

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order
2010

Pegasus Group
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Planning Service
Town Hall
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In pursuance of the powers vested in the Chesterfield Borough Council under the above Act and Orders, and with reference to your application (**Office Code No. CHE/16/00016/OUT**) submitted on the **13th January 2016** and validated on the **13th January 2016** for **Resubmission of CHE/14/00873/OUT - Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site) at Land To The West Of Dunston Lane, Dunston Lane, Chesterfield, for William Davies Ltd**

In the manner described on the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following condition(s):-**

01. Approval of the details of the layout, scale and external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
03. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, or in the case of phased development, before the expiration of one year from the date of approval of the last or the reserved matters to be approved in respect of the first phase.
04. No development shall take place (or in the case of phased development, in respect of the relevant phase) until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
05. Development shall not commence (or in the case of phased development, in respect of the relevant phase) until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning

Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

06. a) No development shall take place (or in the case of phased development, in respect of the relevant phase) until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- Before submission of any reserved matters application with details of layout, the trial trenching phase of the archaeological scheme shall have taken place in accordance with an agreed specification, and the resulting report shall have been submitted to the local planning authority.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
07. A. Development shall not commence (or in the case of phased development, in respect of the relevant phase) until details as specified in this condition which accord with the recommendations of the BWB Phase I Geo-Environmental Assessment Report dated December 2014 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 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.
- II. 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 I and A II 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.

08. In accordance with the recommendations of the Extended Phase 1 Habitat Survey and subsequent Ecology Surveys prepared by BSG Ecology 2014, an evening bat emergence survey or aerial tree climbing survey of any tree which is to be felled shall be carried out, with the results together with any mitigation, if required, submitted to and approved in writing by the local planning authority prior to the felling of the trees.
09. A pre-commencement survey for badgers should be undertaken within 3 months of the proposed start of the development to ensure that any newly excavated setts can be identified and appropriate mitigation proposed and agreed in writing by the Local Planning Authority.
10. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
 - a) creation of sloping escape ramps for badgers, 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
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
11. There shall be no removal of hedgerows, trees, shrubs, brambles or ground clearance take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the area for active birds' nests immediately before the work is commenced. Provided that the ecologist is satisfied that no birds will be harmed, and/or that there are appropriate measures in place to protect nesting bird interest on site and the Local Planning Authority receive written confirmation of such (which shall subsequently need to be approved in writing), works will thereafter be permitted to take place in accordance with any protection measures recommended without restriction.
12. Prior to the commencement of works Root Protection Areas (RPAs) shall be established and protective fencing conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012 shall be erected to all hedgerows and trees which are legally protected or identified for retention. Within these areas there shall be no excavation work and no storage of building materials or plant / machinery. The protective fencing shall remain in situ during site clearance and throughout the life the construction phases. Any works to take place within the defined RPAs shall be by means of an approved above ground construction method only which shall first have been approved in writing by the Local Planning Authority.

13. Prior to commencement of development, full details of the site access junction off Dunston Lane as indicated on drg no WMD/512/SK002 revision P2 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation.
14. Each reserved matters application shall include an Open Space Scheme showing all areas of open space to be provided within that phase of the development. The scheme shall also include details of the location, layout, size, timing of provision, proposed planting, location and specification of boundary structures and materials.
15. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.
16. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.
17. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
18. Before construction works commence or ordering of external materials takes place, (or in the case of phased development, in respect of the relevant phase) precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
19. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
20. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - parking of vehicles of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles

21. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the Highway Authority's current design guide.
22. Prior to the occupation of any dwelling, a new junction shall be formed to Dunston Lane and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a minimum distance of 85 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level relative to adjoining nearside carriageway channel level.
23. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme for highway improvement works involving signalisation of the junction Dunston Road - Dunston Lane, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be implemented and any dwelling occupied in accordance with the agreed implementation programme. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.
24. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing, lighting and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
25. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 25 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
26. The Travel Plan, once approved, 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.
27. Prior to commencement of development (or in the case of phased development, in respect of the relevant phase) or concurrent with the submission of the landscaping reserved matters a scheme compliant with the recommendations of the Ecology Survey

prepared by BSG Ecology 2014 detailing ecological mitigation measures, habitat improvement measures and soft landscaping (which shall include exploration of the feasibility of transplantation of hedgerow 1 - as defined in the Ecology Survey prepared by BSG Ecology 2014) to be implemented shall be submitted to the Local Planning Authority for consideration. Only those details which receive subsequent written approval shall be implemented on site in accordance with a timetable that shall first have been agreed.

28. Concurrent with the submission of reserved matters applications in relation to the relevant site areas, a detailed scheme shall be submitted which provides a pedestrian / cycle link from within the application site across its southern boundary to enable a suitably designed linkage to either Hollin Close or Baines Wood Close beyond. Only those details which receive subsequent written approval shall be implemented on site in accordance with a timetable that shall first have been agreed.
29. The reserved matters submissions shall be accompanied by an updated noise assessment to confirm that internal noise levels in bedrooms and living rooms should not exceed 35dB LAeq(1hr) during the daytime (between 07:00 and 23:00) and 30dB LAeq(1hr) or 45dB LAmx(1hr) during the night-time (between 23:00 and 07:00). Similarly, daytime (between 07:00 and 23:00) garden noise levels should not exceed 55dB LAeq(1 hr).
30. The reserved matters details shall be in general conformity with the Concept Masterplan Plan Drg No: EMS:2304_003 F.

Reason(s) for Condition(s)

01. the condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
02. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
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04. To ensure that full drainage details (which influence principle site preparation / ground work) are agreed prior to development commencing and that the overall development can be properly drained.
05. To fully establish the presence and / or otherwise of any 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.
06. To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.
07. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

08. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.
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12. In the interest of safeguarding the protected trees, having regard to their root protection areas, and in the interest of the appearance of the surrounding area.
13. In the interests of highway safety.
14. To ensure the satisfactory development of open space.
15. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.
16. In the interests of sustainable development and to ensure that the development is capable of meeting the needs of future residents and / or businesses in accordance with policy CS4 of the Core Strategy and para. 42 of the NPPF.
17. In the interests of residential amenities.
18. 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.
19. In the interests of highway safety.
20. In the interests of highway safety.
21. In the interests of highway safety.
22. In the interests of highway safety.
23. In the interests of highway safety.
24. In the interests of highway safety.
25. In the interests of highway safety.
26. In the interests of highway safety.

27. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.
28. In the interests of sustainable development and to improve pedestrian / cycle connectivity.
29. In the interests of the amenities of any future occupants.
30. To clarify the extent of the outline planning permission and to ensure a comprehensively designed scheme which takes account of the parameters set therein.

Statement of Positive and Pro-active Working with Applicant

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 paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

01. Whilst it is accepted that on face value the development proposals are not in accordance with policy EVR2 of the Local Plan as the site is greenfield, wider regard has been had to the Council's current position in respect of its failure to demonstrate a 5 year housing land supply. In accordance with para. 49 of the NPPF having regard to the provisions of policy CS10 of the Core Strategy, the boundary / allocation effectively drawn by policy EVR2 is not considered to be 'up to date' and therefore the Council is required to consider any greenfield site in its commitment of housing delivery.

Prior to the formal application submission and during the application process the applicant has sought to engage proactively with the Local Planning Authority. The applicant has sought to address and respond to any matters raised throughout the formal application process by consultees and officers accordingly.

In reaching the recommendation the Council has accepted on balance of all other material planning considerations the development 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.

The report will be made available to the applicant / agent and any objector informing them of the application considerations and recommendation / conclusions.

Note(s)

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

commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

03. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
04. 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.
05. 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 3.3 of the CIRIA SuDS Manual C697. 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 status.
06. The Highway Authority recommends that the first 6m of the proposed access driveways 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.
07. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge onto the highway. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
08. 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 Environment 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.
09. 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 Environment at County Hall, Matlock (tel: 01629 538578).
10. 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 (eg; street sweeping) are

taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

11. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; 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.
12. Car parking provision should be made on the basis of 2no. or 3no. off-street spaces per 2/3 bedroom or 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 5.5m (2.4m x 6.5m where located in front of garage doors) with adequate space behind each space for manoeuvring. An additional 0.5m of width should be provided to any side located adjacent to a physical barrier such as a wall, fence, hedge, etc.
13. 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.
14. Attention is drawn to the Successful Places: A Guide to Sustainable Housing Layout and Design SPD (2013) <http://www.chesterfield.gov.uk/Residential-Design-SPD-849.html> This Supplementary Planning Document (SPD) identifies good practice guidance on the design process and urban design principles that should underpin and inform the design of new residential development and any subsequent reserved matters submission.
15. Attention is drawn to the attached guidance, 'Minimum Standards for Drainage' in respect of any drainage related conditions / subsequent reserved matter submissions.

Dated 29th March 2016

Signed.....