

**CHESTERFIELD BOROUGH COUNCIL**  
**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (England) Order**  
**2010**

Planning and Design Group (UK) Limited  
Mr David Peck  
Pure Offices (Icon Business Centre)  
Lake View Drive  
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NG150DT

Planning Service  
Town Hall  
Chesterfield  
S40 1LP

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/20/00700/OUT**) submitted on the **12th October 2020** and validated on the **12th October 2020** for **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** at **Land South Of, Worksop Road, Mastin Moor, Derbyshire**, for **Devonshire Property (MM) Limited**

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. 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.

02. 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.

03. 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.

04. 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:  
SK-200/03, received 06.12.2022  
Location Plan M5328-003 D05 dated 22.04.16 received 12.10.20; Access Plans - the 4 key entry points referenced in condition 1 above as demonstrated on plan no's.  
SK-100 Rev 05, received 05.08.2022  
SK-101 Rev 06, received 05.08.2022  
SK-102 Rev 02 received 05.08.2022  
Indicative Masterplan P20181-00-001-GIL-0103 Rev 01 received 21.07.2021

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:

05. The first reserved matters submission required by condition 1 shall include a phasing scheme for the whole of the outline permission site area, including maximum housing numbers within each phase.

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

06. The first reserved matters submission required by condition 1 shall include a programme for the delivery of the Local Centre and supporting facilities within the early to mid term phasing of the whole site to ensure provision of the centre and facilities to support the entire development are not provided at the later stages of the 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.

07. 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.

08. 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.

09. 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.

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 and received July 2021 no. P20181-00-001-GIL-0703-08. 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 July 2021 and received 21.07.2021 no. P20181-00-001-GIL-0703-08; and the Indicative Masterplan P20181-00-001-GIL-0103 Rev 01 received 21.07.2021.

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 and in line with the approved plans set out in condition 4 above], 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. In line with part of any phasing programme as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above, a scheme for improvements, including detailed designs, to signal timing/ staging at the existing junctions of the A619 Worksop Road/B6419 Bolsover Road and the A619 /Norbriggs Road (CIII) shall be submitted to and agreed in writing by the Local Planning Authority, including a scheme for the phasing of the implementation of the agreed works. All works shall be undertaken in accordance with the agreed details.

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

16. 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) excluding any site clearance, a scheme to improve pedestrian connectivity from the proposed eastern Bolsover Road access towards the junction of Bolsover Road and the A619 Worksop Road shall be submitted to and agreed by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwelling served by the proposed eastern Bolsover Road access.

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.

17. 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, including abnormal loads/cranes etc;
- hours of operation;
- method of prevention of debris being carried onto highway;
- pedestrian and cyclist protection;
- proposed temporary traffic restrictions; and
- arrangements for turning vehicles.

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

18. 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. Works shall be completed in accordance with the agreed details.

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

19. The carriageways of the proposed estate roads shall be constructed in accordance with condition 18 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.

20. No part of the development shall be occupied 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 the Local Planning Authority have approved in writing details pertaining to:
- i) The detailed design of all access junctions with the supporting Road Safety Audits as per GG119,
  - ii) The width, alignment, visibility splays, gradient and surface materials for the proposed carriageway/footways/footpaths/cycleways,
  - iii) bus access if required, egress and turning; and bus stop civil works on public highways and within development including all relevant horizontal and longitudinal cross sections

showing existing and proposed levels, designed to a standard capable of adoption under Section 278 or 38 of the Highways Act 1980 and in agreement with the Local Highway Authority.

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

21. 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.

22. 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.

23. 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), a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. The drainage scheme shall be implemented and thereafter managed and maintained in accordance with the details and timetable as approved.

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

24. 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.

25. 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.

26. 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.

27. The proposed access roads shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided such facilities shall be maintained in perpetuity free from any impediment to their designated use.

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

28. Before any other operations are commenced 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), the internal layout/ internal design of the roads shall be submitted as part of any and each Reserved Matters application. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage proposal, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross-corner visibility, forward visibility, pedestrian visibility etc. should be provided, all in accordance with current guidance in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

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

Flood Risk and Drainage:

29. 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.

Yorkshire Water:

30. 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.

31. 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.

32. 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.

Lead Local Flood Authority:

33. No development shall take place until:  
I. A full investigation into existing mine drainage within the site has been undertaken,  
II. An investigation into the condition and capacity of the watercourse within the site and up to a point beyond Worksop Road and modelling of the watercourse has been undertaken,

III. And a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a) Idom Merebrook (July 2021). Flood Risk Assessment Land off Worksop Road Mastin Moor, FRA-19412-17-31 R8 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team

b) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

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

34. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

In accordance with policy CLP13 of the Adopted Local Plan.

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development. In accordance with policy CLP13 of the Adopted Local Plan.

36. The attenuation ponds should not be brought into use until such a time as they are fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753, is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is

operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future. In accordance with policy CLP13 of the Adopted Local Plan.

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

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753. In accordance with policy CLP13 of the Adopted Local Plan.

Land condition and contamination:

38. 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.

39. Concurrent with each reserved matter submission (including any phased development) in accordance with the provisions of condition 38 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.

40. 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:

41. Prior to or alongside the submission of the first reserved matters a detailed habitat metric to measure existing and proposed biodiversity across the whole site shall be submitted to and agreed in writing by the Local Planning Authority, with the aim of delivering a measurable net gain in biodiversity on-site post development, as informed by the detailed metric alongside a site wide landscaping parameters plan. Detailed landscaping schemes forming part of each reserved matters submission shall be in full accordance with the approved site wide scheme for biodiversity net gain.

Reason: To ensure that a net gain for biodiversity can be gained on site in accordance with policy CLP16 of the Adopted Local Plan.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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 41) 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 (30+ years following final occupation) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall 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.

48. In accordance with condition 41 and 47 as part of each 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.

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.

49. 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.

50. 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.

51. 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:

52. 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:

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. As part of each reserved matters submission a sustainability statement shall be submitted to and agreed in writing by the Local Planning Authority detailing;
- Use of renewable technologies
  - Construction methods to reduce carbon emissions
  - A statement as to how emissions will be reduced through the construction process
  - An assessment of the opportunities to create or connect the development to an energy centre/heat network
  - A scheme of EV charging for each dwelling and for each commercial unit (as relevant to each reserved matters)
  - A scheme to reduce the speed of carbon release from any trees to be felled on site
- Works shall be completed in accordance with the agreed statement.

Reason: To seek to reduce emissions from development and address climate change in accordance with Policy CLP20 of the Adopted Local Plan.

### **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 paragraph 38 of 2021 National Planning Policy Framework (NPPF).

The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

### **Note(s)**

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](http://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](http://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](http://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 dated 20<sup>th</sup> February 2023.

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.

7. Please note that the development is CIL-liable and a liability notice will be issued at the Reserved Matters stage, this will be calculated on the final floorspace.

Dated 20<sup>th</sup> February 2023

Signed.....  .....

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)