

Case Officer: Sarah Kay
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Ctte Date: 18th September 2017

File No: CHE/16/00779/FUL
Plot No: 2/905

ITEM 1

PROPOSED – ERECTION OF NEW PRODUCTION BUILDING FOR RILLATECH LIMITED (TA RECEIVED 23/05/2017 AND ADDITIONAL INFORMATION RECEIVED 17/08/2017) ON LAND OFF DUNSTON WAY, DUNSTON ROAD, CHESTERFIELD, DERBYSHIRE FOR SUON LIMITED.

Local Plan: CS13 Economic Growth
Ward: Dunston

1.0 CONSULTATIONS

| | |
|----------------------------|---|
| Local Highways Authority | Comments received 05/01/2017, 20/06/2017, and 04/07/2017 - see report |
| Environmental Services | Comments received 05/01/2017 – see report |
| Design Services | Comments received 12/01/2017 – see report |
| Economic Development | No comments received |
| Yorkshire Water Services | No comments received |
| Derbyshire Constabulary | Comments received 09/01/2017 – see report |
| Lead Local Flood Authority | Comments received 24/01/20217 – see report |
| Coal Authority | Comments received 16/01/2017 – see report |
| Derbyshire Wildlife Trust | Comments received 24/01/2017 – see report |

Derby & Derbyshire DC
Archaeologist

Comments received 16/01/2017
– see report

Tree Officer

Comments received 03/02/2017
– see report

Ward Members

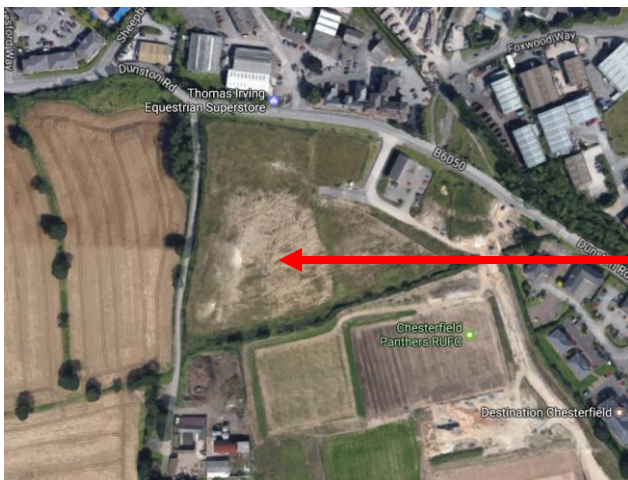
No comments received

Site Notice / Neighbours

No letters of representation
received

2.0 **THE SITE**

- 2.1 The site the subject of the application is a parcel of previously developed / remediated land 0.27ha in area located to the south of Dunston Road, north of Dunston Farm and north west of the Chesterfield Panthers Rugby Club. The site takes its access from Dunston Way, which is a junction formed off Dunston Road with a formed highway turning head with access to an office block already built on the wider remediated development site.



3.0 **RELEVANT SITE HISTORY**

- 3.1 **CHE/0197/0006** - Extraction of coal by opencast methods and preparation of ground for future industrial development. No objection with comments 01/08/1997. DCC Planning Application / Consultation
- 3.2 **CHE/0297/0081** - Outline application for erection of industrial unit's commercial storage and structural landscaping. Approved on 27/03/1997.

- 3.3 **CHE/0499/0178** - Construction of internal site road. Approved on 24/05/1999.
- 3.4 **CHE/0301/0177** - Construction of access road to industrial units/commercial storage as amended by drawing no. D4 Rev. B and letter dated 22 May 2001. Approved on 04/07/2001.
- 3.5 **CHE/0702/0429** - Drainage proposals & revision of condition 2 of CHE/0297/0081 to extend period of time for submission of reserved matters. Approved on 24/09/2002.
- 3.6 **CHE/06/00267/FUL** - Office building and access road. Approved on 04/08/2006.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed erection of a new production building falling under Use Class B1(c) Light Industrial. The proposed building will measure 63.475m x 30.0m (internal footprint) and will measure 8.0m high to eaves and 10.5m to the ridge.
- 4.2 The proposed site layout indicates that the building will be accessed via Dunston Way, with a new service road constructed from the western spur of the current turning head. A new area of car parking is shown to be provided in advance of the principle elevation of the building (the northern elevation) which will provide 33 no. dedicated spaces (inc. 2 no disabled) and gated access will also be formed for commercial traffic which will lead into the service yard located in advance of the eastern elevation of the building where there will be 2 no. service doors.
- 4.3 Internally the ground floor will be fit out for production and a first floor mezzanine area will be formed to accommodate offices. First floor windows will be incorporated into the principle elevation and to the RH side of the eastern elevation serving this floor. Externally a steel canopy will be sited over the 2 no. service doors on the eastern elevation and an external fire escape staircase is also shown fixed to the western elevation. In the service yard a freestanding waste / pallet storage compound is sited in the south eastern corner and off the car parking area there is covered cycle parking area.

- 4.4 The application submission is supported by the following drawings / documents:
- Site Location Plan 0101 Rev B
 - Overall Site Plan 0102
 - Site Plan 0103
 - Ground Floor Plan 1100
 - First Floor Plan 1101
 - Roof Plan 1102
 - Elevations 2100
 - Waste Compound / Cycle Storage 0104
 - 3D View 7002
 - Planning Statement
 - Coal Mining Risk Assessment
 - Design and Access Statement
 - Ground Investigation Report
 - Transport Assessment

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

- 5.1.1 The site is situated within the built settlement of Dunston ward in an area predominantly commercial in nature. Having regard to the nature of the application policies CS1, CS2, CS7, CS8, CS13, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 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 CS13 (Economic Growth) states that development should deliver sustainable economic growth by supporting existing jobs and businesses and delivering inward investment.

5.1.4 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.'

5.1.5 Policies CS7, CS8 and CS20 of the Core Strategy relates more specifically to issues in respect of flood risk and drainage, land condition and contamination and traffic matters which are considered separately in more detail below.

5.1.6 Looking at the Council's overriding Spatial Strategy and having regard to the principle of development it is considered that the application is for industrial buildings with a proposed B1(c) Light Industrial use within an established business area as shown on the Local Plan policies map. The proposal therefore accords with the council's spatial strategy as set out in policies CS1 and CS2 and the plan's policies on economic development as set out in CS13. The proposed use is not covered by the Council's CIL charging schedule and there is no levy liable. Overall therefore in the context of policies CS1, CS2 and CS13 the principle of development is considered to be acceptable.

5.2 **Design / Appearance Considerations (inc. Neighbouring Effect)**

- 5.2.1 The site the subject of the application currently sits in relative isolation, as it forms one plot of a wider development site which is yet to be fully built out. The land is owned by Suon Limited, whose offices are based in the only other building which occupies the wider site fronting onto Dunston Road.
- 5.2.2 Albeit not submitted alongside this application submission, the site owners have prepared a marketing masterplan for the wider site which shows a potential layout for the extent of the Industrial Land allocation with the unit the specific subject of this planning application being identified as Unit 7 on that plan. Outline planning permission granted in 1997 established the principle of development and this has been followed through in the subsequent updates to the development plan / core strategy.
- 5.2.3 As a standalone application, the development proposals the subject of this application will serve to set the scene for future development on this site and this development plot will assist to deliver an element of the internal access road for the wider development site off which other development plots may come forward.
- 5.2.4 Measuring 8.0m / 10.5m high the proposed unit will be of a modest industrial scale (other new development permitted on the opposite side of Dunston Road currently under construction measure 5.9m and 7.5m) and overall the unit will have a GF floor area of 2012sqm; which is considered commensurate with the overall aspirations for the wider site and the operative needs of the intended occupier.
- 5.2.5 It is noted that this specific development plot is located in closest proximity to the concentration of buildings which form Dunston Farm; the nearest boundary sharing neighbouring property whose access driveway runs alongside the western boundary of the application site.
- 5.2.6 Notwithstanding this there is a sufficient degree of separation proposed from the built footprint to the site boundary with peripheral banking such that the visual impacts of the development can be mitigated. Furthermore the northern orientation of the

proposed building and wider development site will mean that overshadowing will not present any issues to the complex of buildings on this adjoining neighbouring site. Overall the application submission does not include any detail of soft landscaping, finished floor levels or the contour of the peripheral banking shown on the site layout plans respective to the building and therefore it will be necessary to require these details to be submitted by imposition of appropriate planning conditions.

- 5.2.7 A 3D visual is provided with the application submission which demonstrates the intended finish and appearance of the building. A mixture of vertical and horizontal composite wall cladding are shown, detailed with silver, merlin grey and lazuli (blue) finishes and grey clay faced brickwork elements. Car parking is to be provided in advance of the principle elevation of the new building (which includes cycle parking provision and 33 no. spaces) and the service yard is proposed to the eastern elevation served by a segregated access point and enclosed with 2.1m high weld mesh fencing.

- 5.2.8 Overall however, subject to the imposition of appropriate conditions, it is considered that the proposed siting, scale, design and appearance of the building is acceptable having regard to the provisions of policies CS2, CS13 and CS18 of the Core Strategy.

5.3 **Highways Issues**

- 5.3.1 Initial consultation and dialogue with the **Local Highways Authority** (LHA) on the application submission led the applicant being required to submit a Transport Assessment alongside the application submission, given the scale and nature of the development proposals. Despite an outline planning permission already being granted for the site (which would have considered the wider highway impacts) the fact that the 1997 permission had only resulted in one office building being completed meant that the highway impacts initially considered and agreed were well out of date; and other developments would have since come forward to further change the highway network trends and capacity assessed.
- 5.3.2 A TA was subsequently submitted on the 23 May 2017 for further consideration and it is within this document that the wider development intentions of the site owner (Suon) are presented, where the unit the subject of this application is presented as 'Unit 7' of a wider development initiative.

- 5.3.3 Since the receipt of that TA the LHA have been engaged in ongoing discussions with the developers transport consultants (AECOM). The LHA requested that the document be expanded to reflect and review the impacts of the wider development site proposals upon the strategic highway network and consider other committed developments in the locality.
- 5.3.4 In this regard it was understood why the LHA were seeking further clarity however some elements of the information being sought by the LHA extended beyond the information necessary to consider the merits of the specific application submitted. The red line boundary of this application submission only included the one industrial unit, not the wider development site of Suon, and therefore subsequently a meeting was held between the site owner, AECOM, the LHA and the LPA to understand the issues / concerns which were being raised by the LHA which were holding up their comments on the planning application the subject of this application.
- 5.3.5 At that meeting AECOM provided the LHA with a breakdown of the traffic impacts of the development proposals the subject of this specific application; against the wider development aspirations of the surrounding site and it was agreed that there was sufficient capacity in the highway network to absorb the traffic movements associated with this particular development without the need for any highway improvement works / interventions. However the LHA made it very clear that whilst this would allow the LHA to accept the development of this singular unit; any further development coming forward on the site (which could be for a much smaller unit) would automatically trigger the need for intervention to the network and therefore the costs of this would be solely burdened on the next scheme to come forward. The site owner, Suon, accepted this and the LHA suggested that if further development continued to come forward on this site on a plot by plot basis a legal agreement mechanism would need to be secured to enable the LHA to apportion the cost of the intervention works necessary for each future development. The LHA further suggested that the site owner, Suon, enter into a Unilateral Undertaking with the LHA to ensure that they agreed to this mechanism moving forward.

- 5.3.6 On the basis of the development proposals the subject of this specific application it is accepted that the application submission has suitably demonstrated that there is sufficient capacity within the highway network to allow the development proposals to be accepted; but this presents a compromised scenario for any future development of this site in the future. The land owner accepts this burden. In terms of providing a safe and suitable highway access to the serve the development and appropriate on site parking and turning the development proposals are considered to be acceptable and meet the requirements of policies CS2, CS18 and CS20 of the Core Strategy in this regard. Appropriate planning conditions can be placed on any permission issued to deliver the parking, access and turning arrangements and secure their retention for their intended purpose in perpetuity.

5.4 **Ecology / Trees**

- 5.4.1 Categorised as a major application, the development proposals were routinely reviewed by **Derbyshire Wildlife Trust** (DWT) and the Councils **Tree Officer** (TO) under the provisions of policy CS9 of the Core Strategy which seeks to enhance biodiversity opportunities alongside new development proposals.

- 5.4.2 DWT responded to the application raising concerns about the absence of an ecological appraisal accompanying the application submission:

In the absence of any ecological information in support of the planning application it is difficult to determine the ecological value of the site and the impacts that the development will have on any features of ecological interest.

Paragraph 99 of Circular 06/2005 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances”.

It is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the

presence or otherwise of protected species and the extent that they may be affected by the proposed development.

Prior to determination of this application it is recommended that an Extended Phase 1 Habitat Survey is undertaken of the site in order to establish the habitats that are present on site and to determine the presence or absence of protected species. The field survey work should be supported by a desk study and the survey work should be undertaken by a suitably qualified and experienced ecologist. The format and content of the ecology report should follow current guidelines - such as CIEEM Ecological Report Writing and British Standards BS:42020. The survey report should provide details of any appropriate mitigation and compensation measures; and in line with guidance within the NPPF should provide details of enhancement opportunities and how the development will result in a net gain for biodiversity. If further surveys are required, these will be required prior to determination.'

5.4.3 Notwithstanding the comments raised by DWT above the site the subject of the application benefits from a former outline planning permission for its entire redevelopment and this permission has continued to inform the sites allocation for new industrial development since the late 1990's. The site is cleared and remediated, with elements of infrastructure already in situ (drainage and highways), and as such its biodiversity value is limited to the corridors of peripheral boundary hedgerows which lie along the southern and western borders of the site.

5.4.4 The TO reviewed the submission and provided the following response:

I have visited the land off Dunston Way, Dunston Road and I have no objections to the proposal to construct a new production building on the site. There are hedgerows to the west and south of the site on the boundary and two mature Oak trees to the west on the opposite side of the track leading to Dunston Farm, however these will not be affected by the development as long as the banking running up to the hedgerows on the site as shown on drawing 15073 0102 'Overall Site Plan' are retained.

Soft landscaping areas are proposed as shown on drawing 15073 0103 'Site Plan' in 3 main area to the main entrance, west of the car park and to the south and west boundaries. No details of the planting specifications and species have been provided at this stage so a condition should be attached if consent is granted to the application requiring a full soft landscaping scheme along with a general maintenance schedule.

5.4.5 Whilst it is accepted that the submission is absent of a preliminary ecological appraisal the current condition of the site (as observed by the case officer and TO) and the lack of any identified features of interest within the site boundary (trees, watercourses etc) suggest that site is only utilised for foraging / transition. Furthermore upon examination of protected species records by the case officer these do not reveal any records affecting the application site.

5.4.6 In granting permission for any new development, the provisions of policy CS9 of the Core Strategy require the LPA to secure a net gain in biodiversity enhancement and accordingly it is considered that in this instance there is an opportunity to secure biodiversity enhancement measures by imposition of appropriate planning condition. These could be provided in the form of bird and bat boxes erected on the building; as well as through enhancement and placement of new soft landscaping along the southern and western boundaries of the application site to enhance the ecological corridors around the site.

5.5 **Flood Risk and Drainage**

5.5.1 Having regard to the nature of the development proposals and the provisions of policy CS7 of the Core Strategy consultation took place with Yorkshire Water Services (YWS), the Design Services (DS) team and the Lead Local Flood Authority (LLFA).

5.5.2 No comments were received from YWS; however both the LLFA and DS team commented respectively as follows:

'The application form suggests that surface water will be disposed to the sewer and there are no other surface water management details for me to comment on. Were the details for surface water management agreed as part of the initial application for the whole

site as I believe there is some surface water storage below the site integrated with the surface water sewer?’

‘It is noted that the applicant intends to dispose of both foul and surface water into the public sewerage system. This will require prior consent from Yorkshire Water for both connections.

We would like to see drainage details of how the developer intends to dispose of surface water. These must conform to CBC Minimum Development Control Standards for Flood Risk.’

- 5.5.3 It would appear from previous planning history there were some drainage proposals implemented in 2002 as part of the sites wider preparation from development and it is understood that there is surface water storage capacity built into this system. Notwithstanding this it is not clear from the application submission whether it is intended that the development proposals will be connected to this element of existing infrastructure or indeed whether there remains sufficient capacity in this 15 year old system or it meet current drainage standards. It will therefore be necessary, based upon the comments of the DS team and the LLFA, to impose an appropriate planning condition on any permission granted seeking prior approval of any drainage proposals for this development in accordance with the requirements of policy CS7 of the Core Strategy.

5.6 **Land Condition / Contamination**

- 5.6.1 Having regard to the nature of the development proposals and the provisions of policy CS8 of the Core Strategy in respect of land condition and contamination consultation took place with the Coal Authority (CA) and the Environmental Health Officer (EHO). The following comments were received respectively:

*‘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 in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development.’*

‘I note that this application is supported with a ground investigation report. The report does make reference to contaminated land (as listed in the Environment Act 1995), however, this has now been

superseded by Part IIA of the Environmental Protection Act and supporting guidance. Given the history of the land and surrounding land, I would expect the report to contain some reasoning/explanation as to why soil samples have not been taken. Can the applicant/author of the report get back to me with regards to this?

Furthermore, the planning statement refers to 'phase 1 and phase 2' reports, however, these are not available on the planning portal – maybe these would answer my original query. Please can you email copies over?

What is not clear from the application is whether the proposed building will house any extraction plant/air conditioning plant. If yes, the applicant will need to give consideration to noise levels from this plant and possible measures to implement noise mitigation (if required).

The applicant is advised to submit the proposed operating hours so that consideration can be given to this application.

The applicant shall provide the detail of all external lighting proposed on site.'

- 5.6.2 Following receipt of the comments above, in particular those from the EHO, the case officer emailed the officer to advise that all the information was available to view on the public access system. It was also confirmed that on the basis the application was seeking permission for a B2 General Industrial unit; it should be assumed that plant / equipment would be housed in the building and that the operation could be 24/7. No further comments were received.
- 5.6.3 Notwithstanding the lack of further response from the EHO it is noted that the Phase I and II Study submitted does indicate that soils testing results are to follow (Appendices 7 and 8); yet these have not been provided and therefore it is considered that an appropriate planning condition can be imposed on any permission granted to require these results to be submitted for approval (alongside any necessary remediation) prior to development commencing. Furthermore it is considered that a condition requiring approval of any external lighting can also be imposed to ensure that lighting overspill is controlled to protect amenity.

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by site notice posted on 13/01/2017; by advertisement placed in the local press on 12/01/2017; and by neighbour notification letters sent on 05/01/2017.
- 6.2 There have been no letters of representation received as a result of the applications publicity.

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 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme.
- 7.3 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application.
- 7.4 The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary.
- 7.5 The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.
- 7.6 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.

- 7.7 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.

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 a copy of the officer report informing them of the application considerations and recommendation / conclusion.

9.0 CONCLUSION

- 9.1 Overall it is considered that the development proposals are appropriately sited and designed such that their impacts upon the character and appearance of the surrounding area are acceptable in the context of policies CS2, CS13 CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider NPPF. Furthermore having regard to the information accompanying the application, the design and specification of the proposals are considered to accord with the requirements of policies CS7 and CS8 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider NPPF.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be approved and planning permission for this specific application be granted without delay; however the applicant shall be required to prepare a unilateral undertaking to accompany any subsequent applications for this site to secure a funding mechanism for any necessary offsite highway works.

10.2 It is recommended that the following conditions be imposed:

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.

- Site Location Plan 0101 Rev B
- Overall Site Plan 0102
- Site Plan 0103
- Ground Floor Plan 1100
- First Floor Plan 1101
- Roof Plan 1102
- Elevations 2100
- Waste Compound / Cycle Storage 0104
- 3D View 7002
- Planning Statement
- Coal Mining Risk Assessment
- Design and Access Statement
- Ground Investigation Report
- Transport 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.

03. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - In the interest of satisfactory and sustainable drainage.

04. 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 by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

05. 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.

06. 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.

07. No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the 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.

08. Prior to the commencement of development a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

This is to ensure that a sensitive lighting is designed in line with guidance within Paragraph 125 of the NPPF.

Reason – 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.

09. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

Reason – 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. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

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 development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

Reason – In the interests of highway safety.

14. The premises shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. Parking and manoeuvring areas shall be maintained free from any impediment to their designated use for the life of the development.

Reason – In the interests of highway safety.

15. Prior to the development being brought into use the cycle parking spaces shown on the approved drawings shall be provided on site. The cycle parking shall be retained thereafter in perpetuity.

Reason – In the interests of promoting sustainable transport measures in accordance with policy CS20 of the Core Strategy.

16. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the development 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 development shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

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

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. The Highway Authority recommends that the first 5m of the proposed access 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.
04. 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.
05. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

06. 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