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File No: CHE/17/00037/FUL
Plot No: 2/5689

ITEM 1

THREE NEW DETACHED DWELLINGS (CMRA RECEIVED ON 14/03/2017 AND REVISED PLANS RECEIVED ON 25/04/2017) ON LAND TO THE REAR OF THE GABLES, NETHERTHORPE, CHESTERFIELD, DERBYSHIRE, S43 3PU FOR MR JOHN CAPPER.

Local Plan: Unallocated
Ward: Lowgates and Woodthorpe

1.0 CONSULTATIONS

DCC HIGHWAYS	Comments received 07/03/2017 – see report
ENVIRONMENTAL SERVICES	Comments received 20/04/2017 – see report
FORWARD PLANNING	Comments received 28/04/2017 – see report
DESIGN SERVICES	Comments received 22/02/2017 – see report
YORKSHIRE WATER SERVICES	No comments received
COAL AUTHORITY	Comments received 07/03/2017 and 24/03/2017 – see report
HS2 LTD	Comments received 07/04/2017 confirming the site does not fall within the limits of land subject to phase 2B safeguarding direction
SITE NOTICE / NEIGHBOURS	Two letters of representation received

2.0 **THE SITE**

2.1 The application site comprises of a parcel of land 0.184ha in area which currently forms part of the extended garden curtilage of The Gables, Netherthorpe.

2.2 The site which is located east of Staveley Town Centre, south of Lowgates and accessed off Netherthorpe is predominantly open grassland. It shares a common eastern boundary with a parcel of open space, its western boundary with the railway embankment and it slopes gently from north to south. There is a raised earth bund along the northern boundary which backs onto a vehicle MOT / service garage fronting Lowgates. To the south a shared turning head is formed which was constructed to serve both The Gables and Hollinberries, which are two early 21st Century dwellings.





3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0188/0048 – Residential development on land at Netherthorpe. Conditional permission granted 16/06/1988.
- 3.2 CHE/0689/0460 - Residential development on land at Netherthorpe. Conditional permission granted 13/09/1989.
- 3.3 CHE/0191/0045 - Outline application for residential development. Refused 11/04/1991.
- 3.4 CHE/1091/0660 - Single detached dwelling house. Refused 16/12/1991.
- 3.5 CHE/0192/0054 - Outline application for single detached dwelling. Conditional permission granted 22/10/1998.
- 3.6 CHE/0500/0287 - Detached four bedroom house with double garage. Conditional permission granted 12/06/2000.
- 3.7 CHE/06/00278/FUL - Detached family dwelling and detached garage. Conditional permission granted 14/06/2006.
- ### 4.0 **THE PROPOSAL**
- 4.1 The application submitted seeks full planning permission for the proposed erection of three detached dwellings on land which lies to the rear of The Gables, Netherthorpe and currently forms part of the properties extended garden curtilage.

- 4.2 The plans submitted indicate that the development will take access off the existing turning head, where a separate driveway will be created perpendicular to it, to run alongside the side elevation of the property called The Gables on a north – south axis. Driveway parking to The Gables will be retained on the existing driveway in advance of their own double garage.
- 4.3 The proposed site layout illustrates subdivision of the site into three plots which a different house type shown to each plot, though in general the development is for detached two storey properties.
- 4.4 Revised plans were submitted on 25/04/2017 which amended the site layout and house types to reflect comments made by various consultees. The following list of plans / documents form the final application submission:
- 111-1116-T Topographical Survey
 - JC/STAVELEY-PL-001.2 Rev A Plots 2 and 3 Elevations and Floor Plans
 - JC/STAVELEY-PL-001.1 Rev D Plot 1 Elevations and Floor Plans, Proposed Site Plan and OS Plan
 - Coal Mining Report and Coal Mining Risk Assessment

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

- 5.1.1 The site is situated within the built settlement of Staveley / Netherthorpe in an area predominantly residential in nature. Having regard to the nature of the application policies CS1, CS2, CS7, CS8, CS10 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.
- 5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
 - b) are on previously developed land
 - c) are not on agricultural land
 - d) deliver wider regeneration and sustainability benefits

- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

- 5.1.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

- 5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

5.2 **Principle of Development / Design and Appearance**

National Planning Policy on Development of Residential Gardens

- 5.2.1 The NPPF specifically excludes private residential gardens within built-up areas from the definition of previously developed land (annex 2: Glossary). Paragraph 53 of the NPPF encourages local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens.

5.2.2 The Chesterfield Borough Core Strategy does not include specific policies on the development of residential gardens; instead the primary considerations are policies CS10 in terms of the principal of development, CS1 and CS2 in terms of the location and CS18 in terms of design and impact upon the environment and amenity.

Local Plan Core Strategy

- 5.2.3 Policy CS10 states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.”
- 5.2.4 As the council is currently able to demonstrate a five year supply of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots.
- 5.2.5 However the NPPF is also clear that “Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development” (NPPF para 186). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals.
- 5.2.6 Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. The site is just within walking distance (approximately 800m) of Staveley Town Centre and is within 500m of the Local Centre and Lowgates. Netherthorpe School is within walking distance as are bus stops on Lowgates with regular services to Chesterfield Town Centre.
- 5.2.7 The aim of CS10 (set out in para 5.34 of the Core Strategy) is to “ensure a supply of housing land that meets the aims of the Core Strategy”. Applying the presumption in favour of sustainable development (set out in paragraph 14 of the NPPF), the development of a single dwelling within the built up area that:
- otherwise meets the spatial strategy and the principles for the location of development set out in policies CS1 and CS2,

- would not directly conflict with, and arguably would support, the intent of policy CS10 (to ensure a supply of housing land that meets the aims of the core strategy)

5.2.8 It is clear that more weight should be given the presumption in favour of development and the aims of policy CS1 in this case.

5.2.9 Having regard to the 'design' principles set out in policies CS2, CS18 of the Core Strategy and the Council's adopted SPD it is considered that the development proposals are appropriately sited as an acceptable infill plot. Furthermore the proposed siting, scale and appearance of the development is commensurate with the character and appearance of the surrounding area. There is evidence of several relatively modern infill development units in the locality (The Gables, Hollinberries, No 22A Netherthorpe and the Cornerpin Close development) which can all be seen from the development site and the architecture being proposed takes cues from these developments as well as the wider locality. The development takes advantage of views over the adjacent playing field, with the plots fronting / backing onto this area; and it is also indicated that the site will compliment where possible established soft landscaping to ensure the development is suitably screened from the outset.

5.2.10 Issues in respect of neighbouring impact and amenity are explored in more detail in section 5.3 below; however in the context of considering the principle of development and the specific design and appearance of the development proposals the application is considered to comply with the provisions of policies CS1, CS2 and CS18 of the Core Strategy, the NPPF and the adopted SPD.

5.3 **Neighbouring Impact / Amenity**

5.3.1 In respect of considering neighbouring impacts / amenity the application site includes as blue land The Gables, Netherthorpe and beyond that to the south is the property called Hollinberries. To the north there is an existing commercial unit on Lowgates which is known as Motorsave Co, which operates as a car sales and service / MOT centre; and to the east and west there are no immediate boundary sharing neighbours but residential properties lie beyond to all aspects.

- 5.3.2 Having regard to overlooking / overshadowing / overbearing impacts the proposed arrangement of the development will mean that The Gables and Motorsave Co will share common boundaries with Plot 1 and Plot 3 respectively. Furthermore the access driveway serving the development will run alongside the gable elevation of The Gables along its eastern boundary.
- 5.3.3 Looking in turn at each relationship, Plot 1 will be positioned adjacent to the rear garden of The Gables. The house type on this plot has been designed such that there are no first floor habitable room windows in the side elevation of the property where it would face the rear garden / rear elevation of The Gables. This ensures that the privacy / private amenity space is protected against adverse overlooking. French doors are illustrated at ground floor to open out on what will form the garden spaces of Plot 1, but this relationship is acceptable and will be suitably screened by a boundary treatment and planting. The Gables will also retain a generous garden length in excess of 18m at its shortest point so there are no adverse issues arising from the relationship between this property and Plot 1 overall. Principle habitable room windows to Plot 1 are positioned in its proposed front and rear elevations which face due east and due west over the shared driveway and playing fields beyond; and the railway cutting.
- 5.3.4 Looking at Plot 3 this property will be positioned sharing its common boundary with the rear boundary of Motorsave Co which is an established commercial unit where car servicing / mot testing takes place. There is potential for the development to be disturbed by the commercial operation taking place, however there is an existing embankment to the rear of the site which offers some protection and the application drawings illustrate retention of such (inc. trees), a new 1.8m high fence and a new hedgerow planted which when mature would offer an appropriate screen. Taking this into account alongside the separation distance between the commercial unit and the proposed dwelling (between 25-30m) it is not this would give substantial cause for concern to the amenity of future occupants.
- 5.3.5 It is noted that the application site will sit adjacent to the route of an existing railway cutting (west) which has been safeguarded as part of HS2 to serve as access into the Service Yard / Depot for HS2 at the former Staveley Works site. Given that this route will not be for passenger trains and lies within a cutting it is presumed that the

route will operate at a lower speed and will not adversely impact the development site by virtue of noise. HS2 were consulted on the application submission but did not raise any adverse comments as the site lay outside of their safeguarding direction. The same route is shown on the adopted proposals map as safeguarded in case it was required as part of the regeneration of the Markham Vale site, so there has been an ongoing expectation that the route could return to active rail use prior to the announcement of the HS2 proposals. The proposals for HS2 have been brought to the applicant's attention and it may be appropriate to specifically condition the need to submit further details of the boundary treatment of this part of the site to ensure that an appropriate boundary is put in place to protect the amenity of future occupiers if the railway line ever come back into use.

- 5.3.6 Having regard to the interrelationship between the 3 no. plots it is considered that the development proposes appropriate levels of private outdoor amenity space, space about dwellings and separation distances commensurate with the guidance of the adopted SPD 'Successful Places'. Overall in respect of the relationship created between new dwellings and surrounding neighbouring properties it is considered that the development proposals comply with the requirements of policies CS2 and CS18 of the Core Strategy, the SPD and the wider NPPF.

5.4 **Highways Issues**

- 5.4.1 The application submission was originally reviewed by the **Local Highways Authority** (LHA) who highlighted concerns about the proposed development including the width of the proposed driveway serving the 3 no. dwellings; awkward manoeuvring space / restricted width from the proposed parking spaces; lack of space for small service vehicles to turn forcing overly long carry distances and potential highway obstruction; and no refuse turning resulting in overly long bin carry distances. As a result the LHA indicated that the scheme as presented at submission was open to highway objections.
- 5.4.2 The applicant was approached to review the concerns raised by the LHA and as a result prepared a revised scheme to look to address the concerns. The amendments were forwarded to the LHA for consideration however at the time of writing this report no further comments had been received.

5.4.3 Notwithstanding this however the revisions made to the scheme looked to address the comments made by the LHA and included an increase in the width of the driveway; a facility at the entrance to the new driveway for bin to be sited on collection day; provision on the site for turning of smaller service vehicles (clear of any parking space / manoeuvring); and evidence was also provided in the form of a video showing that the refuse turning on site was not necessary as this clearly showed the refuse collection vehicle reversing up the road to the turning area in advance of The Gables to collect bins.

5.4.4 Overall having regard to the revisions which were made it is considered that the development proposals are appropriately laid out, provide appropriate levels of off street parking per plot and demonstrate appropriate access to the highway network. With this in mind it is considered that appropriate planning conditions can be imposed on any decision issued to secure delivery of these measures and therefore the development complies with the requirements of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety issues and is acceptable.

5.5 **Drainage / Flood Risk**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from fluvial flooding. In respect of drainage, the application details that the development is to be connected to existing mains drain for foul and surface water will be directed to soakaway.

5.5.2 Both the Councils **Design Services (DS)** team and **Yorkshire Water Services (YWS)** have been consulted on the application proposals, however YWS have not provided any comments / response to the proposals. The DS team have requested that percolation testing is carried out to demonstrate that the land conditions are appropriate for the proposed handling of surface water drainage by sustainable and that this meets the Council's minimum drainage standards.

5.5.3 An appropriate planning condition can be imposed on any decision issued to ensure more detailed drainage details are submitted for further consideration and approval.

5.5.4 Given the scale of the development proposals (minor application) the **Lead Local Flood Authority** will not comment on the application.

5.6 **Land Condition / Contamination / Noise**

5.6.1 The site the subject of the application is currently a combination of garden/undeveloped open land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 The Council's **Environmental Health Officer (EHO)** was consulted on the application and the following comments were received:

'I've had a look through the application, and the history of the site. There is, for a section of the site, a possibility of contaminated land from past usage (the adjacent railway workings and the former Staveley power station with the likelihood of residual contaminants). With that in mind, I'd certainly like the contaminated land condition and restrictions on hours of work, due to nearby dwellings.'

5.6.3 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and initially objected to the application submission, due to the absence of an accompanying Coal Mining Risk Assessment (CMRA). The applicant subsequently sought for a CMRA to be prepared and this was submitted on 14/03/2017 for re-consideration. The following comments on the CMRA were received from the CA:

'The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.'

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.'

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The undertaking of the scheme of intrusive site investigations as identified in section 4 of the Coal Mining Risk Assessment (subject to agreement with The Coal Authority's Permitting Team);*
- * The submission of a report of findings arising from the intrusive site investigations;*
- * The submission of a scheme of remedial works for approval; and*
- * Implementation of those remedial works.*

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.'

5.6.4 Having regard to the comments detailed above from the EHO and the CA appropriate conditions can be imposed to this effect, if permission is granted, to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of noise, land condition and contamination.

5.7 **Community Infrastructure Levy**

5.7.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and the development is therefore CIL Liable.

5.7.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

	New GIF (sqm)	Calculation	Total
Plot 1	146.2sqm	146 x £20 (index linked)	£2,920
Plot 2	158.8sqm	159 x £20 (index linked)	£3,180
Plot 3	169.8sqm	170 x £20 (index linked)	£3,400
Total			£9,500

5.7.3 The developer has however indicated that they will be applying for self-build exemption on the proposals, but this will be a matter to be handled by the CIL Officer post decision.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 13/02/2017 and by neighbour notification letters sent on 09/02/2017.

6.2 As a result of the applications publicity there has been two letters of representation received as follows:

22B Netherthorpe

We have one major concern regarding the planning application which is the number of extra vehicles which are allowed for in the plans which will need to use the only route into and out of the Netherthorpe;

Netherthorpe is smothered with houses already and this is made infinity worse by the building of Corner Pin Close. This could now be used by another 12/13 vehicles if three new builds take place; The road is narrow, particularly near Corner Pin Close, and traffic can get busy. Especially accessing Deatons scrap yard and there are many drivers who could drive slower and with more care; and Cars parked on the highway, the narrow road and poor visibility make this an accident waiting to happen.

Officer Response: It is acknowledged that the junction of Netherthorpe leading up to the turning head in advance of The Gables and the application site is tight and therefore construction traffic will need to take extra care when servicing the development. Notwithstanding this it is not considered that the introduction of vehicle movement associated with 3 additional dwellings will make the situation infinity worse such that planning permission could be refused on this basis. The Highways Authority has not raised any objections to the development on the basis of highway access being compromised.

11 Cornerpin Close

I write with my concerns about the application for 3 houses to the rear of the gables and I understand the proposal will be accessed via Ralph Road (inc. diggers and haulage lorries etc);

I am aware the building of 3 houses is not going to be an overnight job and these lorries will run past the front and side of my house, which is located on the corner of Cornerpin Close. I work nights so need to sleep until about 10am and this disturbance will affect me and my income, as I won't be able to work a full night shift; and I am also concerned about the loads of muck, earth etc from the development which will make a mess of the road as it comes off site. I would appreciate if access could be moved or at least restricted until after 10am. Also I would like them to make sure the road is kept clear.

Officer Response: It is acknowledged that new development can created a degree of noise and disturbance to nearby neighbours during the construction works phase, however this is usually short term. The Council are able to impose a construction works condition which restricts the hours of work in residential areas but this is a standard set of hours and therefore the Council cannot reasonably adjust this to suit a specific neighbour's work pattern. Any developer has a duty to ensure that mud and dirt is not carried onto the public highway and this control is covered by the Highways Act 1980. The developer is responsible for clearing up any such mess they may create.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of drainage, flood risk, land condition and contamination.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice issued as per section 5.7 above;

10.2 That the application be **GRANTED** subject to the following conditions/notes:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

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

- 111-1116-T Topographical Survey
- JC/STAVELEY-PL-001.2 Rev A Plots 2 and 3 Elevations and Floor Plans
- JC/STAVELEY-PL-001.1 Rev D Plot 1 Elevations and Floor Plans, Proposed Site Plan and OS Plan
- Coal Mining Report and Coal Mining Risk Assessment

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

Drainage

03. No development shall take place 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.

Reason - To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.

04. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason - To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

Site Investigations

05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination 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 remediation / stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

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

Contamination / Noise

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

approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

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

07. Construction 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.

Reason - In the interests of residential amenities.

Highways

08. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, 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.

Reason – In the interests of highway safety.

09. The premises the subject of the application shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

Others

10. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any root protection areas to retained trees / hedgerows on site and may require alternative measures of construction and finishes to be considered. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

11. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

12. Before construction works commence or ordering of external materials takes place, 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.

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

13. No removal of buildings, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before the building is demolished / vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

14. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

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

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.

Highways

03. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
04. 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 gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
06. The following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:
"The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway

maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts Newbold Road.

07. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Others

08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.