

ITEM 2

Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks on land south of Worksop Road, Mastin Moor for Devonshire property (MM) Ltd.

Local Plan: Housing Site H35 as defined in table 4 to Policy CLP3 and Policy RP1.

Ward: Lowgates And Woodthorpe

Plot No: 2/

Committee Date: 15.02.2021

CONSULTATIONS

Derbyshire Fire and Rescue:

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the proposed premises at a minimum 32mm water supply capable of delivering the required volumes.

Environment Agency:

No comments to make as there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. The Lead Local Flood Authority should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the development

Chesterfield Canal Trust:

Whilst the development does not directly affect the main line of the Chesterfield Canal, it is close to the end of the Norbriggs Cutting and the remains of a horse-drawn tramway, which we understand was one of the earliest in Derbyshire, linking the canal and the Norbriggs Colliery. We would like to request that a full archaeological survey be carried out to investigate the tramway and then interpretation be provided both on the development site and at the end of the Norbriggs Cutting. We would also request the developer puts together and then implements a Landscape and Ecological Management Plan for the old canal cutting with the aim of providing varied habitats for different wildlife along its length.

Ramblers :

Providing Staveley footpaths 25 and 26 are preserved we would offer no objection to the proposals. We note that Staveley footpath 26, where it passes through the Curtilage of Pump House Farm, does not follow the definitive line. We would request that the eastern entrance for the definitive line is maintained in the proposed layout at least until such time that the definitive line is formally diverted. We would further request that every effort is made to keep the footpaths as mentioned above in a safe and usable condition during the period of any and all works.

In terms of new paths, we would request that every effort is made to maintain the countryside character of RoW Staveley footpaths 25 and 26. Staveley Footpath 26 is shown passing through Pump House Farm as being retained. We would remark that this section of footpath is currently unavailable, i.e. blocked off on the eastern side and reported as such to Rights of Way.

CBC Design Services:

The site is not shown to be at risk of flooding from rivers according to the Environment Agency flood maps and is therefore classed as Flood Zone 1 and compatible with housing development. Some areas of the site are shown to be at risk from surface water flooding on the EA maps. This includes the area to the watercourse along the south-eastern boundary and across the centre of the western part of the site. These seem to be mostly avoided by proposed development on the masterplan but may need further consideration at detailed design stage. Just downstream of the site is a known flooding problem with the watercourse passing between housing and culverted under Norbriggs Road. Any application should ensure that this flooding is not exacerbated and a development would also provide an opportunity to reduce any flood risk to this area, which could be achieved by reducing existing runoff or attenuating the watercourse upstream. It is noted at this stage that sustainable drainage methods may be utilised to attenuate runoff. We would support the utilisation of SuDS systems as much as possible for ecological and amenity benefits as well as managing water quantity and water quality. We would need to see full details of proposed drainage designs prior to full planning approval, which should be carried out in accordance with DEFRA and CBC standards for flood risk. We would also need to proposals for the maintenance and management of any drainage features to ensure these will managed in the long-term. Any connection to the public foul sewer network will require consultation and approval from Yorkshire Water. A foul sewer is present in Norbriggs Road although may have limited capacity to accept flows from a major development. Derbyshire County Council should also be consulted in their role as Lead Local Flood Authority regarding the flood risk and site drainage for the application.

Sport England:

The site is not considered to form part of, or constitute a playing field. The scheme still does not look to include any proposals for on-site formal sports facilities,

including playing fields. In view of the above, Sport England wishes to reaffirm comments made in respect of CHE/17/00469/OUT (appended below), and again recommends that the council considers the additional sporting needs generated by occupiers of the development, and directs proportionate CIL monies to deliver new/improved facilities for sport reflecting those needs.

Development Control Archaeology:

The previous application was informed by an archaeological desk-based assessment and detailed geophysical survey which indicated the presence of sub-surface archaeological remains of a range of periods. These included an ovoid enclosure which appears to be associated with a field system which is of possible pre historic date. A range of features relating to coal extraction were also identified. It is known that coal extraction occurred here during the 18th and 19th century with Norbriggs Colliery operating in the south-western sector of the site. The line of the late 18th century horse drawn tramway built to take coal from the colliery to the Norbriggs cutting was also clearly identified in the western sector of the proposed development site.

In addition, geophysical anomalies which reflected the sites of demolished buildings as well as industrial archaeological remains, traces of possible former field boundaries and ridge and furrow ploughing were evidenced.

We initially recommended that a scheme of trial trenching be conducted at a pre-determination stage across the site in order to sample the below ground remain indicated by the geophysical survey. It was ultimately agreed that the further archaeological evaluation be conducted post planning permission. The reason for this was that the site was to be developed in phase, likely by a range of independent developers. In order to secure the necessary further archaeological evaluation and mitigation including where necessary preservation of in-situ an overarching WSI which scoped these details was agreed. Whilst this is referred to in some of the indicative layouts for the scheme the text relating to cultural heritage does not.

The recommendations previously made are reiterated. The proposed development phasing depicted in fig 1 of the submitted overarching WSI would need to be followed in this application. Please confirm with the applicants.

Derbyshire Constabulary:

No objection to the application in principle, recommendations for future detail to align with your adopted Successful Places document, for pedestrian movement routes to be well supervised with an open aspect, and considering the expanse of open space and footpath connections, for strategically placed measures to reduce misuse of footpaths by motorised vehicles to be included within landscaping proposals. It would be strongly recommended that the applicants engage in pre-application discussions for the reserved matters.

The Coal Authority:

This application represents a resubmission of CHE/17/00469/OUT and nothing appears to have been submitted concerning coal mining legacy over and above that which was previously submitted. The Coal Authority does therefore not wish to raise any specific observations, but would reiterate our comments of 1 August 2017, in response to that planning application, which remain valid in respect of this application.

Highways England: No objection

CBC Economic Development:

There will be significant employment, training and supply chain opportunities created during the construction phase and operational phase of the development. It is recommended that a local labour/ supply chain clause is negotiated which would encourage local employment, training and supply chain opportunities during the construction phase to promote these opportunities to local businesses and local people. The Economic Development Unit would also be keen to engage with the applicant to extend any activity that falls under this condition to the operational phase of the development. This will ensure that there is a strategy for promoting the additional employment and training opportunities resulting from the operational phase. The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and the Chesterfield Local Plan Core Strategy 2018 – 2035.

DCC Policy:

Primary schools -

The proposed development spans the normal area of 2 primary schools, namely Woodthorpe CE Voluntary Controlled Primary School and Norbriggs Primary School. Approximately 273 of the dwellings fall within the normal area of Woodthorpe CE Voluntary Controlled Primary School, generating 66 primary pupils. Analysis shows that the 66 primary pupils generated from this section of the development could not be accommodated in the normal area school.

The other 377 dwellings fall within the normal area of Norbriggs Primary School, generating 90 primary pupils. Analysis shows there is a surplus of 67 places at Norbriggs Primary School. Therefore, for this part of the site, 23 out of the 90 pupils generated could not be accommodated within the normal area school.

Therefore, across the two primary phase schools the County Council therefore anticipate a shortfall of 89 places.

Secondary School –

The proposed development falls within and directly relates to the shared normal area of Netherthorpe School and Springwell School. The proposed development of 650 dwellings would generate the need to provide for an additional 182 secondary phase (with post 16) pupils. Analysis shows that the shared normal area secondary schools would not have sufficient capacity to accommodate the 182 secondary phase (with post 16) pupils arising from the proposed development.

Mitigation is therefore required.

Mitigation Primary –

There is insufficient scope to expand Woodthorpe CE Voluntary Controlled Primary School.

There is capacity to expand at Norbriggs Primary School, sufficient to accommodate the primary pupils. However, there are challenges to the delivery of a scheme on this scale, due to trees and site conditions. Derbyshire County Council will continue to explore whether there is any scope for some increase of capacity at Woodthorpe, CE Voluntary Controlled Primary School should a lesser scale of development be feasible at Norbriggs Primary School.

Mitigation Secondary –

Netherthorpe School and Springwell School have recently been substantially rebuilt and only have space for their current capacities. Any expansion at these schools would be in the form of additional new build accommodation.

Funding for the above will be sought through the CIL process in order to provide the additional primary and secondary places required in the most efficient way possible.

Broadband - All developers proposing housing developments should look to provide for NGA broadband infrastructure and services as part of the design of their development schemes at the outset – an advisory note for this is required.

Waste - Based on the capacity at the local Household Waste Recycling Centre, a contribution from CIL may be requested to enable additional measures to increase capacity.

Libraries - Where capital improvements to the local library are required to accommodate the additional population resulting from this development proposal a CIL bid may be made.

Chesterfield Cycle Campaign:

Welcome the inclusion of a network of multi user trails within the site and potential connections outside the site. It is vital the development is linked to existing local

centres and schools by sustainable transport means otherwise it will create a huge increase in vehicle traffic. There needs to be a cycle link between this development, the existing houses at Mastin Moor past Netherthorpe school and on to the Trans Pennine Trail. This link would also facilitate cycle journeys to local Schools. CIL/other funding from the development should be used to facilitate these links.

The only way to get by bicycle from this development to Staveley, let alone Chesterfield, without using very busy roads is a rather roundabout route via Poolsbrook. Without these cycling and walking links being place on the completion, it just adds up to yet another development which is bound to increase motor traffic at a time when reducing it should be imperative. It is not clear what route could take them to Netherthorpe school. What footpath & cycle links are there to Barlborough Links and into Barlborough?

DCC Lead Local Flood Authority:

The Lead Local Flood Authority have requested more detailed information including; an indication of the condition and capacity of the watercourse, the discharge rate proposed along with further investigation into the mine water drainage infrastructure to ensure that potential associated flood risks are understood and mitigated against.

CBC Tree Officer:

To the west of Woodthorpe Hall Farm and adjacent to the Woodthorpe Road and the B6419 road junction is a small group and area of trees that are covered by a Derbyshire County Council Tree Preservation Order reference TPO 42. It is proposed that the area adjacent to these trees, as shown on the masterplan layout drawing is planted with a broadleaf tree buffer and further into the site residential properties are to be constructed. Although off site, these trees and their rooting environment should be protected during any construction and land preparation activities as they provide a valuable screen to any development and contribute in general to the character of the area.

The site encompasses some 46.2ha of mainly agricultural land comprising primarily of arable fields, along with hedgerows and scattered trees which are mainly featured on the boundaries with four mature pedunculate oak trees found within the centre of the arable fields on the western side of the site and two mature ash trees within the Pumphouse private grounds.

There is no objection to the application in principle however, no detailed tree/hedgerow surveys have been submitted with the application or a tree retention plan to enable a full assessment of the trees and hedgerows on the site and associated boundaries which may be affected. As this is an outline planning application, further details should be provided if consent is granted to the application.

Conditions recommended.

Yorkshire Water:

In recognition of the fact that the area could have significant housing and employment growth as a result of emerging Local Plan proposals, Yorkshire Water completed a Drainage Area Plan (DAP) in 2015. However, in order to assess the impact of this development on the local sewerage (sewers and pumping stations) and to then identify new infrastructure requirements, detailed site-specific sewer modelling will be required. Yorkshire Water will be happy to work with the developer, but any modelling will have to be developer funded.

The developer has stated that: "the nature of the proposed development means that residential foul flows will be generated from the 650 dwellings. At the stage of an initial consultation with the local water authority, Yorkshire Water indicated that the public sewer network does not have adequate capacity available to accommodate the anticipated foul water discharge from the proposed development. The network capacity issues to be addressed via Section 104 agreement at the detailed design of the proposed development and agreed with Yorkshire Water as the local water authority for this area." This is totally wrong. The network capacity issue must be addressed by YWS way before the Section 104 stage (ie construction).

The developer has further stated that: "it is assumed that Yorkshire Water would have already made provision for accommodating the additional demand of sewers at least that level of development (650 dwellings)". This assumption is incorrect; as noted above, YW has for some time been aware of the proposals for significant development in the Mastin Moor area and so undertook a Drainage Area Plan that would inform additional work as sites come forward. However, we would not commence more detailed investigation such as site specific modelling until a site is allocated in a Local Plan and/or has grant of at least outline permission. Given the site was only allocated in July and the appeal allowed in October 2020 it is unreasonable of the developer to assume that YW has undertaken detailed investigative studies which in any case can take many months to complete.

Given the above, the drainage details submitted on drawing 19412 200-001 (revision D) dated 08/06/2017 prepared by Idom Merebrook are NOT acceptable to Yorkshire Water without the detailed investigative work suggested above. The public sewer network (irrespective of where any individual parcel within the site could discharge) does not currently have adequate capacity available to accommodate the anticipated foul water discharge from this site; the existing sewerage in the vicinity is designed to accommodate the current relatively small rural population and significant reinforcement will be required.

The development must be appropriately phased, and thus be in compliance with national planning practice guidance, to ensure that the development will align with YW's investment plans and be properly served by wastewater infrastructure that will not cause detriment to other properties in the vicinity. Planning Practice Guidance

states that; policies "can be used to ensure that new development and mains water and waste water infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and waste water have been carried out. Local planning authorities can use planning conditions and/or obligations to secure mitigation and compensatory measures where the relevant tests are met". The guidance also notes that "timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out"

So far as I am aware the developer has not approached YW with a view to commencing a feasibility study and they should do so at the earliest opportunity.

The receiving wastewater treatment works (WWTW) does not currently have capacity to serve the whole i.e. completed development. However, provided the development is phased, YW will be able to ensure capacity is available for this site and others within the works catchment, that may come forward during the Local Plan period.

It is understood that surface water will discharge to watercourse. If planning permission is to be granted, the conditions should be attached in order to prevent flooding, protect public health and the local aquatic environment and YW infrastructure.

Derbyshire Wildlife Trust:

The proposed site for the development does not have any statutory or non-statutory nature conservation designations. Hedgerows are present and it is likely that some or most of these will be of sufficient interest to meet the definition UK BAP Priority habitat type. There are watercourses within and adjacent to the site and small areas of woodland. This general area supports populations of breeding and wintering birds associated with farmland, woodland, wetland and garden habitat types, that there are significant populations of grass snake present in this area, that parts of the site may be used by foraging bats and that badger and common lizard have been reported from nearby. The watercourse is connected to the Norbriggs Flash Local Nature Reserve and Local Wildlife Site and possibly also relates hydrologically to the Netherthorpe Flash. Issues of water quality are therefore an issue for consideration.

Having reviewed the Extended Phase I Survey Report, Breeding Bird Report and Bat Survey Report prepared by Penny Anderson Associates, October 2020 together with other relevant documents submitted with the planning application, the scope and standard of survey to be acceptable.

We have concerns regarding the wider impact on nearby Local Wildlife Sites and the Norbriggs Flash Local Nature Reserve both in relation to hydrology and to the potential for increased human pressure on these sites.

The Phase I report does not provide any details of proposed biodiversity enhancements. The bat and breeding bird report do provide recommendations to avoid and mitigate for impacts on these species and also very broadly refers to potential enhancements that could be delivered within the proposed areas of public open space and naturalistic parkland.

The latest Indicative Masterplan (P20181-00-001-100 Rev 02 dated 6/08/2020) includes the retention of many of the boundary hedgerows and the establishment of open space, naturalistic parkland, community orchard, community gardens and a SUDS within the parkland. This plan would buffer the watercourse and mitigate for water quality issues. The details of the plan are still very broad brush and the plan is indicative at this stage.

The mitigation measures proposed for bats have been taken on-board with trees with bat roosts being retained. It will be important to ensure that badger activity is monitored/re-surveyed to enable mitigation and changes in design of the layout where necessary. There are no specific measures proposed for incorporating nesting opportunities for bats and birds into the development or for accommodation of any hedgehog activity.

The proposals include the creation of what is termed a 'naturalistic park'. This area offers opportunities to create a variety of habitat types and if achieved it should be possible to achieve a net gain for biodiversity. To ensure a net gain is achieved we would recommend that a biodiversity metric assessment be submitted with any future biodiversity enhancement plan so that gains and losses can be clearly recorded along with long term management.

The implementation of the measures identified in the indicative layout should address our concerns regarding hydro-ecological issues and by providing an attractive and accessible greenspace close to people's houses it should help to mitigate for any increase in pressure on nearby greenspaces. Conditions recommended.

Representations:

Received from 12 parties living on; Norbriggs Road, The Paddocks and Bolsover Road (not all addresses provided):

- Require an archaeological survey of the colliery tramway with interpretation boards.

- Traffic is already congested, this would be worsened through the extent of housing.
- The impact on traffic on the A619 is of particular concern.
- Dangerous highway impacts close to 2 primary schools and local secondary school.
- Pollution from traffic.
- Extra pressure on doctors, dentist, schools and leisure.
- The provision of a care home is just to boost the number of social/affordable housing.
- The homes will not be affordable for those who are struggling to find employment.
- Loss of valuable farmland/prime arable land
- Wildlife habitat destroyed.
- Development of green fields will lead to a risk in local flooding.
- Open spaces are needed for mental health.
- Noise impacts.
- Litter and noise from pedestrians and motorists.
- The development is overbearing and out of scale in terms of existing developments.
- Woodthorpe is a village that does not want to be joined to Staveley.
- The development is disproportionate to the area.
- Village not townships.
- The site is too vast and would destroy the village feel of Woodthorpe and Mastin Moor.
- This is not to raise the standard of the area but for financial gain.
- Brownfield sites in the ownership of the applicant should be developed first.
- No thought for the local community.
- Public footpaths would be lost or compromised
- The scheme proposes a footpath to a private driveway (The Paddocks), which is not acceptable. The historic footpath was not intended to serve this many houses and will adversely impact on the amenity of residents, the new footpath should be re-directed to the proposed multi use path.
- Quiet cul de sac's in the area will be used as a short cut.

2.0 THE SITE

2.1 The application site is a large swathe of land to the south of existing development at Mastin Moor, and to the east of Woodthorpe. The site is bound by the Worksop Road to the north and the Woodthorpe Road to the South with Bolsover Road cutting through the site north to south.

2.2 The overall site forms a pastoral valley sloping from the ridge lines along Worksop Road and Woodthorpe Road towards a watercourse that runs through the valley bottom in a westerly direction through the site. Other than the existing development of Pump House Farm located within the low-lying valley to the western area of the site, the area consists of agricultural fields, boarded by hedgerow with interspersed and occasional scattered trees forming an attractive pastoral landscape. There are two public rights of way affected by the development these are; Staveley footpath 25 leading from The Paddocks in a north east direction to Worksop Road and Staveley footpath 26 leading from The Paddocks in a south easterly direction to Woodthorpe Road.

View from Worksop Road:



View from Woodthorpe Road:



View from Bolsover Road looking south west:



View from Bolsover Road looking north west:



3.0 SITE HISTORY

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

4.0 THE PROPOSAL

- 4.1 Outline planning permission is sought with consideration of the access only at this stage, for the residential development of the application site which extends to 46.18 hectares with open space, a local centre, footpath and cycle links, extended community gardens and new crossing to Worksop Road.
- 4.2 This application is similar to that recently approved on appeal under application reference CHE/17/00469/OUT.

The description in that case was:

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

The description in this case differs:

Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks.

- 4.3 The main difference in this submission being a residential care facility with extra care which is slightly different to that in the original application and the inclusion of leisure facilities and offices within the local centre which was not in the original description.
- 4.4 Part 6 of the submitted planning statement states that: The current proposal is broadly the same as the previous application proposal, as determined. Changes include the more explicit inclusion of 'extra care' as part of the residential care facility and provision for leisure facilities and offices within the Local Centre. These changes allow the opportunity for local community needs to be better met, including additional on-site employment opportunities, and for improved commercial flexibility, to ensure deliverability. The proposal therefore remains in-line with the Local Plan's allocation, and proposals that the Council has (at appeal) not opposed.
- 4.5 On this basis it is clear that this latest scheme is largely as approved in the recent appeal. That permission is within date and can be implemented and therefore is a material consideration in this case.
- 4.6 The Master Plan indicates housing spanning both sides of Bolsover Road with a swathe of land within the valley bottom for open space and habitat with SUD's features. The housing then links back up to Woodthorpe Road to the edge of the woodland area leaving an open field to the rear of properties at the southern end of Woodthorpe. The local centre would be set to the south of Worksop Road and to the west of the development leading from the existing centre at the cross roads with Bolsover Road and Worksop Road.
- 4.7 Key aspects of the proposal include:

- Up to 650 dwellings
- A residential care facility with extra care
- A Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices)
- A new signal-controlled junction on Worksop Road providing access to the new Local Centre and residential areas, incorporating pedestrian and cyclist crossing facilities
- New priority-controlled junctions on Bolsover Road and Woodthorpe Road
- An extension to the Community Garden (approximately doubling its existing size), including provision for a new community building and associated car park
- Areas of parkland, play and other open space
- Additional landscape planting and ecological enhancements
- New walking and cycling connections
- New drainage infrastructure including surface water storage ponds



4.8 The application sets out the following key benefits of the scheme as follows:

- Provision of new, high quality housing
- New development in a locality that has acknowledged regeneration needs

- Greater variety of housing type and tenure (including Affordable Housing) to better meet the diverse needs of the local community, including housing to buy and rent
- Extension of the Community Garden and new building (approximately doubling its existing size)
- Improved local services and facilities, including provision for retail, health and other local and community services within a Local Centre
- Areas of parkland, play and other open space available to existing and new residents with landscape planting and ecological enhancements
- New housing in a location where future residents will have a realistic choice of walking, cycling or using public transport, in preference to using private motor vehicles
- Opportunities for skills and learning through training programmes during construction and operational phases of the development
- New employment opportunities
- New traffic signal controlled junction on Worksop Road to include pedestrian and cyclist crossing facilities
- On-site water storage that could help reduce existing off-site flood risk
- Resolution of opencast ground conditions.

4.9 The application states that the proposal will provide opportunities and benefits for all sections of the local communities, including existing and future residents. Benefits will accrue in the short and longer term. It will help to overcome issues that can lead to deprivation and will contribute to regeneration in line with Local Plan objectives.

5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035, Adopted July 2020.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing
CLP6 Economic Growth (Strategic Policy)
CLP9 Retail
CLP10 Social Infrastructure
CLP11 Infrastructure Delivery
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP15 Green Infrastructure
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP17 Open Space, Play Provision, Sports Facilities and Allotments
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel
RP1 Regeneration Priority Areas (Strategic Policy)

5.3 Other Relevant Policy and Documents

National Planning Policy Framework (NPPF)

5.4 Supplementary Planning Documents

Designing Out Crime
Successful Places' Residential Design Guide
Historic Environment

5.4 Key Issues

5.5 Principle of development
5.6 Landscape character and visual impact
5.7 Residential Amenity
5.8 Highway safety
5.9 Archaeology
5.10 Heritage assets
5.11 Biodiversity
5.12 Trees and landscaping
5.13 Air quality and Climate Change
5.14 Contamination and Ground conditions
5.15 Land drainage and flood risk
5.16 Capacity of existing facilities and contributions

5.5 Principle of Development

5.5.1 As stated above legislation requires that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035, Adopted July 2020.

5.5.2 Policy CLP1 of the Adopted Local Plan sets out the Spatial Strategy for development in the Borough; The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas. In the Regeneration Priority Areas; The council will maximise regeneration benefits to existing communities offered by development opportunities in the following areas:

- Eastern Villages– Barrow Hill, Duckmanton, Mastin Moor, Poolsbrook
- Holme Hall
- Staveley and Rother Valley Corridor

In terms of Housing Growth the policy states; The council will make provision for the delivery of a minimum Objectively Assessed Need (OAN) of 240 new dwellings per year, (4,080 dwellings over the period 2018 to 2035). New housing development will be in line with the strategy of ‘Concentration and Regeneration’.

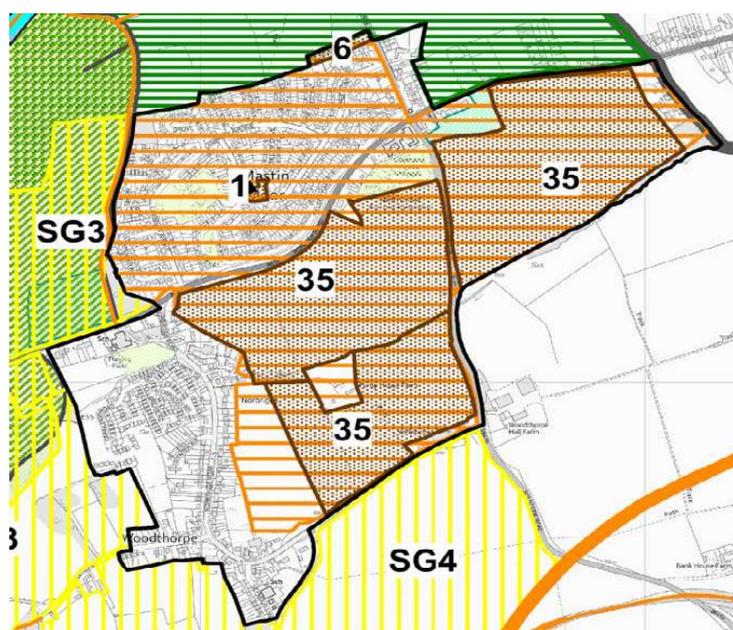
5.5.3 The application site as proposed is an allocated Housing Site H35 as defined in table 4 to Policy CLP3 as set out in the Adopted Local Plan. Table 4 to Policy CLP3 allocates the site for 650 dwellings.

5.5.4 The site is also designated under Policy RP1 where it requires that; the council will grant planning permission for development which supports regeneration and where it would:

- a) extend the type, tenure and quality of housing; and
- b) deliver environmental and biodiversity benefits; and
- c) support or enhance existing services and community facilities;
- d) provide recruitment, training and procurement to benefit the local economy (via a Local Labour Agreement in line with Policy CLP6), with the priority being to maximise training and employment opportunities for existing residents of the RPA within which the development is located; and
- e) increase trees and tree groups to enhance landscape character; and
- f) have an acceptable impact on the wider highway network (taking account of cumulative effects of other developments within the RPAs) and provide any necessary mitigation.

5.5.5 In respect of the Mastin Moor Regeneration Priority Area RP1 the policy sets out that the development is expected to:

- i. deliver up to 670 new homes on sites H1, H6 and H35 (H35 providing 650); and
- ii. provide safe and convenient walking and cycling access to job opportunities at Markham Vale, the community garden and Norbriggs and Woodthorpe Primary Schools; and
- iii. provide a new Local Centre with additional community facilities and the opportunity for provision of health facilities; and
- iv. provide safe and convenient walking and cycling connections to the surrounding rights of way network, including connections to The Cuckoo Way and Chesterfield Canal; and
- v. promote design that positively contributes to the surrounding area, and conserves or enhances the significance of heritage assets including the former pumping engine and tramway; and
- vi. deliver a new and/or improved pedestrian and cycle crossing over the A619 ; and
- vii. protect and enhance the setting of and access to the community garden; and
- viii. minimise visual impact on the ridgelines along Worksop Road and Woodthorpe Road; and
- ix. provide a defined edge of development and a clear break to prevent continued coalescence and extension of ribbon development along Worksop Road; and Chesterfield Borough Council Local Plan Proposed Modifications
- x. maintain the distinct identities and settings of Mastin Moor and Woodthorpe through the use of landscaping and open space.



5.5.6 The issues and restrictions considered under Policies CLP3 and RP1 are for consideration at the reserved matters stage of the development as the outline being considered under this application only seeks permission for the access with all other matters reserved. However, the submitted indicative masterplan is considered to generally accord with the specific requirements of these policies which can therefore be appropriately met. Therefore, the development complies with recently adopted policy in terms of the principle of the development. In addition, the recent granting of planning permission on appeal is a materials consideration in this case.

5.6 Landscape Character and Visual Impact

5.6.1 Policy CLP20 requires in part that; “All development should respond positively to the character of the site and surroundings and respect the local distinctiveness of its context. All development will be expected to: a) enriches the quality of existing places and enhances the quality of new places, b) respect the character, form and setting of the site and surrounding area, c) be at a density appropriate to the character of the area, f) provide appropriate connections both on and off site, i) preserve or enhance the landscape character”.

5.6.2 In terms of the general landscape impact of the development the submitted Landscape and Visual Impact Assessment recognises that the development of open fields will result in a change to local views which is unavoidable when developing on greenfield land. This will be more so in this case given the valley side of the pastureland to be developed. However, the Landscape and Visual Impact Assessment notes that; “Effects on visual amenity as a result of the scheme which could be considered to be important are, at worse, confined to a limited number of higher susceptibility residential receptors in close proximity to the proposed development. These would be those around the junction of the A619/Bolsover Road and the eastern end of Hillside Drive, Pumphouse Farm and the cluster of properties at the eastern end of Woodthorpe Road) and users of the Mastin Moor Community Garden.” These considerations are considered to be a reasonable assessment of the case. In addition, given that this land does not have protected status and the specifications set out in policies CLP3 and RP1 have been met it is considered that the landscape impacts in this case whilst resulting in harm are nevertheless acceptable in line with Adopted Local Plan policy. The detail of the scheme in terms of the layout of the housing, the landscaped swathes and retention of existing substantial trees and hedgerows will adequately mitigate the visual harm resulting from the scheme.

- 5.6.3 The policy requirements (CLP20 a), b), c), f)) to enrich the quality of the environment, respect the character, form and setting of the site and surrounding area can be met through the reserved matters. The indicative masterplan demonstrates how swathes of open space incorporating sustainable drainage features, running through the valley of the application site to the north western corner of the site will assist in assimilating the development into the landscape setting.
- 5.6.4 The consideration of an appropriate density is met through the submission of a housing scheme that meets the requirements of the allocation. Whilst the proposal will not preserve the landscape (CLP20 i) the visual impact of the scheme can be softened through appropriate layout, design and landscaping features which whilst demonstrated on the indicative masterplan is nevertheless a reserved matter. The enhancement of connectivity is considered under the Highway section below.
- 5.6.5 The submitted design and access statement sets out a clear vision for the development in terms of street design, SUD's, density and heights, creating village character areas as well as a distinctive local centre. The details provided whilst indicative are encouraging in terms of the aspirations of the development and align with those of plan policy in seeking wider regeneration benefits from an attractive development. It is considered reasonable therefore to ensure that any submitted reserved matters application relates to the aims of the design and access statement, this can be secured through condition.
- 5.6.6 In terms of visual impact, as far as can be considered at this outline stage, the proposal is considered to meet the requirements of policies CLP3, RP1 and CLP20 of the Adopted Local plan. It is also considered that the detail of the scheme to be considered at the reserved matters stage is able to meet the specifications of the adopted policies.

5.7 Impact on Residential Amenity

- 5.7.1 Concern has been raised regarding potential noise and amenity impacts arising from the development. Policy CLP14 of the Adopted Local plan requires that; "The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers."
- 5.7.2 This outline application is only considering the principle of the development and not the detail. The indicative masterplan shows a layout that is able to protect to an appropriate degree the amenity of existing residents. However,

it is acknowledged that the development in itself will impact on the outlook and environment of local residents. However, these impacts do not override the allocation of the land for housing and appropriate consideration of the detailed impacts of specific plots will be considered through the reserved matters.

- 5.7.3 In addition the proposal seeks a commercial centre and community building. Due to the application being in outline minimal detail has been submitted regarding these elements. Again, the impacts of the proposed uses when detailed will need to be considered as part of the reserved matters, where the Local Planning Authority can then impose further conditions if necessary.
- 5.7.4 The applicant has submitted a noise report which concludes that based on noise levels across the site mitigation will only be required on the boundaries with Worksop Road and Bolsover Road due to traffic noise. It is noted that suitable glazing and a ventilation strategy for the dwellings will likely be suitable. However, the detail will not be known until the reserved matters stage and therefore a condition is necessary to ensure the amenity of future occupiers of the dwellings is appropriately mitigated.
- 5.7.5 The proposal, in its outline form, is considered to meet the requirements of policy CLP14. To protect local residents from undue impacts of construction work it will be necessary to impose conditions to control the hours of operation for the construction works and dust mitigation measures.

5.8 Highways Safety and Parking Provision

- 5.8.1 Concern has been raised that the development will result in harm to highway safety and the loss of local footpaths. Policy CLP22 requires that; To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices. This will be done by seeking ways in which to reduce travel by private car and seeking enhancements of and incentives for walking, cycling and use of public transport. Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Plan of the potential highway network as set out in the Design and Access Statement showing 4 access points:



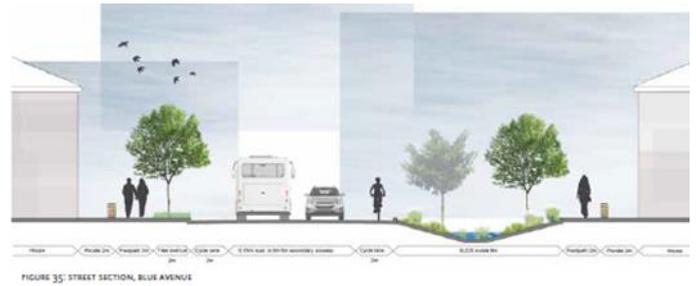
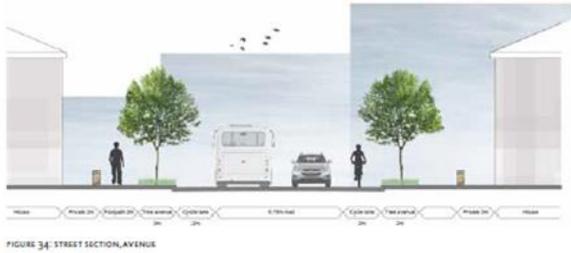
5.8.3 The requirements for this site under policy RP1 sets out the need to secure cycle and walking links to Markham Vale, The community Garden, and the local primary schools and connections to The Cuckoo Way and Chesterfield Canal as well as improved crossing facility over the A619. Along with policy RP1, Policy CLP15 requires that; the Borough’s green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting enhancing, linking and managing the network, and creating new green infrastructure where necessary. The policy goes on to note in part that; development proposals should “c) enhance connectivity between, and public access to, green infrastructure; d) (i) protect and enhance access to the multi-user trails network as shown on the Policies Map; and (ii) increase the opportunities for cycling, walking and horse riding f) protect or enhance Landscape Character g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality”
 In addition, monies received through CIL will also contribute to the enhancement of green infrastructure within the Borough.

5.8.4 The policy requirements (CLP15 c), d)) to enhance connectivity and access to the multi-user trails network is appropriately demonstrated on the indicative masterplan.

5.8.5 The Design and Access Statement sets out the Design principles and parameters of the development. In relation to access and connectivity it notes

the following: the pedestrian and cycle network have been designed to encourage active travel. Internal path networks are linked with the wider public rights of way to integrate the site with existing development. Multi user paths form the strategic links through open space where these pass through the development cycle lanes will be incorporated within the carriageway. Links to the wider footpath and cycle network will allow access to the Chesterfield Orbital Strategic Cycle path which links with Staveley, Rother valley, Duckmanton and Markham Vale. Within the site pedestrian and cycle networks are proposed with circular trails and trim trails.

- 5.8.6 Concerns have been raised by residents of The Paddocks regarding the inclusion of multi users trail along the private drive. However, it is shown on the indicative plan that the existing footpath in this location is to be retained and the multiuser path would be located further towards the north east emerging onto Worksop Road. Such detail will be considered under the reserved matters.
- 5.8.7 The existing cycle path route is located to the south west of the site beyond Woodthorpe Road and beyond Staveley Footpath no. 27. No details are provided as to how the site will link with the existing trail, although it appears that appropriate links from the site to the trails can be achieved along Woodthorpe Road and Seymour Lane to the Seymour Link Road. The recent appeal secured appropriate provision for the link through the S106 agreement, which is a permission that can be implemented. The path links proposed to the edges of the development site will also ensure appropriate walking potential to the local primary schools.
- 5.8.8 In terms of public transport almost all of the development with appropriate footpath network will be within 400m of an existing bus stop. To make the entire site able to be within 400m of a bus stop will require changes to services which cannot be guaranteed. However, the road network is proposed to be designed to enable bus routes should local operators choose to improve their services into the development.
- 5.8.9 The road hierarchy includes the provision of tree lined avenues forming the spine roads, it is noted that commuted sums will likely be required for these. The intention is for the street design to be in line with current guidance and where necessary to include SUD's features and distinct areas for walking, cycling, vehicles and parking. A suitable condition can ensure that any reserved matters application considers the parameters of the development established in the Design and Access Statement.



5.8.10 There are 4 main access points into the site from the existing road network, as considered in the appeal case; 1 from Worksop Road, 2 from Bolsover Road and 1 from Woodthorpe Road. Access is a matter to be considered under the remit of this application. The Local Highway Authority have not yet commented on the proposed development.

5.8.11 Whilst the Highway Authority have not provided comment on this application it is reasonable to consider the comments of the Inspector in the recent appeal case. The Inspector noted that the main concerns related to the effect on the free flow of traffic on roads and junctions immediately around the site and the cumulative effect of the appeal site and the Clowne Garden Village¹ development on the operation of Junction 30 of the M1 and the nearby A616/A619 roundabout.

5.8.12 The Inspector noted that the parameters of the Transport Assessment (TA) were agreed with DCC as highway authority. As well as creating new junctions onto Worksop Road and Bolsover Road, the TA involved capacity assessments of the existing traffic light-controlled junctions at Worksop Road/Bolsover Road and Worksop Road/Norbriggs Road. Whilst it was concluded there would be some adverse impacts on the operation of these junctions, the TA concludes that these effects could be mitigated through modifications to the staging sequences to increase capacity and minimise queuing. Thus, the immediate highways and junctions would operate satisfactorily with adequate levels of reserve capacity. In addition, the scheme includes improvements to bus stops, pedestrian crossings and footpaths both within and outside the site, all of which can be secured through condition and legal agreement. Taking these factors together, DCC confirmed that the proposal would be acceptable and the residual cumulative impacts on the immediate road network would not be severe. The Inspector agreed with this view.

5.8.13 In terms of the operation of Junction 30 and the A616/A619 roundabout, the former local plan anticipated large-scale residential development at Mastin Moor and the Chesterfield and Bolsover² LPs are recently adopted. Both

plans were, subject to the “duty to cooperate” including the identification of cross-boundary infrastructure and a shared transport evidence base, with updates commissioned by BDC. In addition, there is the 2016 Clowne Transport Study and a 2017 TA for the Clowne Village planning application. In assessing the impact of development on and recommending improvements to highway infrastructure, which are to be included in the S106 Agreement, this latter study treated development on the appeal site as a committed scheme. There is no indication that, in the light of the adoption of the LPs and progress on the proposals for the application site and Clowne Garden Village, that Highways England or the Local Highway Authority require the Mastin Moor TA to be updated.

5.8.14 The inspector therefore concluded that subject to the imposition of appropriate planning conditions, the proposal would not have an unacceptable effect on the safety and free flow of traffic on the local or wider highway network and as such the proposal accords with Policies RP1 and CLP22 of the Adopted Local Plan.

5.8.15 Given the detailed assessment and measures to be secured through the S106 and conditions as set out below, it is considered that there is no substantive change in circumstances from the appeal decision to reach a different conclusion in this case.

5.9 Archaeology

5.9.1 As raised by the Chesterfield Canal Trust and the Development Management Archaeologist whilst the development does not directly affect the main line of the Chesterfield Canal, it is close to the end of the Norbriggs Cutting and the remains of a horse-drawn tramway, which is thought to be one of the earliest in Derbyshire, linking the canal and the Norbriggs Colliery.

5.9.2 In terms of potential below ground archaeology, this is a non-designated heritage asset where Policy CLP21 of the Adopted Local Plan requires that; In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:

d) identify and, where appropriate, protect important archaeological sites and historic environment features;

g) within...other areas of archaeological significance, require relevant development proposals to demonstrate appropriate consideration of archaeological impact.

5.9.3 The potential for below ground archaeology was considered in detail in the appeal application and in this case the development Control Archaeologist has advised that; The previous application was informed by an archaeological desk-based assessment and detailed geophysical survey which indicated the presence of sub-surface archaeological remains of a range of periods. These included an ovoid enclosure which appears to be associated with a field system which is of possible prehistoric date. A range of features relating to coal extraction were also identified. The line of the late 18th century horse drawn tramway built to take coal from the colliery to the Norbriggs cutting was also clearly identified in the western sector of the proposed development site. In addition, geophysical anomalies which reflected the sites of demolished buildings as well as industrial archaeological remains, traces of possible former field boundaries and ridge and furrow ploughing were evidenced.

5.9.4 Through the processing of the previous application the Development Management Archaeologist initially recommended that a scheme of trial trenching be conducted at a pre-determination stage across the site in order to sample the below ground remain indicated by the geophysical survey. However, it was ultimately agreed that the further archaeological evaluation be conducted post planning permission. The reason for this was that the site was to be developed in phases, likely by a range of independent developers. In order to secure the necessary further archaeological evaluation and mitigation including where necessary preservation of in-situ an overarching Written Scheme of Investigation which scoped these details was agreed and would need to be followed in this application. The applicant's agent has confirmed agreement to the imposition of the same condition as previously imposed through the appeal. Subject to this condition which will secure the necessary investigation and mitigation to be agreed and carried out it is considered that any non-designated archaeological assets will be appropriately assessed, and mitigation measures agreed.

5.10 Heritage assets

5.10.1 Policy CLP21 advises that in respect of heritage assets; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.

5.10.2 Paragraph 196 of the NPPF requires that; Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.10.3 The heritage statement submitted in support of the application notes; A total of six designated heritage assets located within the 1 km study area, all of which are listed buildings, one of which is Grade II* listed with the other five Grade II listed. Of these six, two Grade II listed buildings (Norbriggs House and the Church of St Peter) as well as the cluster of listed buildings at Bolsover Castle have been scoped into further setting assessment, on the basis of the potential for harm to their significance from a change within their setting arising from development within the Site. The remaining four designated heritage assets within the Study Area have been scoped out because either the setting does not contribute to their significance or the Site does not interact with any setting that contributes to their significance.

5.10.4 The report assesses the impacts on the setting of these buildings as follows:

Norbriggs House: The asset derives its significance from its historic and architectural interest as a remaining element of the mid-19th century landscape. It also draws some limited significance from its immediate garden setting, but not from its location within the wider landscape.

Church of St Peter: The asset draws its significance from its historic and architectural interest as a surviving element of the 19th-century settlement of Woodthorpe. Its setting within the settlement and its location at the corner in the road makes a positive contribution to its significance.

Bolsover Castle: The landscape in the surrounding area has undergone a significant amount of change particularly in the past 50 years with the construction of the motorway in the 1970s and distribution warehouses within the last 10 years. In addition, the construction of new housing estates and the extensions of villages and towns have also substantially altered the landscape. The significance of these assets is complex and multifaceted drawing elements from their historic interest, architectural interest and archaeological interest. They also derive significance from their setting, particularly from their historic relationship to each other and the settlement at Bolsover but from the purposefully selected position of topographical prominence overlooking the wider landscape.

5.10.5 The impact of the development upon heritage assets was considered under the appeal application. The Council's Conservation Officer concluded that; the submitted Assessment concludes that any impacts on heritage assets caused by the development are minimal and can be mitigated by appropriate design methods. This is a reasonable and informed conclusion and one I would agree with.

5.10.6 The Officer report which recommended approval of the appeal application considered that; the submitted Assessment states that the development proposals will have a 'minor' impact upon the setting of Bolsover Castle; a 'negligible' impact upon Norbriggs House and Netherthorpe Grammar School; and a 'moderate' impact upon the Church of St Peter. In mitigation it is recommended that appropriate landscaping / screening can be secured to provide a visual buffer to mitigate against the negative effects of the new development, but it is accepted that wider effects upon the historic setting of Bolsover Castle cannot be mitigated against.

5.10.7 In accordance with paragraph 196 of the NPPF, it is considered that the harm in this case is generally at the lower end of 'less than substantial' harm. Given the multiple public benefits of; the provision of housing to meet the identified needs of the Borough, the provision of affordable housing, provision of public open space including biodiversity measures, enhanced community garden, CIL contributions, jobs created, increased resident spend and benefits to the supply chain from construction, these benefits outweigh the less than substantial harm to heritage assets, which in this case is noted to be at the lesser end of the scale of less than substantial harm.

5.11 Biodiversity and Impact on Protected Species

5.11.1 Concern has been raised that the development will adversely impact local wildlife. Policy CLP16 of the Local Plan requires that; The council will expect development proposals to:

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

5.11.2 The submission includes the provision of a number of ecological reports; a badger report, a bat survey report, a breeding bird assessment report and an extended Phase 1 survey report. In general terms these reports made the following conclusions:

There are no habitats of high national conservation value on the site. The habitats with the highest value are the hedgerows with native species, semi-improved neutral grassland verges and the woodland bordering the stream. It is recommended to retain the hedgerows where possible as they provide an important habitat for wildlife. Due to the plant species present in the verges along Bolsover Road it is recommended that the verges are retained where

possible as a valuable nectar source for invertebrates. The woodland strip adjacent to the stream is recommended to be retained as buffer to the stream and wildlife habitat.

5.11.3 Bats:

In terms of the existing bat presence/habitat; a number of trees with potential to support bat roosts were identified, with bat surveys being undertaken. A total of 5 species of bat have been recorded: Common Pipistrelle, Brown Long-eared, Soprano Pipistrelle, Myotis species (likely natterer's and Daubenton's), Noctule and two trees were found to be roosts for a small number of common bat species. The site overall is considered to provide a foraging resource for low numbers of bats. There were no obvious 'hotspots' of activity, although the stream corridor and boundary hedgerows in the central and southern parts of the site were more frequently used than the northern and western boundaries which abut Worksop Road and a residential area respectively. The site is considered to provide a resource of value to foraging and commuting bats at a site/local level only.

5.11.4 In terms of adverse effects construction of access routes through the stream corridor and hedgerows have the potential to result in fragmentation of foraging and commuting corridors. In general terms the development and associated lighting has the potential to disrupt roosting and feeding behaviour for some species. However, it is noted that the creation of gardens and areas of public open space has the potential to increase the habitat resource for roosting and foraging bats compared with the intensively managed interiors of the existing arable fields.

5.11.5 The following recommendations have therefore been suggested to safeguard and enhance the roosts and foraging/commuting habitat for bats:

- Retain T2 and T7 with a suitable undeveloped buffer zones to safeguard the roost in situ.
- Extend the buffer zone along the adjacent stream corridor to ensure uninterrupted access to foraging habitats, and continuity with off-site habitats;
- Retain a substantial buffer zone (8-10m) along the stream corridor as a key foraging/commuting corridor for wildlife to be managed as public open space;
- retain existing boundary hedgerows and internal hedgerows with suitable undisturbed buffer zones (3-5m) to maintain connectivity of bat foraging habitats. These can be incorporated into areas of public open space and managed for biodiversity benefits;
- adopt a lighting strategy which minimises impacts on key bat foraging habitats, in particular the stream corridor and hedgerows in the central and southern parts of the site;

- selected areas of the buffer/boundary habitats could be left as unmanaged grassland and tall herbs to encourage abundant invertebrates as food source for bats; and
- plant areas of landscaping with nectar rich shrubs to encourage invertebrates, in particular night-flying insects.

5.11.6 With these mitigation measures in place the report recommends that there would be no significant harm to the local bat population, and that the introduction of rich landscape planting may increase the value of the site for bats and other wildlife. In line with current good practice, the suite of bat surveys should be repeated if development has not begun within two years of this report, to re-assess the features for bat use.

5.11.7 Breeding Birds:

Due to the presence of valued hedgerow within the site a bird breeding assessment was recommended. This found that the significant majority of breeding bird species and activity are focused on the site's hedgerows and therefore site clearance and construction may result in disturbance to nesting birds if this is conducted during the breeding season (peak season is considered to be March to September, inclusive).

5.11.8 In terms of adverse effects the proposed development would result in a change of habitat type in the area from open arable land to enclosed residential gardens and public open space. It is likely that a number of species will continue to utilise the substantial boundary hedgerows, but if shorter hedgerows within the site are lost there is likely to be some displacement, however these do not support a high diversity of species. In addition, many of the recorded species are known to breed within or adjacent to residential developments. The potential displacement caused by the removal of interior hedgerows is not, therefore, considered to be significant. It is assumed that a proportion of the new residents may own pet cats which may prey on wild birds.

5.11.9 To mitigate the harm, the report sets out a number of features are recommended to avoid or minimise disturbance to, and displacement of, breeding birds during and after construction comprising:

- retain as many hedgerows as possible, in particular perimeter hedgerows;
- retain mature trees where possible, including those within field interiors;
- retain and enhance a 3-5m buffer between the development and retained hedgerows;
- retain and enhance a 8-10m buffer to the stream which runs centrally through the site;

- provide public open space which incorporates wildlife habitat;
- incorporate appropriate nesting aids into new buildings; and
- incorporate new hedgerows/appropriate shrub planting of native species into the development.
- potential breeding bird habitats within the application site, should be removed outside the breeding season which runs from March to September (inclusive), unless first checked by a qualified ecologist within 48 hours.

5.11.10 Badgers :

There is potential for badger activity at the site and therefore appropriate mitigation is required. The report notes that activity appears to have decreased between 2015 and 2020. The habitats within the site represent sub-optimal foraging resources for badgers, as there are very narrow field boundaries. Despite this, the hedgerow networks are considered to form important commuting and foraging routes for badgers across the site and into the wider countryside. The corridor of the watercourse is considered to form an important foraging/dispersal route and is likely to represent a large proportion of a badger clan territory. It is therefore important that the development proposals retain optimal foraging habitat which badgers can gain access to and that commuting/dispersal corridors are retained.

5.11.11 The proposed loss of up to 46.2ha of cereal fields and the new access roads through the site will have an adverse impact. However, the proposed development may provide additional foraging opportunities for badgers, including areas of managed grassland associated with public open space and residential gardens.

5.11.12 To mitigate against the harm to badgers buffer zone areas are required. Due to the changeable habits of badgers it is advised to re-survey for badger activity two months before works are due to commence. In terms of the layout the following is recommended in the report:

- To retain suitable badger foraging habitats and corridors and to minimise disturbance
- Erection of boundary fencing along the eastern site boundary adjacent to the woodland.
- Suitable badger runs/gaps should be incorporated to allow access by badger;
- retain existing boundary hedgerows and internal hedgerows with suitable undisturbed buffer zones (3-5m) to maintain connectivity of badger foraging habitats.
- retain a substantial buffer zone (8-10m) along the stream corridor
- incorporate areas of grassland within the site layout, in particular amenity grassland

- selected areas of the buffer/boundary habitats could be left as unmanaged grassland
- plant areas of landscaping with native fruit and nut bearing shrubs to ensure a food supply over the autumn and winter period.
- consider inclusion of small-scale bunds to provide opportunities for badgers to excavate new setts.

With the recommended mitigation and compensation measures in place it is anticipated that there would be no significant harm to the local badger population.

5.11.13 In terms of other ecological matters the report notes that Grass snake are protected and therefore site clearance should take account of their potential to be present within suitable habitat on site. The presence on Himalayan balsam and Japanese knotweed need to be considered under any future Construction Environmental Management Plan and Landscape and Ecology Management Plan prepared for the Site.

5.11.14 Derbyshire Wildlife Trust have considered the submitted reports referred to above and found the scope and standard of surveys to be acceptable. The Trust note that the Indicative Masterplan (P20181-00-001-100 Rev 02 received 12.102020) includes the retention of many of the boundary hedgerows and the establishment of open space, naturalistic parkland, community orchard, community gardens and a SUDS within the parkland. This plan would buffer the watercourse and mitigate for water quality issues associated with the nearby Local Wildlife Sites and nature reserve. The details of the plan are still very broad brush but it is noted that the plan is indicative at this stage.

5.11.15 The appropriate mitigation measures proposed for protected species are noted. The proposed development includes the creation of a 'naturalistic park' which offers opportunities to create a variety of habitat types where it should be possible to achieve a net gain for biodiversity. To ensure a net gain is achieved the Trust recommend that a biodiversity metric assessment be submitted with any future biodiversity enhancement plan so that gains and losses can be clearly recorded along with long term management.

5.11.16 It is therefore considered that the implementation of the measures identified in the indicative layout should address concerns regarding hydro-ecological issues and by providing an attractive and accessible greenspace close to homes it should help to mitigate for any increase in pressure on nearby greenspaces. On this basis it is considered that the impact of the development on protected species and in terms of the required net gain for biodiversity can

be met subject to a series of conditions and further assessment through the reserved matters.

5.12 Trees and landscaping

5.12.1 The importance of Green Infrastructure in terms of environmental quality, air quality and ecology is noted in policy CLP15 where it requires that development proposals; g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality.



5.12.2 Whilst landscaping is a reserved matter the submitted Indicative Masterplan clearly shows an intention to provide a green swathe through the valley bottom including woodland areas where tree planting can provide the necessary biodiversity benefits. It is noted in the Design and Access Statement that existing important trees will be integrated into the development with a network of open spaces and distinctive features. The creation of tree planted avenues and tree planting within front gardens and curtilages throughout the development is noted in the design parameters to create a high-quality environment as well as proposing a coppiced woodland as part of the community garden. It is also important to note that the provision of trees within the highway as is proposed will result in the need of a contribution which can

be secured directly to DCC as Highway Authority through the S38 agreement of approximately £1,200 per tree. Tree planting is also noted in the envisaged landscaping proposals where specific planting is proposed to minimise visual impact such as retaining the tree line along Worksop Road.

- 5.12.3 The tree officer has considered the submission and has commented that; The protected woodland at the Junction of Woodthorpe Road and the B6419 should be protected during any construction. The indicative masterplan shows most of the existing hedgerows and trees are retained, with additional landscaping and planting. Whilst there is no objection to the application no detailed tree/hedgerow surveys have been submitted with the application or a tree retention plan to enable a full assessment of the trees and hedgerows on the site and associated boundaries which may be affected. As this is an outline planning application, further details should be provided if consent is granted to the application. The Tree Officer recommended conditions which are included in the recommendation.

5.13 Air quality and climate change

- 5.13.1 Policy CLP14 of the Adopted Local Plan requires in part that; The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account ... air quality and other environmental impacts.
- 5.13.2 In terms of Air Quality the policy goes on to note that; Where appropriate, development proposals will include an assessment of impact on air quality and incorporate measures to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality. Development that would make the air quality in a declared Air Quality Management Area (AQMA) materially worse either in isolation or cumulatively when considered in combination with other planned development, will not be permitted.
- 5.13.3 Whilst there is no air quality management zone in Mastin Moor it is recognised that new development will introduce potential air quality impacts overall. The Council's environmental health section have been consulted on this application but have made no comment. It is considered that in order to minimise the potential impacts on air quality overall it is necessary to ensure that new dwellings have electric vehicle charging, whilst mentioned in the Design and Access Statement it is not detailed as to whether all housing and commercial premises will have this infrastructure. Ensuring this infrastructure will ensure that all new residents will be able to use an electric vehicle which

overall aims to reduce harmful emissions. In addition, the landscaping of the site will assist in minimising the impacts of development. It is recognised that through the construction process dust and noise will result and therefore a condition to control the construction process will be required. Subject to these measures it is considered the development is acceptable in terms of air quality impacts.

5.13.4 Whilst there are no specific policy considerations for tackling climate change the Adopted Local Plan overall seeks to secure this through the provision of sustainable development with an emphasis on walking and cycling and easy access to services and facilities. The proposed footpath and cycle routes as identified on the indicative master plan along with the provision of a local centre demonstrate that the development is sustainable with residents having the ability to walk and cycle from the site and utilise public transport routes.

5.14 Contamination and ground conditions

5.14.1 Policy CLP14 of the Adopted Local plan requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and
- c) a strategy for any necessary mitigation and/or remediation and final validation.

A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.

5.14.2 The submitted Geo-Environmental Assessment concludes that the desk-based study and site walkover have not highlighted potential for significant chemical contamination that would be a constraint to development. Localised contamination may be present which could require remediation as well as considering the naturally occurring radon gas. In this case a Phase II Intrusive Investigation was recommended resulting in a widely spaced sampling strategy across the site as well as soil gas monitoring. The results indicate that no significant soil contamination has been identified and there were no recorded elevated concentrations of hazardous gases. However, due to naturally occurring gasses in the area mitigation through appropriate membrane to floor construction will be required for the dwellings and health

centre. It is also noted in the report that additional exploratory investigation will be required to confirm the depth and extent of the opencast mining in the area north of the site for detailed foundation design.

5.14.3 The Coal Authority have considered the detail of the submission and considered the previous grant of permission on appeal and have reiterated their comments made under application CHE/17/00469/OUT which did not raise an objection subject to conditions being imposed on any permission. The Coal Authority concluded that; the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards. Appropriate mining information for the proposed development site has been obtained on behalf of the applicant and has been used to inform the Geo-Environmental Assessment Report. In addition to the mining of deep coal seams, The Coal Authority records indicate that unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. In addition, 11 mine entries are recorded within, or within 20m of the planning boundary, and the site has also been subject to past surface mining activities.

5.14.4 The Geo-Environmental Assessment Report has been informed by an appropriate range of sources of information and based on a review of these sources, the Report identifies that underground shallow coal mining; the recorded mine entries; and high walls pose risks to development at the site. These Coal mining hazards will need to be examined in relation to any layout, which at this present time is indicative, but which does appear to have been designed around the recorded mine entries. The Report concludes by making appropriate recommendations for the carrying out of further intrusive ground investigations in order to delineate the extent of the high wall and ascertain the ground conditions to identify any necessary remedial measures to address instability risks posed shallow mine workings. The Report also recommends that the mine entries are located and any necessary remedial measures applied. Planning conditions were recommended by The Coal Authority and are included within the suite of conditions below. On this basis the development is considered to be acceptable in terms of policy CLP14 in respect of ground conditions.

5.15 Land drainage and flood risk

5.15.1 Concern has been raised regarding the impact of the development on flooding in the area. Policy CLP13 Adopted Local Plan advises that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk

elsewhere. It goes on to note that; The council will seek opportunities to increase the capacity of the floodplain safely, make space for water across the whole borough, and to remove problems from the drainage network, particularly in connection with new development. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. In addition, the policy notes that; Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

5.15.2 The Indicative Masterplan demonstrates a series of SUD's features within the site to manage surface water running through the valley area of the development. The application site is within flood zone 1 where residential development is acceptable.

5.15.3 The Design and Access Statement notes that; Sustainable urban drainage methods will be incorporated within the site to ensure that the post development runoff rate will mimic the pre-development flows of a greenfield site. This will be achieved by building attenuation ponds and swales within the site as part of the surface water drainage system that will allow for the infiltration, storage and eventual discharge (with consent from DCC) into unnamed tertiary watercourse running in a westerly direction across the site and subsequently into the river Doe Lea. The Flood Risk Assessment (FRA) submitted with the application notes that there is potential high risk of surface water flooding where overland runoff forms a potentially deep, high velocity flow-path along the route of the ordinary water course and flooding of sewers. There is also a mine water discharge point on site that may pose a risk but for which further investigation is required. Given the risks highlighted Mitigations are proposed to manage runoff from the Site to pre-development (Greenfield) rates, meaning that there will be no increase in volumes up to and including the 1% (1 in 100) annual exceedance probability event.

5.15.4 The Lead Local Flood Authority have considered the application and requested more detailed information including; an indication of the condition and capacity of the watercourse, the discharge rate proposed along with further investigation into the mine water drainage infrastructure to ensure that potential associated flood risks are understood and mitigated against.

5.15.5 CBC Design Services Team consider flooding and drainage issues and, in this case, advise that; Some areas of the site are shown to be at risk from surface water flooding which need to be considered at the detailed design stage. There is a known flooding problem with the watercourse passing between housing and culverted under Norbriggs Road, and any application should ensure that this flooding is not exacerbated. The utilisation of SuDS systems is welcomed as much as possible for ecological and amenity benefits as well as managing water quantity and water quality. The Design services team requested to see full details of proposed drainage designs prior to full planning approval and details of long-term maintenance.

5.15.7 In terms of sewerage capacity the FRA goes onto note that; Yorkshire Water has confirmed that the public sewer network does not have adequate capacity available to accommodate the anticipated foul water discharge from the proposed development site; and that the local waste water treatment works at Staveley may only have limited spare capacity available. Significant strategic off-site reinforcements to the public sewer network and possibly the Staveley wastewater treatment works are expected to be required to serve the proposed development. Yorkshire Water has also identified that further developer funded modelling investigation will be required to assess the impact of the proposed development and in order to determine the scale and scope of the reinforcement works required.

5.15.4 Through consultation on the application Yorkshire Water (YW) have considered the case and advised that; the developer has made a number of incorrect assumptions statements in their submission. The network capacity issue must be addressed by YWS well in advance of the construction stage. YW has for some time been aware of the proposals for significant development in the Mastin Moor area and so undertook a Drainage Area Plan that would inform additional work as sites come forward. Given the site was only recently allocated and granted permission YW have not yet undertaken more detailed investigative studies.

5.15.5 Therefore the drainage details submitted are not acceptable to Yorkshire Water without the detailed investigative work required. The public sewer network does not currently have adequate capacity available to accommodate the anticipated foul water discharge from this site. YW advise that the development must be appropriately phased to comply with the national planning practice guidance, to ensure that the development will align with YW's investment plans and be properly served by wastewater infrastructure that will not cause detriment to other properties in the vicinity. The developer will need to liaise with YW with a view to commencing a feasibility study at the earliest opportunity. Conditions were recommended by YW.

5.15.6 Whilst the additional information required by the LLFA and CBC Design services has been requested, it has not yet been received. However, it is important to note that these matters were considered recently by an appeal Inspector for a similar quantum of development where the Inspector considered it appropriate to agree the imposition of conditions to address any matters regarding flooding and drainage on the site. Whilst not all matters pertaining to drainage have been fully resolved at this point it is considered that these matters can be appropriately dealt with through a suite of conditions being imposed. The conditions imposed by the Planning Inspector have been reiterated in the recommendation below. On this basis the proposal meets the requirements of Policy CLP13 of the Adopted Local Plan.

5.16 Capacity of existing facilities and contributions

5.16.1 Concern has been raised that the development will lead to pressure on local services. In 2016 the Council adopted Community Infrastructure Levy as a means to ensure that infrastructure requirements could be provided for by obtaining funds from development. Policy CLP11 of the Adopted Local Plan requires that; Developer contributions will be used to mitigate the impact of new development and ensure that appropriate infrastructure is in place to support growth. The Borough Council will normally require that on-site infrastructure requirements are met via planning conditions or a Section 106 agreement. Developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development, and where appropriate arrangements are in place for its subsequent maintenance. Where the provision of infrastructure is considered to be a strategic need then development, if liable, will be required to contribute via the Community Infrastructure Levy (CIL). All infrastructure requirements will be co-ordinated and delivered in partnership with other authorities and agencies. Where new development would result in the loss of existing essential infrastructure, appropriate replacement provision should be provided as part of the new development proposals.

5.16.2 As this is an outline application the assessment of CIL payments will take place alongside the reserved matters applications. The development would be CIL liable and the site is within the low charging zone which for residential is charged at £20 per sqm of and for retail this area is at £80 per sqm. This is calculated utilising the formula set out in Part 5 of the CIL Regulations:

CIL Rate x Chargeable Floor Area x BCIS Tender Price Index (at Date of Planning Permission)

BCIS Tender Price Index (at Date of Charging Schedule)

- 5.16.3 The CIL funding provides the necessary school provision. In this case DCC as Local Education Authority have provided information regarding the need for mitigation. The proposed development is within the area of two primary schools; Woodthorpe and Norbriggs. Approximately 273 of the dwellings fall within the normal area of Woodthorpe CE Voluntary Controlled Primary School, generating 66 primary pupils which could not currently be accommodated.
- 5.16.4 The other 377 dwellings fall within Norbriggs Primary School area, generating 90 pupils. Analysis shows there is a surplus of 67 places at Norbriggs Primary School, therefore 23 out of the 90 pupils generated could not currently be accommodated.
- 5.16.5 This gives an anticipated shortfall of 89 primary places. Whilst there is concern about the capacity to expand Woodthorpe CE Voluntary Controlled Primary School, there is capacity to expand at Norbriggs Primary School although it is noted that there are challenges to the delivery of a scheme on this site, Derbyshire County Council will continue to explore the options available.
- 5.16.6 In terms of Secondary School places, the development relates to the shared normal area of Netherthorpe School and Springwell School in Staveley. The development would generate the need to provide for an additional 182 secondary phase (with post 16) pupil places which cannot currently be accommodated. Mitigation for secondary will need to be in the form of additional new build accommodation.
- 5.16.7 Funding for the required mitigation at primary and secondary level will be sought through the CIL process in order to provide the additional primary and secondary places required in the most efficient way possible.
- 5.16.8 However, the CIL process does not secure all necessary funding or site-specific requirements such as highway improvements, health, affordable housing and the provision of play/open space and maintenance of these areas as well as the drainage features on site. All of which need to be considered under S106 legal agreement.

- 5.16.9 Whilst they have not responded to this application the CCG under the 2017 application requested £247,260 for for the expansion/alteration of Royal Primary Care and Barlborough Medical Practice.
- 5.16.10 The Highway Authority requested funding for upgrading of existing bus stops, investigation into, and any implementation of, revisions to the speed limits on the B6419 Bolsover Road, the provision of a multi user link with Seymour Link Road, investigation into, and any implementation of, revisions to traffic lights at Norbriggs Road / A619 to enable multi usage and Travel Plan monitoring. All of the above matters were previously secured by a signed S106 agreement as part of the appeal process. It is likely that this development will require a modification to that agreement in order to ensure all necessary contributions to provide the needed infrastructure and on site provisions are secured.
- 5.16.11 In terms of Affordable housing provision policy CLP4 requires that; affordable housing will be required in line with the charging zones set in the Council's most recently adopted CIL Charging Schedule, which in the low zone as in Mastin Moor, this equates to 5% affordable housing provision with 10% of that being affordable home ownership.
- 5.16.12 In addition policy CLP4 sets out the need for adaptable and accessible housing requiring; 25% of dwellings should be built to building regulations standard M4(2) (where a site includes affordable housing this should normally be proportionately split between tenures).
- 5.16.13 In this case no comments have been received to specify any particular affordable or adaptable needs in this area. It is therefore reasonable to consider the detail of the S106 on the appeal case. The S106 secures 5% affordable housing with rent to buy at a proportion of 90:10 in accordance with policy CLP4. It is also reasonable to require the 25% Adaptable and Accessible dwellings in line with policy CLP4 via condition as was agreed through the appeal process.
- 5.16.14 In terms of the provision of open space and play space Policy CLP17 requires that; Where proposed development would result in a need for new open space and outdoor sports facilities, development must contribute to public open space, sports facilities and play provision in accordance with the council's adopted standards as set out in Appendix B of the Local Plan and in line with the following requirements:
- a) on-site in a suitable location taking account of accessibility wherever possible;
 - c) where new public open space is to be provided on site, as

multifunctional, fit for purpose space that supports local communities health and wellbeing and activity levels and the ecological network.

5.16.15 There is ample space for on-site provision within the development to ensure sufficient open and play space in line with the requirements of Appendix B, as agreed through the appeal, including allotment provision in the form of the community garden. It will be necessary to secure suitable management and maintenance arrangements of the open space and drainage features through the S106 agreement.

6.0 Conclusion

6.1 The proposed development is similar to that agreed in the recent appeal decision relating to CHE/17/00469/OUT which is a permission that can be implemented and therefore is a substantial material consideration in this case. In addition, the site is allocated in the local plan for housing development in policy CLP3 and RP1. The proposed development accords with the allocation and other relevant policies of the local plan as set out above.

6.2 There are no material considerations that would indicate a decision other than to grant planning permission subject to planning conditions and the signing of a S106 Agreement to ensure the following:

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

7.0 REPRESENTATIONS

6.1 The representations relating to the following matters are covered under the following sections of the report:

Highway safety - Section 5.8

Pollution – Section 5.13

Pressure on existing services – Section 5.16

Affordable Housing – Section 5.16

Flooding – Section 5.15

Footpaths – Section 5.8

Noise and amenity – Section 5.7

Wildlife – Section 5.11

The following additional concerns raised are considered:

Litter – the potential for littering is no different to any housing development and is not a reason to reject the development. Through the detailed consideration of the open space it is anticipated that litter bins will be provided.

Loss of farmland – whilst the proposal will result in the loss of farmland this is an allocated site for development which will inevitably result the loss of a greenfield which is necessary to enable the quantum of development required to meet the housing needs of the Borough.

Settlement coalescence – in accordance with the requirements set out in policy RP1 sufficient space is proposed on the indicative master plan to prevent settlement coalescence.

Size of development – the extent of the development is in accordance with the local plan allocation.

Brownfield development first – in order to provide the development required for the Borough in the locations preferred it is necessary to have some developments on green fields as now prescribed in the Local Plan.

8.0 HUMAN RIGHTS ACT 1998

8.1 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

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

8.3 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.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 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 2019 National Planning Policy Framework (NPPF).

9.2 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.

9.3 The local planning authority has acted in a positive and proactive way in seeking the swift determination of an acceptable application.

9.4 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

10.0 RECOMMENDATION

10.1 It is recommended that the application be **GRANTED** subject to the signing of a S106 agreement and subject to the following conditions:

Time Limits

1. The development for which permission is hereby granted shall not begin before detailed plans for the relevant part/phase of the development showing the layout, scale, external appearance and landscaping and the remaining access details beyond the 4 key entry points at Worksop Road, Bolsover Road and Woodthorpe Road already approved (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details for each corresponding phase.

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

2. Applications for approval of all the reserved matters shall be made to the local planning authority not later than 10 years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

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

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

4. This planning permission shall relate to the following plans unless otherwise required by a condition of this permission or unless otherwise agreed with the local planning authority: Location Plan M5328-003 D05 dated 22.04.16 received 12.10.21; Access Plans (the 4 key entry points referenced in condition 1 above as demonstrated on plan no's. 276927-00 Rev 01; SK-200, SK-100, SK-101, SK-102 received 12.10.2021), Indicative Masterplan P20181-00-001-100 Rev 02 dated 06.08.20 received 12.10.2021.

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.

Phasing

5. The first reserved matters submission required by condition 1 shall include a phasing scheme for the whole of the outline permission site area.

Reason: For clarification and to secure appropriate phasing of the development in accordance with policy RP1 of the Adopted Local Plan.

6. The first reserved matters submission required by condition 1 shall include a programme for the delivery of the Local Centre and supporting facilities no later than the first occupation of the third phase of operational/physical development.

Reason: To secure appropriate phasing of the development ensuring the regeneration benefits of the scheme in accordance with policy RP1 of the Adopted Local Plan.

7. The first reserved matters submission required by condition 1 shall include an overarching delivery strategy including broad locations for 25% of units within the whole of the outline development to be constructed to the optional requirement for Adaptable and Accessible dwellings in Part M4(2) of the Building Regulations.

Reason: In order to ensure the appropriate delivery of Adaptable and Accessible dwellings in line with policy CLP4 of the Adopted Local Plan.

8. The phasing scheme required by condition 5 shall include details of the proposed sequence of development across the whole site, including strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths, the extent and location of individual development phases and the associated access arrangements and timescales for implementation of the off-site highway improvements.

Reason: To ensure appropriate delivery of these elements of the scheme in accordance with policy RP1 of the Adopted Local Plan.

9. The development shall be carried out in accordance with the details approved by conditions 5, 6, 7 and 8 or any subsequent amended details submitted to and approved in writing by the local planning authority in compliance with those conditions.

Reason: For clarification and to ensure appropriate control over the whole development in accordance with Policy RP1 of the Adopted Local Plan.

10. No development shall commence until the site wide phasing programme required by condition 5 has been approved in writing by the local planning authority. Thereafter each subsequent reserved matters application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance for approval by the local planning authority. Thereafter the development shall be carried out in accordance with the phasing programme as approved and/or updated.

Reason: For clarification and to ensure appropriate control over the whole development in accordance with Policy RP1 of the Adopted Local Plan.

Design/Masterplan

11. Prior to or no later than concurrent with the first reserved matters application, a Design Code/Framework shall be submitted to the local planning authority for approval in writing. The Design Code/Framework shall set out the overarching design approach for the whole site and set a site wide open space, green infrastructure and accessibility framework to inform any phased reserved matters proposals. The Design Code/Framework should be compatible with, and expand upon, the principles set in the Design and Access Statement (DAS) dated October 2020 no. P20181-00-001-GIL-0703-03 received 12.10.2020. All reserved matters applications shall accord with the approved site wide Design Code/Framework.

Reason: To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CLP3, RP1 and CLP20 of the Adopted Local Plan and the 'Successful Places' SPD.

12. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the Design and Access Statement (DAS) dated October 2020 no. P20181-00-001-GIL-0703-03 received 12.10.2020; and the Indicative Masterplan P20181-00-001-100 Rev 02 dated 06.08.20 received 12.10.2021.

Reason: To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CLP3, RP1 and CLP20 of the Adopted Local Plan and the 'Successful Places' SPD.

13. Prior to or concurrent with the submission of the first reserved matters application for the 'layout' of any phase of the development hereby permitted, an Adaptable and Accessible Homes Scheme for that phase shall be submitted in writing to the local planning authority and shall include details of how the phase of development will accord with the overarching strategy for delivery of Adaptable and Accessible Homes approved under condition 5 identifying on a 'layout' plan the individual dwellings to be constructed to the M4(2) standard within that phase. The construction of any dwellings in a phase shall not commence until the Accessible and Adaptable Homes Scheme for that phase has been approved in writing by the local planning authority. Development for a phase shall be carried out in accordance with the associated approved Accessible and Adaptable Homes Scheme and the accessible and adaptable homes shall be maintained as such thereafter.

Reason: In order to ensure the appropriate delivery of Adaptable and Accessible dwellings in line with policy CLP4 of the Adopted Local Plan.

Highways

14. Before any other operational development is commenced within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), detailed designs for any proposed temporary accesses for construction purposes and the approved new accesses with the A619 Worksop Road, B6419 Bolsover Road (including a new footway link and pedestrian refuge crossing points) and CIII Woodthorpe Road (including multi-user route link to Seymour Link Road) [whichever is needed to serve that particular phase], together with a programme for the implementation and completion of the works, shall be submitted to and approved in writing by the local planning authority. No part of the development within each phase (identified in accordance with conditions 5 and 10 above) shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

Reason: In order to ensure appropriate and safe access in the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

15. The temporary accesses for construction purposes, the subject of condition 14 above, shall be retained in accordance with the approved scheme and development phase throughout the construction period, or such other period of time as may be approved in writing by the local planning authority, free from any impediment to its designated use.

Reason: In order to ensure appropriate and safe access in the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

16. No development shall take place within any phase (or subphase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), including any works of demolition until a Construction Management Plan or Construction Method Statement has been submitted to and been approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the construction period of that associated phase of development. The statement shall provide for:
 - parking of vehicles of site operatives and visitors;
 - routes for construction traffic;
 - hours of operation;
 - method of prevention of debris being carried onto highway;
 - pedestrian and cyclist protection;
 - proposed temporary traffic restrictions; and
 - arrangements for turning vehicles.

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

17. No development shall take place within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the local planning authority.

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

18. The carriageways of the proposed estate roads shall be constructed in accordance with condition 17 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within 12 months (or 3 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 in accordance with Policy CLP22 of the Adopted Local Plan.

19. Before any other operations are commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), (excluding creation of the proposed temporary accesses for construction purposes), all existing vehicular and pedestrian accesses to the public highway made redundant as a result of the development shall be permanently closed with a physical barrier and the existing vehicle crossovers reinstated as footway or verge in accordance with a scheme and programme first submitted to and approved in writing by the local planning authority.

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

20. Any dwelling and/or premises, the subject of the outline or reserved matters approval, shall not be occupied or brought into use until space has been provided within the site curtilage for the parking or loading and unloading/picking up and setting down passengers; manoeuvring of residents, visitors, staff, customers, service and delivery vehicles (including secure/covered cycle parking and also disabled parking spaces), located, designed, laid out and constructed in accordance with written details (including plans) submitted to and approved in writing by the local planning authority. The approved details shall be maintained throughout the life of the development free from any impediment to its designated use.

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

21. Prior to the commencement of the development within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

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

22. The approved Travel Plan dated 8th October 2020 and received 12.10.2020, shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the local planning authority. The approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

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

23. No development shall be commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has

been entered into under S38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

24. As part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), details shall be submitted showing the arrangements for storage of bins and collection of waste. Those details shall include for the provision of refuse bin stores within private land in close proximity to the street to avoid prolonged obstruction of the streets by refuse vehicles. The development shall be carried out in accordance with the agreed details prior to the first occupation or use of the dwelling or development to which they relate and shall be retained free from any impediment to their designated use thereafter.

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

Flood Risk and Drainage

25. No individual dwelling approved as part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above) shall be occupied until the requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

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

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

Reason - In the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

27. No piped discharge of surface water within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed

in accordance with details submitted to and approved by the local planning authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with policy CLP13 of the Adopted Local Plan.

28. Development shall not commence within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a scheme to ensure that on-site and off-site foul and/or surface water sewerage, designed to serve the whole development, of adequate capacity to ensure proper disposal to the receiving public sewer network has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme and the number of properties to be constructed within that phase, or within any other period or number of properties as may subsequently be approved in writing by the local planning authority. Furthermore, occupation of the development shall not commence until the approved drainage works have been constructed in accordance with the approved plans.

Reason: To ensure the site can be properly drained without risk of flooding / pollution to the local aquatic environment, public health and public amenity in accordance with policy CLP13 of the Adopted Local Plan.

29. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for each phase of the development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), in accordance with the principles outlined within:
- a. Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA- 19412-17-31 R7 (October 2020 by Idom Merebrook Ltd);
 - b. Surface Water Drainage Strategy (as submitted under appeal ref: CHE17/00469/OUT Sheet 1 – Drawing No 200-002, Surface Water Drainage Strategy Sheet 2 – Drawing No 200-003, Surface Water Drainage Strategy Sheet 3– Drawing No 200-004; and
 - c. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.

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

30. No reserved matters application to confirm the layout of any respective phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), shall be approved until information confirming the viability and location of SuDS techniques as outlined within the Flood Risk Assessment has been provided to and approved in writing by the local planning authority.

Reason: To ensure an appropriate drainage and flooding mitigation in accordance with Policy CLP13 of the Adopted Local Plan.

31. All phases of development approved by this planning permission shall be designed and carried out in accordance with the principles contained within the Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA- 19412-17-31 R7 (October 2020 by Idom Merebrook Ltd).

Reason: To ensure an appropriate drainage and flooding mitigation in accordance with Policy CLP13 of the Adopted Local Plan

Land Condition and Contamination

32. In respect of each individual phase of development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), prior to the submission of reserved matters approval for each phase, a scheme of intrusive site investigations for the opencast high walls and shallow coal workings shall be submitted to the local planning authority for written approval. Thereafter those intrusive investigations shall be carried out as approved to inform any subsequent reserved matters application.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with Policy CLP14 of the Adopted Local Plan.

33. Concurrent with each reserved matter submission (including any phased development) in accordance with the provisions of condition 32 detailed above

there shall be a report detailing the following: findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken; the submission of a layout plan which identifies the opencast high walls and appropriate zones of influence for the recorded mine entries within the site, and the definition of suitable 'no-build' zones; - the submission of a scheme of treatment for the recorded mine entries for approval; and the submission of a scheme of remedial works for the shallow coal workings for approval. Only those remedial details that receive detailed written approval alongside any reserved matters consent, or separate approval under the provisions of this condition shall be implemented on site.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with Policy CLP14 of the Adopted Local Plan.

34. A. Development shall not commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until details as specified in this condition have been submitted to the local planning authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the local planning authority.
- i. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - ii. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the local planning authority.
 - iii. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works, any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the local planning authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

Reason: To ensure appropriate mitigation and remediation of the site in accordance with Policy CLP14 of the Adopted Local Plan.

Ecology and Biodiversity

34. Prior to or no later than concurrent with the first reserved matters application submitted for the site, a scheme to deliver a measurable net gain in biodiversity shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CLP16 of the Adopted Local Plan.

36. No vegetation clearance works shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To mitigate against any harm to habitat prior to any development taking place, in accordance with policy CLP16 of the Adopted Local Plan.

37. Prior to building works commencing above foundation level within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a detailed lighting strategy shall be submitted to and approved in writing by the local planning authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved measures will be implemented in full.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

38. Prior to development commencing on any phase or sub phase, a detailed badger survey shall be carried out for any recently excavated badger setts on the site or within 30m of the site boundary and the survey, along with any necessary mitigation measures, shall be submitted to and be approved in writing by the local planning authority. Development will be carried out in accordance with the approved mitigation measures.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

39. No development shall take place (including demolition, ground works, vegetation clearance) within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), until a Construction Environmental Management Plan – Biodiversity (CEMP - Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP - Biodiversity shall be informed by the existing ecological survey work and include the following:
- a) risk assessment of potentially damaging construction activities; b) identification of “biodiversity protection zones”; c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) the location and timing of sensitive works to avoid harm to biodiversity features; e) the times during construction when specialist ecologists need to be present on site to oversee works; f) responsible persons and lines of communication; g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) use of protective fences, exclusion barriers and warning signs.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

40. No works which include the creation of trenches or culverts or the presence of pipes shall commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include the creation of

sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 200mm outside diameter being blanked (capped) off at the end of each working day.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

41. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The LEMP will set out how the phase (or sub phase) will deliver the requirement for a net measurable gain in biodiversity (as set out in condition 35) and should combine both the ecology and landscape disciplines and include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward in perpetuity, with reviews);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met;
 - i) locations of bat boxes, bird boxes, hedgehog holes and habitat piles (including specifications/installation guidance/numbers).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit, in accordance with Policy CLP16 of the Adopted Local Plan.

Landscaping

42. Concurrent with any reserved matters application concerning landscaping within any phase (or sub-phase as may be agreed in writing by the local

planning authority under the terms of condition 5 and 10 above), details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the local planning authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

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

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the local planning authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written 5-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within 5 years of planting shall be replaced. Unless further specific permission has been given by the local planning authority, replacement planting shall be in accordance with the approved details.

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

43. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a scheme for the protection of the retained trees, hedgerows and habitats in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the local planning authority. Specific issues to be dealt with in the TPP and AMS:

- a) location and installation of services/ utilities/ drainage;
- b) details of construction or landscaping works within the RPA that may impact on the retained trees and habitats;
- c) a full specification for the installation of boundary treatment works;
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them;
- e) detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;
- f) a specification for protective fencing to safeguard trees, hedgerows and habitats during both land clearance and construction phases and a plan indicating the alignment of the protective fencing;
- g) a specification for scaffolding and ground protection within protection zones;
- h) tree, hedgerow and habitat protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;
- i) details of site access, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires;
- j) boundary treatments within the RPA;
- k) methods to improve the rooting environment for retained and proposed trees, hedgerow and landscaping. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality in accordance with policy CLP16 of the Adopted Local Plan.

44. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the local planning authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in accordance with the approved details.

Reason - To avoid any irreversible damage to retained trees in accordance with Policy CLP16 of the Adopted Local Plan.

45. The landscaping details submitted to accompany any reserved matters application for any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (any areas not proposed to be contained within the curtilage of any individual properties/dwellings) at all times following completion of that phase or sub-phase of development, including timescales for implementation. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason – To ensure that appropriate means for the long term management and maintenance of all public areas is provide in the interest of the amenity, character and appearance of the development and its wider setting, in compliance with policy CLP16 of the Adopted Local Plan.

Heritage and Archaeology

46. a) No development shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a Written Scheme of Investigation for archaeological work for that phase has been submitted to and approved by the local planning authority in writing, and until the fieldwork elements of the scheme for that phase are complete to the written satisfaction of the local planning authority. The Written Scheme of Investigation for each phase will comprise a detailed statement of methodology in line with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019), and will include on a phased basis:
1. an assessment of significance and research questions;
 2. the programme and methodology for archaeological evaluation, to take place before the consideration of reserved matters with details of layout for that phase;
 3. the programme and methodology for further archaeological work following evaluation, comprising preservation in situ or mitigation excavation as appropriate;
 4. the programme of post-investigation assessment;
 5. provision to be made for analysis of the site investigation and recording;
 6. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 7. provision to be made for archive deposition of the analysis and records of the site investigation; and
 - 8 nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development in any phase shall take place other than in accordance with the archaeological Written Scheme of Investigation approved for that phase under this condition part (a) and in accordance with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, September 2020).

c) No phase of the development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved for that phase under this condition part (a), and in accordance with Land at Mastin Moor, Derbyshire Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, September 2020), and until the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CLP21 of the Adopted Local Plan.

Other Conditions

47. Prior to development commencing within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), an Employment and Training Scheme shall be submitted to and be approved in writing by the local planning authority. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and the scheme. Development shall be carried out in accordance with the approved scheme.

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

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

Reason - In the interests of reducing emissions in line with policy CLP22 of the Adopted Local Plan.

49. Construction work shall only be carried out on site between 0800 hours and 1800 hours Monday to Friday, 0900 hours to 1700 hours on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

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

50. Before construction works commence or ordering of external materials takes place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), precise specifications or samples of the walling and roofing materials to be used shall be submitted to the local planning authority for consideration. Development shall be carried out in accordance with the approved details.

Reason: The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality in accordance with Policy CLP20 of the Adopted Local Plan.

51. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the local planning authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the local planning authority.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the amenity of neighbours and the area as a whole in accordance with Policy CLP20 of the Adopted Local Plan.

52. The submission of reserved matters applications shall be made in accordance with the recommendations of the Noise and Vibration Assessment by Waterman Infrastructure & Environment Ltd dated October 2020 and each phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), shall be accompanied by a statement or report of compliance for approval by the local planning authority.

The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason: In the interest of amenity and to ensure that appropriate mitigation measures are designed into the site layout and the new development / dwellings to protect existing neighbours and new occupiers in accordance with policy CLP14 of the Adopted Local Plan.

Informative Notes

1. 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.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

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

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3. 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.
4. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
5. Local Highway Authority -
 - a. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner
 - b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/ new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

c. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

d. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538578).

e. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

f. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

g. The application site is affected by a Public Rights of Way (Footpath number 25 and 26 Staveley on the Derbyshire Definitive Map). The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).

h. Car parking provision should be made in accordance with the Local Planning Authority guidelines. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.

i. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works.

Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

j. The applicant is advised that to discharge Condition 16 that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

6. Lead Local Flood Authority -

a. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

b. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.

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

d. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual 7353. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status.