Statement of Common Ground as agreed between Chesterfield Borough Council and William Davis Ltd

Purpose

The purpose of this Statement of Common Ground is to inform the Inspector and other parties about the areas of agreement between Chesterfield Borough Council and William Davis Ltd in relation to allocation SS6 Land South of Dunston Lane of policy LP4: Flexibility in Delivery of Housing of the Local Plan for Chesterfield Borough submitted to the Secretary of State on 28 June 2019.

The Site

It is agreed that the Policies Map should be updated so that the Policy SS6 allocation includes the additional agricultural field to the north of the farm track from Dunston Road, which was part of the original submission to the call for sites in January 2016 (see drawing EMS2304_018 SHEET NO: 2 REV: A, replicated below).

The proposed allocation includes the phase 1 development site permitted under reference CHE/16/00016/OUT to the west of Dunston Lane that is currently under construction. The allocation is approximately 49 hectares and is located at the north-western edge of Chesterfield. It is a greenfield site adjoining the settlement of Dunston.

The site is expected to:
Deliver approximately 800 dwellings between 2018 and 2033;
Provide a new local centre within the site;
Provide a reserve site for a potential new one form entry primary school;
Contribute to the provision of affordable housing;
Provide new areas of public open space including reinstatement of the cricket pitch;
Provide significant landscaping and habitat creation.

Background

Latest Position

An outline application was granted by the Council in 2016 for residential development of up to 300 dwellings on land to the east of the allocation (shown on the plan above, application reference CHE/16/00016/OUT).

Reserved matters approval for 99 dwellings was granted in 2017 and is now under construction (application reference CHE/17/00351/REM). As of 1st September 2019, 59 dwellings have been completed.

Reserved matters approval for 200 dwellings was granted in 2019 (application reference CHE/18/00805/REM). The majority of pre-commencement conditions have been discharged and commencement of development is expected in October 2019.

A copy of the Decision Notices regarding these applications form Appendix 1 to this Statement of Common Ground.

William Davis will submit an outline planning application for the rest of the site, known as phase 2, in 2020/2021.

Plan making

William Davis put forward Phase 2 for inclusion in the Chesterfield Borough Local Plan since January 2016 as part of the initial Call for Sites consultation and have since made representations to the Council as part of the preparation of the Local Plan. William Davis has engaged in ongoing discussions with Chesterfield Borough Council and Derbyshire County Council (as the local education and highway authorities), and other stakeholders, in relation to the future delivery of the site following its proposed allocation in the Chesterfield Local Plan.

Based on resources available and the information\(^1\) submitted to the Council by William Davis Ltd throughout the preparation of the Local Plan, the Council was able to assess the availability, suitability and achievability of the proposed allocation.

The Council’s published Residential Land Availability Assessment (2018) final comment on suitability and justification in respect of Site 295:

\(^1\)Documentation includes:
- Access Feasibility Report Rev P3 (12 August 2016) prepared by BWB Consulting
- Agricultural Use and Quality of Land at Dunston Grange (22 July 2016) prepared by Land Research Associates
- Extended Phase 1 Habitat Survey Report (August 2016) prepared by BSG Ecology
- Landscape and Visual Impact Assessment (August 2018) prepared by Pegasus Group
The site is greenfield land not within walking distance of a centre. However, in combination with LAA sites 294 and 293 (which has outline planning permission for residential development with construction underway on the first phase of housing), it would be of sufficient scale to support a local centre (as evidenced through initial masterplanning work undertaken by the potential developer). With the borough having insufficient previously developed land to meet the full OAN, the site has the potential to be developed on a scale that would allow it to meet the spatial strategy of concentration subject to being developed through a masterplanned approach with adjacent sites. The site should be allocated for residential development subject to a strategic policy to ensure a comprehensively masterplanned approach to development.

Based upon the Council’s proportionate evidence base and the findings of the Sustainability Appraisal Report, the Council approved the allocation of land at Land south Dunston Lane in December 2018 and set out its policy for the allocation in its Publication Local Plan 2018.

**Deliverability**

In September 2019 William Davis Ltd provided the following housing delivery trajectory for the site:

The trajectory is based one housebuilder at a rate of 50 dwellings a year. During years 2022/2023 and 2023/2024, William Davis has the capacity to also provide an outlet from Dunston Road in association with Phase 2 (alongside the outlet from Dunston Lane for Phase 1) and therefore an additional 25 dwellings from this outlet during these years has been included.

<table>
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<tr>
<th>Approved Application CHE/16/00016/OUT (Phase 1)</th>
<th>18/19</th>
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The commencement of the first sub-phase of Phase 2 is expected to be 6 months from approval of the reserved matters.

**Areas of Common Ground**

The Council has reached agreement on the following matters which are set out below.

Chesterfield Borough Council and William Davis Ltd agree that clear evidence exists to demonstrate that the Land South of Dunston Lane can be considered deliverable when assessed against paragraph 73 of the new NPPF (as supported by the definition of ‘Deliverable’ contained in new NPPF’s Annex 2: Glossary and the guidance within the Planning Practice Guide in Paragraph: 036 Reference ID: 3-036-20180913 published on the 13th September 2018). In support of this, the following assessments have been made against the following criteria prescribed by the new NPPF: -
• Availability – The site is available now for development as there are no legal or ownership constraints. William Davis Ltd have commenced the development on the parcel with planning permission.

• Suitability – The site is situated in a sustainable location and the Land Availability Assessment concluded that the site is suitable for the proposed allocation. The approval of an outline planning application and the reserved matters for the related development on part of the proposed allocation further demonstrates the site’s suitability for residential development. The submitted technical evidence in support of the planning application also confirms that there are no environmental or technical constraints that would preclude the development of the site.

• Achievability – The site represents an achievable development. William Davis Ltd have commenced the development on the related parcel of land and intend to submit an outline planning application for the Phase 2 site by 2020/2021, with the reserved matters approval and discharge of pre-commencement conditions for the first sub-phase expected in 2021/2022.

With regard to education provision, through liaison with Derbyshire County Council it has been agreed that whilst the local primary school Dunston Academy is working on proposals to reconfigure and extend the school to a two-form entry, if the school is unable to accommodate future pupils from the proposed development, a reserve site for a one-form entry primary school will be made available and accommodated within the proposed allocation.

Based on consultation with DCC (Conservation, Heritage and Design) it has been agreed that in order to mitigate landscape and visual effects and reinforce landscape character, development in the area closest to the ridgeline along Dunston Road should be minimised, with a satisfactory buffer and strategic planting to be delivered in the first phase of development of phase 2.

It is agreed that the proposed allocation can be developed as illustrated by the indicative masterplan and there are no significant constraints to delivery as demonstrated by the supporting evidence submitted to the Council (see footnote 1).

In building out phase 1, William Davis has a comprehensive understanding of infrastructure costs and do not anticipate such costs for phase 2 will be materially different. CBC confirm that S106 costs are also not anticipated to be materially different, on a pro rata basis subject to indexation.

The vehicular access design for phase 1 off Dunston Lane was designed to accommodate vehicle movements arising from 850 dwellings, together with a future access onto Dunston Road to the north. This is set out in the submitted Access Feasibility Report of August 2016 by BWB.

**Outstanding matters**

None.

**Conclusion**

Based on the stated areas of common ground, Chesterfield Borough Council and William Davis Ltd agree that the allocation of Land South of Dunston Lane under Policy LP4: Flexibility in Delivery of Housing and Policy SS6: Land at Dunston of the Local Plan for Chesterfield Borough is positively prepared, justified, effective and consistent with national policy.

**APPENDICES**
1. **Decision Notices CHE/16/00016/OUT, CHE/17/00351/REM and CHE/18/00805/REM**
2. Concept Masterplan (Ref: EMS.2304_019 Rev M)
3. Drawing ref: EMS2304_018 SHEET NO: 1-3 REV: A

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| Name: Alan Morey               | Name: Gary Lees                |
| On behalf of: Chesterfield Borough Council | On behalf of: Pegasus Group (acting on behalf of the appellant) |
| Date: 17/10/20190              | Date: 17/10/2019               |
APPENDIX 1 Decision Notices

Planning Service
Development Management
Town Hall
Chesterfield
Derbyshire S40 1LP

E-Mail  eva.buxton@chesterfield.gov.uk
        amy.wilson@chesterfield.gov.uk

William Davies Ltd
Forest Field
Forest Road
Loughborough
LS11 3NS

Please ask for        Eva or Amy
Direct Line          01246 345351
Fax                  01246 345809

Our Ref              EB/2/218 4127
Your Ref

19th April 2016
Dear Sir/Madam

Application No: CHE/16/00016/OUT
Proposal: Resubmission of CHE/14/00873/OUT (Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site)
Location: Land To The West Of Dunston Lane, Dunston Lane, Chesterfield, ,
Applicant: William Davies Ltd

I refer to your planning application submitted on 13th January 2016.

The above mentioned application was approved on 29th March 2016 subject to the following conditions:

01. Approval of the details of the layout, scale and external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

03. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, or in the case of phased development, before the expiration of one year from the date of approval of the last or the reserved matters to be approved in respect of the first phase.

/continued overleaf...
04. No development shall take place (or in the case of phased development, in respect of the relevant phase) until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

05. Development shall not commence (or in the case of phased development, in respect of the relevant phase) until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

06. a) No development shall take place (or in the case of phased development, in respect of the relevant phase) until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

Before submission of any reserved matters application with details of layout, the trial trenching phase of the archaeological scheme shall have taken place in accordance with an agreed specification, and the resulting report shall have been submitted to the local planning authority.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

/continued overleaf...
07. **A.** Development shall not commence (or in the case of phased development, in respect of the relevant phase) until details as specified in this condition which accord with the recommendations of the BWB Phase I Geo-Environmental Assessment Report dated December 2014 have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

I. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

II. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

08. In accordance with the recommendations of the Extended Phase 1 Habitat Survey and subsequent Ecology Surveys prepared by BSG Ecology 2014, an evening bat emergence survey or aerial tree climbing survey of any tree which is to be felled shall be carried out, with the results together with any mitigation, if required, submitted to and approved in writing by the local planning authority prior to the felling of the trees.

09. A pre-commencement survey for badgers should be undertaken within 3 months of the proposed start of the development to ensure that any newly excavated setts can be identified and appropriate mitigation proposed and agreed in writing by the Local Planning Authority.

/continued overleaf...
10. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

11. There shall be no removal of hedgerows, trees, shrubs, brambles or ground clearance take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the area for active birds’ nests immediately before the work is commenced. Provided that the ecologist is satisfied that no birds will be harmed, and/or that there are appropriate measures in place to protect nesting bird interest on site and the Local Planning Authority receive written confirmation of such (which shall subsequently need to be approved in writing), works will thereafter be permitted to take place in accordance with any protection measures recommended without restriction.

12. Prior to the commencement of works Root Protection Areas (RPAs) shall be established and protective fencing conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012 shall be erected to all hedgerows and trees which are legally protected or identified for retention. Within these areas there shall be no excavation work and no storage of building materials or plant / machinery. The protective fencing shall remain in situ during site clearance and throughout the life the construction phases. Any works to take place within the defined RPAs shall be by means of an approved above ground construction method only which shall first have been approved in writing by the Local Planning Authority.

13. Prior to commencement of development, full details of the site access junction off Dunston Lane as indicated on drg no WMD/512/SK002 revision P2 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation.

14. Each reserved matters application shall include an Open Space Scheme showing all areas of open space to be provided within that phase of the development. The scheme shall also include details of the location, layout, size, timing of provision, proposed planting, location and specification of boundary structures and materials.

15. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

/continued overleaf...
16. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.

17. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

18. Before construction works commence or ordering of external materials takes place, (or in the case of phased development, in respect of the relevant phase) precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

19. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

20. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
   - Parking of vehicles of site operatives and visitors
   - routes for construction traffic
   - hours of operation
   - method of prevention of debris being carried onto highway
   - pedestrian and cyclist protection
   - proposed temporary traffic restrictions
   - arrangements for turning vehicles

21. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the Highway Authority's current design guide.

22. Prior to the occupation of any dwelling, a new junction shall be formed to Dunston Lane and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a minimum distance of 85 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level relative to adjoining nearside carriageway channel level.

/continued overleaf...
23. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme for highway improvement works involving signalisation of the junction Dunston Road - Dunston Lane, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be implemented and any dwelling occupied in accordance with the agreed implementation programme. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

24. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing, lighting and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

25. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 25 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

26. The Travel Plan, once approved, shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

27. Prior to commencement of development (or in the case of phased development, in respect of the relevant phase) or concurrent with the submission of the landscaping reserved matters a scheme compliant with the recommendations of the Ecology Survey prepared by BSG Ecology 2014 detailing ecological mitigation measures, habitat improvement measures and soft landscaping (which shall include exploration of the feasibility of transplantation of hedgerow 1 - as defined in the Ecology Survey prepared by BSG Ecology 2014) to be implemented shall be submitted to the Local Planning Authority for consideration. Only those details which receive subsequent written approval shall be implemented on site in accordance with a timetable that shall first have been agreed.

/continued overleaf...
28. Concurrent with the submission of reserved matters applications in relation to the relevant site areas, a detailed scheme shall be submitted which provides a pedestrian / cycle link from within the application site across its southern boundary to enable a suitably designed linkage to either Hollin Close or Baines Wood Close beyond. Only those details which receive subsequent written approval shall be implemented on site in accordance with a timetable that shall first have been agreed.

29. The reserved matters submissions shall be accompanied by an updated noise assessment to confirm that internal noise levels in bedrooms and living rooms should not exceed 35dB LAeq(1hr) during the daytime (between 07:00 and 23:00) and 30dB LAeq(1hr) or 45dB LAmx(1hr) during the night-time (between 23:00 and 07:00). Similarly, daytime (between 07:00 and 23:00) garden noise levels should not exceed 55dB LAeq(1 hr).

30. The reserved matters details shall be in general conformity with the Concept Masterplan Plan Drg No: EMS:2304_003 F.

Reasons for Conditions

01. the condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).

02. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

03. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

04. To ensure that full drainage details (which influence principle site preparation / ground work) are agreed prior to development commencing and that the overall development can be properly drained.

05. To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

06. To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.

07. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

08. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

/continued overleaf...
09. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

10. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

11. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

12. In the interest of safeguarding the protected trees, having regard to their root protection areas, and in the interest of the appearance of the surrounding area.

13. In the interests of highway safety.

14. To ensure the satisfactory development of open space.

15. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

16. In the interests of sustainable development and to ensure that the development is capable of meeting the needs of future residents and / or businesses in accordance with policy CS4 of the Core Strategy and para. 42 of the NPPF.

17. In the interests of residential amenities.

18. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

19. In the interests of highway safety.

20. In the interests of highway safety.

21. In the interests of highway safety.

22. In the interests of highway safety.

23. In the interests of highway safety.

24. In the interests of highway safety.

25. In the interests of highway safety.

26. In the interests of highway safety.

/continued overleaf...
27. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

28. In the interests of sustainable development and to improve pedestrian / cycle connectivity.

29. In the interests of the amenities of any future occupants.

30. To clarify the extent of the outline planning permission and to ensure a comprehensively designed scheme which takes account of the parameters set therein.

Please note that conditions are a fundamental requirement of this planning permission. Failure to comply with conditions may result in the proposed development being rendered unauthorised and liable to enforcement action.

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.

Further, the Planning Authority will no longer consider a minor amendment to an approved scheme without a further application for permission for that amendment.

The original decision notice has been forwarded to your agent who should, in due course, pass this document to you. If you require a copy of the decision notice, please contact Customer Services on 01246 345811. There will be a charge of £5.00 for the copying of the decision notice.

Conditions contained within the decision notice that require the submission of details for approval by the Local Planning Authority need to be the subject of a separate application for approval of details reserved by condition. The fee is £28.00 for householder approvals and £97.00 for others. One application can be made for all of the relevant conditions.

Yours faithfully

Paul Staniforth
Development Management and Conservation Manager
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. CHE1700031/REM) submitted on the 16th May 2017 and validated on the 2nd June 2017 for Reserved matters application for CHE10/00014/OUT - Erection of 99 dwellings and associated public open space, landscaping and surface water balancing (Phase 1) - Amended details submitted on 10th July 2017 and 1508/2017 at Land To The West Of, Dunston Lane, Newbold, Derbyshire, for William Davis Ltd

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

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

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<th>House Types</th>
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<tr>
<td>14-505-001-KD-1 - KILDALE</td>
</tr>
<tr>
<td>14-505-001-LN-1 - LYDDEN</td>
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<tr>
<td>14-505-001-LN-1 (PC) - LYDDEN (CHIMNEY OPTION)</td>
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</tbody>
</table>
roads and footways (including layout, levels, gradients, surfacing, lighting and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

03. Notwithstanding the details accompanying this reserved matters application, within 2 months of the commencement of development revised soft landscaping details conforming to the principles of the submitted Landscape Concept Plan (00.17/03 - LANDSCAPE CONCEPT PLAN) shall be submitted to the Local Planning Authority for consideration and subsequent approval in writing. Only those details agreed shall be implemented on site.

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

Reason(s) for Condition(s)

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

02. In the interests of highway safety.

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

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

Statement of Positive and Pro-active Working with Applicant

The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 180 and 187 of the National Planning Policy Framework (NPPF).

01. Given that the proposed development does not conflict with the NPPF or with ‘up-to-date’ Development Plan policies, it is considered to be ‘sustainable development’ and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

Note(s)

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original
02. Notwithstanding the details accompanying this reserved matters application, no development shall take place until construction details of the internal residential estate planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

02. This approval contains conditions which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

03. This permission is granted further to an earlier grant of outline planning permission to which any developer should also refer.

Dated: 19th September 2017

Signed: [Signature]
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/18/00895/REM) submitted on the 22nd November 2018 and validated on the 12th December 2018 for Reserved Matters submission for the erection of 206 dwellings and associated landscaping (to which CHE/16/00018/CUT refers) - revised details received 29/02/2019, 06/03/2019, 08/03/2019, 13/03/2019, 21/03/2019, 22/03/2019, 25/03/2019 and 26/03/2019 at Land To The West Of, Dunstone Lane, Newbold, S41 9UJ, for William Davis Limited.

In the manner described on the application, shown on the accompanying plan(s) and drawing(s) and in accordance with Outline Planning Permission Code No. CHE/16/00018/OUT, NOTICE IS HEREBY GIVEN that permission for the proposed development is GRANTED subject to the following condition(s):

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

   - Type B: Type B: 14-053 Tyb-1 Res A (Brick)
   - Type D: 14-053 Tyd-1 (Brick)
   - Beamish: 14-053 BN-1 (Brick)
   - Beamish: 14-053 BM-2 (Render)
   - Dove: 14-053 DE-9 (Render / Gabble Option)
   - Dove: 14-053 DE-7 (Brick / Gabble Option)
   - Derwent: 14-053 DK-2 (Render)
   - Derwent: 14-053 DK-1 (Brick)
   - Derwent: 14-053 DK-6 (Brick / Double Gabble Option)
   - Dalton: 14-053 DL-9 Rev A (Brick / Soldier Course Option)
   - Hamble: 14-053 HB-1 Rev A (Brick)
   - Harlestone: 14-053 HB-2 Rev A (Render)
   - Harlestone: 14-053 HB-1 (Brick / Gabble Option)
   - Kildale: 14-053 KD-8 Rev A (Brick / Soldier Course Option)
   - Leyden: 14-053 LA-1 (Brick)
   - Leyden: 14-053 LA-2 (Render)
   - Leyden: 14-053 LN/PC-1 (Stone / Chimney Option)
   - Leyden: 14-053 LN/PC-1 (Brick / Chimney Option)
   - Leyden: 14-053 LN-1 (Brick)
02. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/or/and dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed in writing, by the Local Planning Authority.

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

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

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

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

07. No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles (including cycle parking). The parking area, as well as the remaining tree, shall be provided with a vertical clearance to prevent the grounding of vehicles when traversing the access road.

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

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

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

Reason(s) for Condition(s)

01. In order to clarify the extent of the planning permission in the light of guidance set out in “Greater Flexibility for planning permissions” by CLG November 2009.

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

03. In the interests of highway safety.

04. In the interests of highway safety.

05. In the interests of highway safety.

06. In the interests of highway safety.

07. In the interests of highway safety.

08. In the interests of highway safety.

09. In the interests of highway safety.
10. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

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 the National Planning Policy Framework (NPPF).

01. Given that the proposed development does not conflict with the NPPF or with ‘up-to-date’ Development Plan policies, it is considered to be ‘sustainable development’ and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. The applicant/agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation/conclusion.

Notes:

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

02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

03. This permission is granted subject to an earlier grant of outline planning permission (CHE/16/0610/19/OUT) to which any developer should also refer.

04. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to acceptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).

05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that no material or other obstructions material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

06. Pursuant to Section 163 of the Highways Act 1980, where the site cutline slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This
usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

07. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.

08. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravels 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 household.

Dated: 2nd April 2019

Signed: ________________________________
APPENDIX 2 Concept Masterplan
APPENDIX 3 Call for Sites Location Plan