



Appeal Decision

An unaccompanied site visit made on 28 September 2020

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2020

Appeal Ref: APP/N1015/W/20/3250716

Land south of Worksop Road, Mastin Moor S43 2BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Chatsworth Settlement Trustees against the decision of Chesterfield Borough Council.
- The application Ref CHE/17/00469/OUT, dated 29 June 2017, was refused by notice dated 16 October 2019.
- The development proposed is residential development of up to 650 dwellings (including elderly care and specialist accommodation), a local centre (including local retail, health facilities, other local facilities and services), open space, community garden extension (including community building and parking) and associated infrastructure.

Preliminary Matters

1. Supported by an indicative Masterplan, the application was submitted in outline with all matters other than access reserved for subsequent applications.
2. In assessing this proposal, the description contained in the Statement of Common Ground, which added, "revised information received (Flood Risk Assessment April 2018, Archaeological Assessment November 2018, Design and Access Statement and Masterplan February 2019)" to the above description has been used.
3. A completed S106 Agreement has been submitted providing obligations relating to affordable housing, healthcare provision, highways contributions and the submission of a greenspace and drainage infrastructure management scheme.
4. This appeal was originally slated as a public inquiry. However, following the adoption of the Chesterfield Local Plan 2018-2035 (LP), the local planning authority (lpa) resolved not oppose the appeal. Both parties agreed that the case could be determined through the written representations' procedure. All parties had the opportunity to update their representations.

Decision

5. The appeal is allowed and outline planning permission is granted for residential development of up to 650 dwellings (including elderly care and specialist accommodation), a local centre (including local retail, health facilities, other local facilities and services), open space, community garden extension (including community building and parking) and associated infrastructure - revised information received (Flood Risk Assessment April 2018, Archaeological Assessment November 2018, Design and Access Statement and Masterplan February 2019) on south of Worksop Road, Mastin Moor, Derbyshire S43 2BN in accordance with the terms of the application, CHE/17/00469/OUT, dated 29 June 2017, subject to the Schedule of Conditions annexed to this decision.

Background

6. The National Planning Policy Framework (Framework) requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. When the application was decided, the Development Plan included the 2006 Replacement Chesterfield Borough Local Plan and the Chesterfield Local Plan Core Strategy 2011-2031. In this version of the development plan, Mastin Moor (MM) was identified as a Regeneration Priority Area (RPA) and an area for new residential development.
7. Adopted in July 2020, the Chesterfield Borough Local Plan 2018-2035 (LP) replaces the Core Strategy and the 2006 Local Plan. LP Policy CLP1 lists MM as a RPA. Here, the LP seeks to ensure that the regeneration benefits offered by development are maximised. Within the MM RPA, LP Policy CLP3 allocates the appeal site, Site H35, for large scale residential development. LP Policy RP1 sets out the general and specific objectives of RPAs. These general objectives include, widening the type, tenure and quality of housing; supporting and enhancing existing service and community facilities and delivering environmental and biodiversity benefits. For MM, 10 specific objectives are listed. These include, the large-scale delivery of housing on Site H35, ensuring the enhancement of community/commercial facilities, open space and the mitigation of the impact on the local landscape and surrounding highway. Thus, the principle of large-scale residential development on the appeal site is not an issue that I need to address.

Main Issue

8. Whether there are material considerations that would indicate that the appeal should not be determined in accordance with the adopted Local Plan.

Reasons

Housing and Local Requirements.

9. The LP characterises MM as an area dominated by similar sized social housing with limited facilities. This, the LP says results in a social imbalance and a housing stock that fails to meet the diverse needs of the community.
10. Most of the proposed housing would be market housing with some affordable housing (AH) provided in accordance with LP Policy CLP4. The application is in outline and through the reserved matters applications, the lpa could ensure a mix of housing types and sizes to meet local housing need. The S106 Agreement provides for AH, with the overarching scheme structured to provide the lpa with flexibility. The basis of the AH scheme is either a commuted sum of £1.96m to provide 18 affordable homes off-site and 28 homes on site as intermediate housing, equating to some 7% of the housing provision or 93 units of AH on-site equating to 14.4% of the housing provision. The proposal reflects the objectives for MM set out in LP Policies RP1 and CLP4.

Community Infrastructure

11. The Masterplan shows a Local Centre (LC) fronting onto Worksop Road midway between Norbriggs Road and Bolsover Road. In this location, consistent with the objectives of the LP, the LC would serve the day to day needs of the community, add to the character of area through giving it a focal point and enhance sustainability by being easily accessible.
12. North East Derbyshire Clinical Commissioning Group (CCG) identifies that further GP capacity would be needed to meet demand. The CCG's preference is to expand

local practices and has identified and costed where this could take place and the S106 Agreement provides for the payment of £247,260 towards healthcare provision. However, if the CCG's position changes, the brief for the LC includes a site for a health centre.

13. Education provision is dealt with through the Community Infrastructure Levy (CIL) for which this development would be liable. Derbyshire County Council (DCC) as Local Education Authority has no objection to the proposal in respect of the impact on primary and secondary education provision. DCC recognises that local primary schools would need to expand to meet the demands of the development and confirms that Norbriggs Primary School could provide for this. As for secondary education, additional capacity could be provided at Netherthorpe School and Springwell Community College.
14. The provision of some 20ha of greenspace would secure net gains in terms of quality and function. On the parcel to the west of Bolsover Road, the Masterplan shows a substantial swathe of open space running from Worksop Road through to Bolsover Road. On the eastern side of Bolsover Road, the open space would be concentrated along the southern and eastern boundaries.
15. The proposal would reflect the objectives for MM set out in LP Policies RP1; CLP9 – Retail; CLP10 – Social Infrastructure; CLP – Green Infrastructure and CLP17 – Open Space, Play Provision, Sports Facilities and Allotments.

Drainage, Flooding and Ground Conditions

16. The application was accompanied by a detailed Flood Risk Assessment, assessing both flood risk and drainage constraints. These studies were assessed by DCC the Lead Flood Authority, The Environment Agency, the Council's own drainage experts and Yorkshire Water Services (YWS). No objections were raised. Regarding foul sewage, YWS identified that if the development was phased, the relevant treatment works could deal with the discharges. The lpa has proposed a detailed suite of conditions dealing with the phasing of the development and the implementation of appropriate drainage measures to acceptably mitigate any impact. Thus, there would be no conflict with LP Policy CLP13 – Managing the Water Cycle. The application was also accompanied by a Geo-Environmental Assessment, assessed by the Environmental Health Officer and the Coal Authority. Neither raised an objection and recommended a suite of planning conditions relating to site investigation and remedial works.

Agricultural Land

17. Both the previous and extant development plans take a balanced approach to allocating land for development, recognising that greenfield land would be necessary to meet the development needs of the district. Following public consultation and a sustainability assessment of the options, the allocation of greenfield sites was robustly tested as part of the LP examination. The loss of agricultural land is regrettable; however, it is necessary to achieve the objectives of the plan and does not militate against the scheme.

Biodiversity

18. The application was accompanied by a suite of ecological surveys that were appraised for the lpa by the Derbyshire Wildlife Trust and no objection was raised. The lpa recognises that acceptable mitigation of biodiversity impacts and a net gain in biodiversity could be achieved through the imposition of conditions and through the assessment of reserved matters applications. As such there would be no

conflict with the objectives of LP Policy CLP16 – Biodiversity, Geodiversity and the Ecological Network.

Landscape and Visual Impact

19. The appeal site is not located within an area covered by any landscape designations and other than being open countryside it does not contain any landscape features that would raise it above being classed as ordinary countryside. That said, it is inevitable that a development of this scale would result in a significant change in the character and appearance of the site. Following, a robust Landscape and Visual Appraisal and a similarly robust Design and Access exercise, the Masterplan, seeks to avoid development in the most prominent parts of the site and provides for a development within a substantial parkland setting. The development would be well related to the existing built-up area and contained such that the visual impact on the open character of the area could be acceptably mitigated.
20. The layout and appearance of the open space and housing areas would be the subject of reserved matters applications and appropriate planning conditions. Thus, the lpa would be able to mitigate the impact of the development on the area. Accordingly, the proposal would not conflict with the objectives of the LP as reflected in the suite of policies dealing with environmental quality.

Highways

21. The concerns relate to the effect on the free flow of traffic on roads and junctions immediately around the site and the cumulative effect of the appeal site and the Clowne Garden Village¹ development on the operation of Junction 30 of the M1 and the nearby A616/A619 roundabout.
22. Dealing first with the effect on the immediate area, the parameters of the Transport Assessment (TA) were agreed with DCC as highway authority. As well as creating new junctions onto Worksop Road and Bolsover Road, the TA involved capacity assessments of the existing traffic light-controlled junctions at Worksop Road/Bolsover Road and Worksop Road/Norbriggs Road. Whilst there would be some adverse impacts on the operation of these junctions, the TA concludes that these effects could be mitigated through modifications to the staging sequences to increase capacity and minimise queuing. Thus, the immediate highways and junctions would operate satisfactorily with adequate levels of reserve capacity. In addition, the scheme includes improvements to bus stops, pedestrian crossings and footpaths both within and outside the site. Taking these factors together, DCC confirmed that the proposal would be acceptable and the residual cumulative impacts on the immediate road network would not be severe. I have no reason to disagree with those conclusions.
23. Turning to the operation of Junction 30 and the A616/A619 roundabout, I start from the position that, the former local plan anticipated large-scale residential development at MM and the Chesterfield and Bolsover² LPs are recently adopted. Both plans were, subject to the "duty to cooperate" including the identification of cross-boundary infrastructure and a shared transport evidence base, with updates commissioned by BDC. In addition, there is the 2016 Clowne Transport Study and a 2017 TA for the Clowne Village planning application. As I understand it, in assessing the impact of development on and recommending improvements to highway infrastructure, which have been carried through into a pending S106 Agreement, this latter study treated development on the appeal site as a

¹ Located within Bolsover District Council (BDC).

² March 2020.

committed scheme. I acknowledge the conclusions of Highways England and DCC not to object to the appeal proposal on highway grounds predate the adoption of the respective LPs. That said, there is no indication that, in the light of the adoption of the LPs and progress on the proposals for the appeal site and Clowne Garden Village, either of these strategic highway bodies require the MM TA to be updated.

24. Subject to the imposition of appropriate planning conditions, the appeal proposal would not have an unacceptable effect on the safety and free flow of traffic on the local or wider highway network. As such there would be no conflict with LP Policies RP1 and CLP22 or the Framework.

Other Matters

25. For the most part the Masterplan shows significant separation from existing dwellings through the careful location of open space/landscaped areas. Moreover, the precise effect on existing properties would be assessed and mitigated at the reserved matters stage. This should ensure that there would be no material effects on neighbours' living conditions.

Conditions and S106 Agreement

26. For the reasons given by the lpa and discussed above, the suggested conditions are reasonable and necessary. Given the scale and phased nature of the development, the changes to the standard time limits for the submission of reserved matters and the commencement of development are reasonable. Where necessary and in the interest of precision and enforceability, I have reworded some of the conditions.
27. The signed S106 Agreement is supported by a comprehensive Community Infrastructure Compliance Statement (ICS). The ICS confirms that the various obligations satisfy the tests of necessity, have a direct relationship to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, I have had regard to and have attached weight the provisions of the Agreement in coming to my conclusion.

Conclusions

28. For the above reasons and having regard to all other matters raised, the appeal proposal accords with the policies and objectives of the adopted Chesterfield Borough Local Plan 2018-2035 taken as a whole. There are no material considerations that would justify the appeal scheme not being permitted. Accordingly, the appeal is allowed.

George Baird

Inspector

SCHEDULE OF CONDITIONS

Time Limits.

1. The development for which permission is hereby granted shall not begin before detailed plans for the relevant part/phase of the development showing the layout, scale, external appearance and landscaping and the remaining access details beyond the 4 key entry points at Worksop Road, Bolsover Road and Woodthorpe Road already approved (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details for each corresponding phase.
2. Applications for approval of all the reserved matters shall be made to the local planning authority not later than 10 years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.
3. The development hereby approved shall be begun either before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters whichever is the later.
4. This planning permission shall relate to the following plans unless otherwise required by a condition of this permission or unless otherwise agreed with the local planning authority: Site Location Plan: Location Plan M5328-003 D05 22.04.16; Detailed Access Design Plans (the 4 key entry points referenced in condition 1 above); Site Wide 236145-00 SK-200 02 26/04/17; Potential Site Access onto A619 Worksop Road (Site Access 1); 236145-00 SK-100 02 15/03/17; Potential Site Access onto Bolsover Road (Site Access 2 and 4) 236145-00 SK-101 03 26/04/17; Potential Site Access onto Woodthorpe Road (Site Access 3) 236145-00 SK-102 02 26/04/17.

Phasing

5. The first reserved matters submission required by condition 1 shall include a phasing scheme for the whole of the outline permission site area.
6. The first reserved matters submission required by condition 1 shall include a programme for the delivery of the Local Centre and supporting facilities no later than the first occupation of the third phase of operational/physical development.
7. The first reserved matters submission required by condition 1 shall include an overarching delivery strategy including broad locations for 25% of units within the whole of the outline development to be constructed to the optional requirement for Adaptable and Accessible dwellings in Part M4(2) of the Building Regulations.
8. The phasing scheme required by condition 5 shall include details of the proposed sequence of development across the whole site, including strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths, the extent and location of individual development phases and the associated access arrangements and timescales for implementation of the off-site highway improvements.
9. The development shall be carried out in accordance with the details approved by conditions 5, 6, 7 and 8 or any subsequent amended details submitted to and approved in writing by the local planning authority in compliance with those conditions.

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.

Design/Masterplan

11. Prior to or no later than concurrent with the first reserved matters application, a Design Code/Framework shall be submitted to the local planning authority for approval in writing. The Design Code/Framework shall set out the overarching design approach for the whole site and set a site wide open space, green infrastructure and accessibility framework to inform any phased reserved matters proposals. The Design Code/Framework should be compatible with, and expand upon, the principles set in the Design and Access Statement (DAS) dated June 2017 and DAS Addendum dated January 2019. All reserved matters applications shall accord with the approved site wide Design Code/Framework.
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 June 2017 and DAS Addendum dated January 2019; and the revised Masterplan Drawing No. M5328-100 Rev D10 dated June 2019.
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.

Highways

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

time as may be approved in writing by the local planning authority, free from any impediment to its designated use.

16. No development shall take place within any phase (or subphase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), including any works of demolition until a Construction Management Plan or Construction Method Statement has been submitted to and been approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the construction period of that associated phase of development. The statement shall provide for:
 - parking of vehicles of site operatives and visitors;
 - routes for construction traffic;
 - hours of operation;
 - method of prevention of debris being carried onto highway;
 - pedestrian and cyclist protection;
 - proposed temporary traffic restrictions; and
 - arrangements for turning vehicles.
17. No development shall take place within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the local planning authority.
18. The carriageways of the proposed estate roads shall be constructed in accordance with condition 17 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within 12 months (or 3 months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the local planning authority.
19. Before any other operations are commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), (excluding creation of the proposed temporary accesses for construction purposes), all existing vehicular and pedestrian accesses to the public highway made redundant as a result of the development shall be permanently closed with a physical barrier and the existing vehicle crossovers reinstated as footway or verge in accordance with a scheme and programme first submitted to and approved in writing by the local planning authority.
20. Any dwelling and/or premises, the subject of the outline or reserved matters approval, shall not be occupied or brought into use until space has been provided within the site curtilage for the parking or loading and unloading/picking up and setting down passengers; manoeuvring of residents, visitors, staff, customers, service and delivery vehicles (including secure/covered cycle parking and also disabled parking spaces), located, designed, laid out and constructed in accordance with written details (including plans) submitted to and approved in writing by the local planning authority. The approved details shall be maintained

throughout the life of the development free from any impediment to its designated use.

21. Prior to the commencement of the development within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
22. The approved Travel Plan 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.
23. No development shall be commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under S38 of the Highways Act 1980 or a private management and maintenance company has been established.
24. As part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), details shall be submitted showing the arrangements for storage of bins and collection of waste. Those details shall include for the provision of refuse bin stores within private land in close proximity to the street to avoid prolonged obstruction of the streets by refuse vehicles. The development shall be carried out in accordance with the agreed details prior to the first occupation or use of the dwelling or development to which they relate and shall be retained free from any impediment to their designated use thereafter.

Flood Risk and Drainage

25. No individual dwelling approved as part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above) shall be occupied until the requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.
26. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
27. No piped discharge of surface water within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the local planning authority.
28. Development shall not commence within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a scheme to ensure that on-site and off-site foul and/or surface water sewerage, designed to serve the whole development, of adequate capacity to ensure proper disposal to the receiving public sewer network has been

submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme and the number of properties to be constructed within that phase, or within any other period or number of properties as may subsequently be approved in writing by the local planning authority. Furthermore, occupation of the development shall not commence until the approved drainage works have been constructed in accordance with the approved plans.

29. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for each phase of the development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), in accordance with the principles outlined within:
- a. Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA- 19412-17-31 (November 2017 by Idom Merebrook Ltd);
 - b. Surface Water Drainage Strategy Sheet 1 – Drawing No 200-002, Surface Water Drainage Strategy Sheet 2 – Drawing No 200-003, Surface Water Drainage Strategy Sheet 3– Drawing No 200-004; and
 - c. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015),
- have been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.
30. No reserved matters application to confirm the layout of any respective phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), shall be approved until information confirming the viability and location of SuDS techniques as outlined within the Flood Risk Assessment has been provided to and approved in writing by the local planning authority.
31. All phases of development approved by this planning permission shall be designed and carried out in accordance with the principles contained within the Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA-19412-17-31 (November 2017 by Idom Merebrook Ltd).

Land Condition and Contamination

32. In respect of each individual phase of development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), prior to the submission of reserved matters approval for each phase, a scheme of intrusive site investigations for the opencast high walls and shallow coal workings shall be submitted to the local planning authority for written approval. Thereafter those intrusive investigations shall be carried out as approved to inform any subsequent reserved matters application.
33. Concurrent with each reserved matter submission (including any phased development) in accordance with the provisions of condition 32 detailed above there shall be a report detailing the following: findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken; the submission of a layout plan which identifies the opencast high walls and appropriate zones of influence for the recorded mine entries within the site, and the definition of suitable 'no-build' zones; - the submission of a scheme of treatment for the recorded mine entries for approval; and the submission of a

scheme of remedial works for the shallow coal workings for approval. Only those remedial details that receive detailed written approval alongside any reserved matters consent, or separate approval under the provisions of this condition shall be implemented on site.

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

Ecology and Biodiversity

35. Prior to or no later than concurrent with the first reserved matters application submitted for the site, a scheme to deliver a measurable net gain in biodiversity shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
36. No vegetation clearance works shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
37. Prior to building works commencing above foundation level within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a detailed lighting strategy shall be

submitted to and approved in writing by the local planning authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved measures will be implemented in full.

38. Prior to development commencing on any phase or sub phase, a detailed badger survey shall be carried out for any recently excavated badger setts on the site or within 30m of the site boundary and the survey, along with any necessary mitigation measures, shall be submitted to and be approved in writing by the local planning authority. Development will be carried out in accordance with the approved mitigation measures.
39. No development shall take place (including demolition, ground works, vegetation clearance) within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), until a Construction Environmental Management Plan – Biodiversity (CEMP - Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP - Biodiversity shall be informed by the existing ecological survey work and include the following:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person;
 - h) use of protective fences, exclusion barriers and warning signs.
40. No works which include the creation of trenches or culverts or the presence of pipes shall commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include the creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 200mm outside diameter being blanked (capped) off at the end of each working day.
41. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The LEMP will set out how the phase (or sub phase) will deliver the requirement for a net measurable gain in biodiversity (as set out in condition 35) and should combine both the ecology and landscape disciplines and include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward in perpetuity, with reviews);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met;
- i) locations of bat boxes, bird boxes, hedgehog holes and habitat piles (including specifications/installation guidance/numbers).

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

Landscaping

42. Concurrent with any reserved matters application concerning landscaping within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the local planning authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

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

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

43. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a scheme for the protection of the retained trees,

hedgerows and habitats in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the local planning authority. Specific issues to be dealt with in the TPP and AMS:

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

The development thereafter shall be implemented in strict accordance with the approved details.

- 44. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the local planning authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in accordance with the approved details.
- 45. The landscaping details submitted to accompany any reserved matters application for any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (any areas not proposed to be contained within the curtilage of any individual properties/dwellings) at all times following completion of that phase or sub-phase of development, including timescales for implementation. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Heritage and Archaeology

- 46. A) No development shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a Written Scheme of Investigation for

archaeological work for that phase has been submitted to and approved by the local planning authority in writing, and until the fieldwork elements of the scheme for that phase are complete to the written satisfaction of the local planning authority. The Written Scheme of Investigation for each phase will comprise a detailed statement of methodology in line with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019), and will include on a phased basis:

1. an assessment of significance and research questions;
 2. the programme and methodology for archaeological evaluation, to take place before the consideration of reserved matters with details of layout for that phase;
 3. the programme and methodology for further archaeological work following evaluation, comprising preservation in situ or mitigation excavation as appropriate;
 4. the programme of post-investigation assessment;
 5. provision to be made for analysis of the site investigation and recording;
 6. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 7. provision to be made for archive deposition of the analysis and records of the site investigation; and
 8. nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation.
- b) No development in any phase shall take place other than in accordance with the archaeological Written Scheme of Investigation approved for that phase under this condition part (a) and in accordance with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019).
- 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, August 2019), and until the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Other Conditions

47. Prior to development commencing within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), an Employment and Training Scheme shall be submitted to and be approved in writing by the local planning authority. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and the scheme. Development shall be carried out in accordance with the approved scheme.
48. For each new dwelling provided with dedicated parking provision, a residential charging point shall be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in

accordance with the stated criteria prior to first occupation and shall be retained and maintained as useable for the life of the development.

49. Construction work shall only be carried out on site between 0800 hours and 1800 hours Monday to Friday, 0900 hours to 1700 hours on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
50. Before construction works commence or ordering of external materials takes place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), precise specifications or samples of the walling and roofing materials to be used shall be submitted to the local planning authority for consideration. Development shall be carried out in accordance with the approved details.
51. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the local planning authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the local planning authority.
52. The submission of reserved matters applications shall be made in accordance with the recommendations in section 7.2 of the Noise and Vibration Assessment by Waterman Infrastructure & Environment Ltd dated June 2017 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.