barns are in favour of more planting and it be done as soon as possible, as well as William Davis, we request your support on this matter.

1 Dunston Grange

1. The buildings marked as 'Ruins' on the plan associated with the application are in fact homes (our home being one of these) and as such should be afforded the same considerations of privacy and security as the other properties within and surrounding the development. Therefore, we wish to request that suitable trees are planted to restrict the view of the housing development and these be planted in the earlier part of the development so that they have time to establish, mature and provide screening at the earliest opportunity.

2. In our opinion the current development (phase 1) is impacting on our property more than is necessary.

a. The current storage of equipment and materials is expanding and being moved behind these occupied dwellings. These materials are not stored in a considerate and organised manner, often resulting in debris from the current site being blown over the boundary. The current storage area is akin to a 'fly tip' area as opposed to a professionally managed site, expected from a '5 star' developer.

b. I believe that the current hours of working are outside those originally agreed (08:00 -17:00). Work on heavy machinery is often started before 07:30 and last week on 2 occasions trucks were still being used past 18:40.

c. The dust from the development last year meant that it was not possible to use the outside as we wished, washing could not be left out and the windows required constant washing.

There is little evidence that the above issues will be addressed in the future stages of development and therefore we ask that the council secures enforceable guarantees from the developer that these issues are addressed and that the council regularly checks that the agreed conditions are adhered to, before granting permission to extend the development further.

6 Dunston Grange

1. PLANNING CONCERNS AND PRIVACY.

I have attached the most recent site plan published and also the design plan submitted within the confines of CHE/16/00016/OUT. I believe that there is significant deviation as to the proposed planting adjacent to the boundaries of the Dunston Grange Properties. The original design shows new planting along the whole length of Dunston Grange boundary. It would appear on the most recent plans that the planting has been thinned out somewhat and appears more haphazard. The planting was to afford privacy and in turn more security for the properties on Dunston Grange which are fully exposed to the William Davis development. I would also draw attention to the missive that there would be “minimal loss to hedgerows” and ask for reassurance that this continues to be the case throughout phase 2 and 3.

Further to these matters, due consideration is given to an early scheme of planting particularly for those plants placed along the length of the Dunston Grange development. I appreciate that planting is generally completed towards the end of any housing development. I do not believe that there would be any resultant damage to plants due to the distance of the site itself. It would alleviate concerns regarding privacy as the plants would have more time to establish and mature and may assist in noise abatement whilst the site was in effect still a work in progress. Finally I would ask that consideration is given in the main to the planting of evergreen specimens as this will afford privacy and security all year round and not simply for 6 months of the year.

2. FOOTPATHS AND CYCLEPATHS.

Clarification and confirmation is required regarding the above. I am of the understanding that an agreement had been reached with William Davis that the footpath running the length of Dunston Grange properties submitted on the original plans had been removed. If this is the case it would seem that the new site plan has not been amended accordingly. Again if the footpath is to remain

then It would make the points above regarding planting all the more pressing and significant with regard privacy and security.

3. CONSIDERATION FOR LOCAL RESIDENTS.

DUNSTON LANE: Throughout Phase 1 there has been an issue with the mud from the site coming onto Dunston Lane making driving conditions unnecessarily unsafe. I anticipate that this will become more problematic with the occupancy of the new dwellings as it will mean more vehicles on the road and coming off the site. This needs an established regime of cleaning site traffic prior to coming onto public roads. It should not be left to local residents to voice their concerns before any resultant action is taken.

SITE OPERATIONS: Dust has been an ongoing issue throughout Phase 1. I anticipated that site traffic would have dampers attached to assist with this issue. A more structured and rigorous response is required from William Davis regarding this matter as the next phase is twice the size of the current one so I anticipate twice the dust if this is not addressed appropriately. I note that the drivers on the dumper trucks that fly around the site revert to covering their faces with scarves to prevent inhalation. I accept that efforts have been made by bringing large drums of water onto site and a worker standing with a hose and wetting the area, again this has been intermittent and not completely effective.

SITE OPERATIVES: Point 20(CHE/16/00016/OUT) states that they will park on site. I have noted that operatives are parking on the newly laid pavements on Dunston Lane adjacent to the site. No doubt in order that their own vehicles don't get covered in mud. Pavements are constructed for pedestrian traffic and are not constructed to take the weight of motor vehicles, eventually, as is already the case at the bottom of Dunston Lane junction with Dunston Road these will become damaged and require repair even before the development itself is completed. I would ask that William Davis and their associated contractors ensure that this directive is complied with.

17 Baines Wood Close

I would like to voice my objection for the proposal to build 200 houses on this plot of land. I have lived on Baines Wood Close for 50 years and recognise the importance of this greenbelt strip of land that is home to various native species of animals inc. badgers, foxes and woodpeckers. I feel that by extending on the new Skylarks Estate that it will place extra burden on the local area for residents and wildlife. I am concerned about additional traffic (construction and residents) in addition to the noise and disruption,

pollution and mess which we have had to endure for the past year from the Skylark Estate. I feel that the road system around Dunston and our original estate is not suitable for such expansion. This is not to mention the increased demand on the local schools and GP Surgeries which can struggle to meet the needs of existing residents. I would like the Council to strongly consider other sites within the Borough region, especially unused Brownfield locations. In my time in Baines Wood Close I have seen the wildlife flourish in the woods, fields and hedges around the local area and it would be a terrible shame to lose this green space.

21 Baines Wood Close

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Visual

Comment: Wildlife would be destroyed. Noise would increase pollution due to cars. All countryside destroyed.

24 Baines Wood Close

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways
- Noise
- Visual

Comment: Pollution, congestion noise, use of farmland , ruin of a green area between housing developments.

Comment: The infrastructure needs attending to before more traffic is introduced to the area.

A Local Resident (no address)

Natural Damage:

At present the area is left as unused agricultural land which has self grown into a natural meadowland full of wild flowers, overgrown grass and natural hedges. As someone who lives near next to the area there are sightings of a lot of foxes in the area, even seen with small cubs walking through the fields. Several badgers are regularly seen trekking across the hedgerows up and down the devolpment site, A large number of hedgehogs (who's numbers) are in decline have been sighted in the fields, both when I've walked along them and from my house heading towards the fields in the early morning in spring/summer time hinting it is a large habitat settled by these animals, a large housing estate risks

displacing this community and thus adversely affecting their numbers. Large numbers of starlings can be seen roosting in the fields from my house. Regularly I see flocks of ~100-200 starlings flocking over the area, joined with large numbers of house sparrows, blue tits and sparrow hawks predated the area. Disturbing this area risks destroying their ecosystem which concerns me greatly.

There are large spans of interconnected hedgerows which will be destroyed in the new housing estate removing vital wildlife corridors which contribute to wildlife food supplies and allowing wildlife to safely move around the local environment.

All this is taking place on green fields whilst less than 500 meters away on the sheepbridge works there are large areas of unused concrete covered wasteland which is left serving no purpose, contributing nothing to the environment or council yet is left to sit doing nothing. Even slightly further away near the new peak resort there is an old boat sales yard and garages which cover the same area as the land west of Dunston but are currently left empty as a wasteland.

Looking at the plans, there is a lot of dense housing yet very few open areas, parkland or even areas of woodland. This development destroys the natural habitat with no concerns on help for wildlife.

Infrastructure problems:

Dunston road at the minute is a fairly busy road that runs through a housing estate which is regularly crossed by families with small children, including mine who at present have no choice but to cross at points where there are no dedicated crossings. The only islands have been located at the new junction at the top of Dunston Lane or walking up to Littlemoor and crossing there. The added traffic will increase the danger.

The junction between Dunston Lane and the B6150 at Littlemoor is difficult at the best of times. With consistent traffic travelling along the B6150, pulling out is very difficult at present, thus causing long traffic jams. The problem is greatly increased at school times, with car parking causing most of Dunston Lane from Littlemoor down to Kirkstone Road to be single traffic way with kids running out into the road. This makes it a very dangerous place to drive and be with small children/slow adults. This extra traffic leads to the already congested Newbold Road between the two mini roundabouts which is already difficult during normal hours and a standstill at rush hour. You can't add ~400 cars in each direction twice a day with no improvements.

I understand the need for houses with the current crisis, however green land should not be used as a first resort, especially with the large amount of brownfield sites still around the town. This specific development seems to be aimed at maximizing the amount of high density housing with no concerns for the natural environment or the local infrastructure which has seen no improvements despite a large increase of housing on the site. If construction noise of the current site is anything to go by, it'll make been outside very dusty and almost unbearable with noise pollution.

6.3 ***Officer Response: Refer to sections 5.1, 5.2, 5.3, 5.4 and 5.5 above.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of technical considerations.

10.0 **RECOMMENDATION**

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

01. All external dimensions and elevational treatments shall be as shown on the approved plans / documents (listed below) with the exception of any approved non material amendment.

House Types

Type B – 14-053 TyB-1 Rev A (Brick)

Type D – 14-053 TyD-1 (Brick)

Beamish – 14-053 BM-1 (Brick)

Beamish – 14-053 BM-2 (Render)

Dove – 14-053 DE-9 (Render / Gable Option)

Dove – 14-053 DE-7 (Brick / Gable Option)

Denwick – 14-053 DK-2 (Render)

Denwick – 14-053 DK-1 (Brick)

Denwick – 14-053 DK-6 (Brick / Double Gablette Option)

Dalton – 14-053 DL-8 Rev A (Brick / Soldier Course Option)

Hamble – 14-053 HB-1 Rev A (Brick)

Hamble – 14-053 HB-2 Rev A (Render)

Hamble – 14-053 HB-1(S) Rev A (Stone)

Kildale – 14-053 KD-8 Rev A (Brick / Soldier Course Option)

Lea – 14-053 LA-1 (Brick)

Lea – 14-053 LA-2 (Render)

Lydden - 14-053 LN(PC)-(S) (Stone / Chimney Option)

Lydeen - 14-053 LN(PC)-1 (Brick / Chimney Option)

Lydden - 14-053 LN-1 (Brick)

Lydden - 14-053 LN-1(S) (Stone)

Lydden – 14-053 LN(PC)-(S1) Rev B (Brick / Chimney Option) - Plots 134, 197, 206, 241 + 263

Meden - 14-053 MD-1 Rev A (Brick)

Minsmere - 14-053 MM-2 Rev A (Render)

Nene 14-053 NN-1 (Brick)

Nene 14-053 NN-2 (Render)

Nene 14-053 NN-2 – (S1) (Render) – Plot 254

Rother 14-053 RR-1 Rev A (Brick)

Seaton 14-053 SN-1 (Brick)

Seaton 14-053 SN-2 (Render)

Severn 14-053 SV-1 (Brick)

Severn 14-053 SV-2 (Render)

Severn 14-053 SV-3 (Brick / Tile Option)

Soar 14-053 SR-1 (Brick)

Soar 14-053 SR-1 – (S1) (Brick) – Plots 243, 270 + 280

Solent 14-053 ST-1 (Brick)

Solent 14-053 ST-1-PC (Brick / Chimney Option)

Solent 14-053 ST-6 (Brick / Double Gablette Option)

Solent 14-053 ST-2 (Render)

Solent 14-053 ST-1-PC – (S1) (Brick / Chimney Option) – Plots 200 + 282

Teme 14-053 TM-1 (Brick)
Teme 14-053 TM-2 (Render)
Thirsk 14-053 TS-8 (Brick / Soldier Course Option)
Wreilton 14-053 WR-8 Rev A (Brick / Soldier Course Option)

Garages

Double Garage Side Gable 14-053 GB02 Rev A
Semi Side Garage 14-053 GB03 Rev A
Single Front Gable 14-053 GB06 Rev A

Site Layout

Site Location Plan 14-053 P01
Site Layout Plan 14-053 P02 Rev H
Materials Plan 14-053 P03 Rev B
Proposed Boundary Treatments Plan 14-053 P04 Rev D
Proposed Hard Landscaping Plan 14-053 P05 Rev B
Streetscene Elevations 1 - 14-053 P06 Rev C
Streetscene Elevations 2 - 14-053 P07 Rev C
Proposed Phasing Plan – 14-053 P08
Soft Landscape Proposals Sheet 1 of 4 GL0123 01C
Soft Landscape Proposals Sheet 2 of 4 GL0123 02C
Soft Landscape Proposals Sheet 3 of 4 GL0123 03C
Soft Landscape Proposals Sheet 4 of 4 GL0123 04C
Tree Pit Detail GL0123 05
1800mm Timber Screen Fence 6235 L44 Rev D
Timber Knee Rail 6235 L59 Rev B
1800mm Waney Edged Panel Fencing 6235 L62 Rev B
Metal Boundary Railing 6235 L83 Rev D
Brick Screen Wall Detail 6235 L89
S38 Vehicle Tracking DGI-BWB-HGN-02-DR-D-110 S1 P2
S38 General Arrangement (Sheet 1 of 2) DGI-BWB-HGN-02-DR-D-100 S1 P2
S38 Longsection (Sheet 4 of 4) DGI-BWB-HGN-02-DR-D-653 S1 P1

Supporting Documents etc

Supporting Planning Statement (P&D Group November 2018)
Ecological Assessment Rev A (Landscape Science Consultancy Ltd November 2018)
Noise Assessment (WYG October 2018)
Landscape Management Plan Rev A – Phase 2 and 3 (Golby & Luck Landscape Architects October 2018)

Landscape Risk Assessment (Golby & Luck Landscape Architects October 2018)
Geo Dyne – Supporting Statements dated 21st September 2018 and 6th March 2019
William Davis Apprentice Vacancy Details – July 2018 Press Release
William Davis Recruitment Initiative Document
Landscape Science Consultancy Ltd Rebuttal to DWT dated 20th February 2019

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

02. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

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

03. Prior to any works exceeding demolition or site clearance taking place within any phase covered by this application, space shall be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety.

04. Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason – In the interests of highway safety.

05. The streets shall be laid out in conformity with the revised plans and in accordance with a construction / build sequence program first submitted to and approved in writing by the Local Planning Authority prior to any works exceeding demolition or site clearance taking place within the application site.

Reason – In the interests of highway safety.

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

Reason – In the interests of highway safety.

07. No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles (including cycle parking). The parking thereafter remaining free from any impediment to its designated use for the life of the development.

Reason – In the interests of highway safety.

08. The proposed property access drives shall be no steeper than 1 in 10 for the first 5m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the street.

Reason – In the interests of highway safety.

09. Where any plot curtilage slopes towards the new street measures to capture and deal with surface water run-off from within the plot, in accordance with details first submitted to and approved in writing with the Local Planning Authority, will need to be installed. The approved details shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason – In the interests of highway safety.

10. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. This permission is granted further to an earlier grant of outline planning permission (CHE/16/00016/OUT) to which any developer should also refer.
04. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).
05. 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.
06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, 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.
07. 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. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.

08. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.