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File No: CHE/18/00224/REM
Plot No: 2/1273/1292

ITEM 3

RE-SUBMISSION OF ALL MATTERS RESERVED APPLICATION CHE/17/00281/REM - APPROVAL OF RESERVED MATTERS OF CHE/15/00594/OUT - CONSTRUCTION OF UP TO TEN DWELLINGS AT LAND SURROUNDING NOS 146 TO 152 HADY LANE, CHESTERFIELD, S41 0DE FOR MR JOE STONE, MR KEVIN BAILEY & MRS KATARINA BAILEY

Local Plan: Open Countryside and Other Open Land
Ward: St Leonards

1.0 CONSULTATIONS

Highways DCC	Requested changes, but no fundamental objections
Ward Members	No comments received.
Environmental Services	No comments received.
Coal Authority	Comments received – see report
Tree Officer	No comments provided
Urban Design Officer	Several amendments previously required, but no objections after the most recent changes. Conditions recommended.
Design Services	No objection.
Yorkshire Water	No objection.
Derbyshire Wildlife Trust	No objection.
CBC Spatial Planning Team	Comments prior to submission of additional information, but no objection.

Neighbours/Site Notice 3 representations received
/Advert

1.1 The proposal was publicised by neighbour letters, site notice and in the local press and the statutory period of publicity has expired.

2.0 **THE SITE**

2.1 This application site is a part of land which is to the most north of the overall development site. The overall site (which is in two elements) is around 1 hectare of open grassland on the western side of Hady Lane in Hady and is part of a tract of wider open land that is bounded by development (mainly residential) to the east yet also has open links to the wider countryside to the west. The overall site consists of a 'northern' and a 'southern' part of the site. The 'northern' plot is the larger of the two and is to the north-north west of four existing detached dwellings which front onto Hady Lane. The southern area is smaller and is to the south of these properties and a planning application has been submitted and approved for a dwelling on this part of this site. There is also a linking strip of land behind the four dwellings fronting onto Hady Lane.

2.2 The site is approximately 1.3km to the east of Chesterfield Town Centre within the ward of St Leonards. The sites adjoin Hady Lane, an unclassified highway and minor road. Hady Lane joins the classified Hady Hill (A632) 500m to the north and Hady Hill links Chesterfield Town Centre to the settlement of Calow and beyond. Hady Hill also serves Chesterfield Royal Hospital which is approximately 1.0km to the north of the site. To the south east, Hady Lane joins Calow Lane, a classified highway linking Calow and Hasland.

2.3 The northern part of the site is mostly enclosed by hedgerows in contrast to the southern part which only has a hedgerow to the boundary with Hady Lane. There is deciduous woodland to the south of the overall site and the site also has three isolated trees within the northern plot. Site levels are not flat and there is a general fall to the west away from Hady Lane on the northern plot whilst the southern plot is on a mostly south facing slope but contains a rise to the west and a trench bounded by vegetation.

2.4 To the east of the site is Hady Lane and the urban area of Hady, characterised by two storey dwellings set back and down from the highway. There is a variety of external building materials present in the streetscene, with render, red brick and beige brick walling present and also a mix of red and brown concrete roofing tiles. To the north of the site an area of land which was a former garage site has been developed as a Traveller site with a vehicular access onto Hady Lane. Beyond this is open land and playing fields and Hady Primary School. The land to the north-west has a former landfill site beneath.

2.5 The site would not fall within the definition of previously developed land in the National Planning Policy Framework (NPPF) and so can be described as 'greenfield'.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/18/00009/REM - Approval of reserved matters of CHE/15/00594/OUT for erection of one dwelling – CONDITIONAL PERMISSION – 11.04.18

3.2 CHE/17/00281/REM – Approval of Reserved Matters for outline application CHE/15/00594/FUL – WITHDRAWN – 30.10.17

3.3 CHE/15/00594/FUL – Outline planning application for up to ten dwellings at land surrounding no. 146-152 Hady Lane – CONDITIONAL PERMISSION – 08.12.15

3.4 CHE/07/00941/FUL - Land Adjacent To Farm Cottage 148 Hady Lane - 2 Houses and garages (Re-submission of CHE/07/00416/FUL) - GRANTED 12.03.2008

3.5 CHE/07/00416/FUL - Land Adjacent To Farm Cottage 148 Hady Lane - 2 Houses, triple garage and double garage - REFUSED 06.08.2007 - APPEAL DISMISSED

3.6 CHE/04/00121/FUL - Land Adjacent To Farm Cottage 148 Hady Lane - Erection of three 3 detached houses with garages – GRANTED - 04.05.2004

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks reserved matters approval for access, external appearance, landscaping, layout and scale of the site for the development of 9 detached 2 storey dwellings.
- 4.2 Outline planning permission already exists under application number CHE/15/00594/OUT which includes 24 no. conditions that include coal mining risk, flooding and ecology.
- 4.3 The application submission is for 9 two storey dwellings, which will be designed to be similar however 5 of the dwellings will include a semi-hip within the front gable. The dwellings will be 12.8m long and 6.9m wide. They will be brick finished, with stone quoins and cills. The front windows will also include lead canopies over one of the windows.
- 4.4 The dwellings are positioned to be at different angles and plot positioning with reasonably similar gaps between the dwellings. To the rear/side of the dwellings are 8 detached single garages, and one attached single garage; these are 6.8m long and 3.3m wide. The detached garages will have pitched roofs, but the attached garage will have a hipped roof. All dwellings would have at least 3 parking spaces within the plots.
- 4.5 The proposal includes a new access off Hady Lane and an internal service road parallel to the frontage and along to each end of the site. Within the area including the front gardens and service road there would be turning circles, trees, grassed area (both communal and private areas).
- 4.6 The land levels of the site are separated, so the rear gardens are lower than the ground level of the houses and garages. The rear gardens would also be over 100 sqm in size. There would be 2m high fences near to the rear of the houses dropping to 1.2m high fences further back.

5.0 **CONSIDERATION**

5.1 **Planning Policy Issues**

- 5.1.1 The site is land allocated as Open Countryside / Other Open Land which is a protected allocation of Policy EVR2 from the 2006 Local Plan, which was saved alongside the adoption of the Chesterfield Local Plan: Core Strategy 2011 - 2031.
- 5.1.2 Having regard to the nature of the application proposals policies of the Core Strategy:
- CS1 (Spatial Strategy),
 - CS2 (Location of Development),
 - CS3 (Presumption in favour of Sustainable Development),
 - CS4 (Infrastructure Delivery),
 - CS6 (Sustainable Design),
 - CS7 (Management of the Water Cycle),
 - CS8 (Environmental Quality),
 - CS9 (Green Infrastructure and Biodiversity),
 - CS10 (Flexibility in delivery of Housing)
 - CS18 (Design)
- 5.1.3 The wider National Planning Policy Framework (NPPF) also applies. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development**

- 5.2.1 The site is currently designated as open countryside under saved Policy EVR2 of the 2006 Local Plan (which is saved until the Local Plan: Sites and Boundaries has been subsequently adopted). Under Policy EVR2 residential development of this site in the open countryside would not normally be permitted; however this policy position (including assessment of the Council's 5 year Housing Land Supply) was taken into account when the Planning Committee determined the outline planning application in December 2015 when it resolved to grant outline planning permission.
- 5.2.2 Given the fact the site benefits from a live / extant outline planning permission the Local Planning Authority cannot revisit the decision on the principle of development on this site for up to 10 dwellings (whilst the outline permission is live / extant) and therefore if the application for reserved matters is considered to fall within the

scope of this permission (which it does) the principle of development has to be considered acceptable.

5.3 **Visual and Residential Amenity Issues**

Urban Design Officer comments:

- 5.3.1 The proposed dwellings are two-storeys in height and appear similar in scale to the neighbouring houses to the southeast (Nos. 146 – Hady Lane) which would be consistent with the scale of existing built form on the west side of Hady Lane. The existing hedge is proposed to be retained and additional hedge planting added around the southwest edge of the site. However, the extent of existing hedgerows and areas of new planting is not clearly identified on the submitted plans. It is recommended that details of landscaping are required by way of condition together with its subsequent implementation. Extensive areas of hardstanding are indicated behind the front hedgerow. These appear to impinge upon the tree positions shown at far the northern and southern ends of the site. It is recommended that the site plan is amended to increase the extent of soft landscaping around these trees, in order to provide suitable growing conditions. Landscaping could be managed by a suitably worded condition to provide adequate details and a schedule of implementation and maintenance.

The field access through the site has been narrowed to a 6m wide corridor. The building line for Plots 4-9 has also been adjusted to introduce a less formal arrangement whereby the buildings step in and out slightly and face towards Hady lane. This represents an enhancement to the scheme and results in a less rigid appearance.

In respect of landscaping, the shrubs previously suggested are now shown to be replaced with Silver Birch (*Betula pendula*) which is appropriate although the trees are shown to be a minimum of 1m in height which is very small, whereas heavy standard size trees (12-14cm girth & 3-3.5m planting height) is recommended. This could potentially be conditioned as necessary.

Areas of soft landscape around the trees have also been increased in order to provide a more suitable growing environment, which is appropriate.

The Urban Design Officer comments that the layout has been adjusted in response to design comments. The scheme now creates a more consistent pattern to the building line and is now considered to be accessible from an urban design perspective. Conditions to implement the proposed landscaping and submission of materials for approval are recommended.

- 5.3.2 In terms of overlooking and overshadowing the proposal is considered to produce a scheme which does not lead to a significant impact upon surrounding residents.
- 5.3.3 The architecture of dwellings with the Hady area is mixed, with the existing houses at 146-152 Hady Lane considered to be very different in comparison to the existing estate of housing to the east of Hady Lane. These dwellings are not considered to have taken their design cues from any of the surrounding area. The dwellings to the south of the site have staggered frontages and are mostly L-shaped, with protruding gables to the front. They also have a mix of hipped roofs and gabled roofs. The materials used are varied, with mostly red brick utilised and red tiles. The proposed houses will also be staggered and will utilise a mix of red and orange coloured bricks, with alternate houses varying the brick and tile colours. They will have a gable fronting the highway, with a semi-hip roof included on 5 of the houses. This is considered to offer some variety to the house types. The width, length frontages will be identical.
- 5.3.4 The boundary treatments to the site will be utilising the existing hedgerows to the front and will have new hedges to the side and rear. The internal fences to the rear, which includes 2m and 1.2m high fencing, is considered to be an acceptable compromise to take into account privacy near to the rear of dwellings and a more open scene on the lower section of garden.
- 5.3.5 The garage to the side of the most southerly dwelling (that is next to no.146) is stepped forwards from the positioning of the rest of the garages, and it also includes a hipped roof. The fence to the rear of garage is to be 1.2m in height also. This is to reduce the potential impact to the residents of no.146 where there is a window to the north-western corner of the ground floor and this has an

outlook that could be negatively affected. The positioning of the garage, roof design and fence are considered to be acceptable in this regard.

5.3.6 The scheme will undoubtedly change the appearance of the site from one which is obviously part of the open countryside to one which becomes part of the semi-urban area; however given that outline planning permission exists on the site for up to 10 dwellings the site's redevelopment for housing is deemed acceptable.

5.3.7 Within this context it is considered that the development will have an acceptable appearance in the local area.

5.4 **Highways Issues**

5.4.1 The **Local Highways Authority (LHA)** has confirmed no objection to the scheme, subject to additional drawings and conditions. They have considered the visibility splays on site and have provided verbal comments which confirmed that due to the design of the bus shelter that this will not significantly impact upon the visibility splay to the south. They have previously commented that the entrance into the site is too wide for the scheme however this issue has been conditioned to seek an amendment to this, to reduce the width of the road and to include footpaths on both sides. A 5.5m wide entrance is recommended as acceptable.

5.4.2 It is considered that the scheme presented to the planning officer will not lead to an adverse impact upon highway safety in the area.

5.5 **Other Information**

5.5.1 Coal Authority – As a result of an initial objection from the Coal Authority the applicant has commissioned additional on site intrusive investigations at their request to address the potential presence of former mine entries on the site. This has been undertaken by a competent professional in this field. The additional investigations confirm that the recorded positions of the 3 No mine entries in the vicinity (on adjacent land) are generally correct with no deviation of their positions onto the site. The additional investigation concludes that there is still considered to be a residual risk presented to end users of the site in the event of collapse of the mine entries and surface instability associated with the zone of influence of these features. With this in mind

appropriate mitigation is recommended through the incorporation of geotextile reinforcement beneath rear gardens within the potential zone of influence of these features.

In respect of the exact specification and extent of reinforcement within the proposed rear gardens of plots 1, 8 and 9, the report states that this should be discussed further with the Coal Authority and agreement reached prior to undertaking such mitigation measures.

- 5.5.2 The Coal Authority has confirmed that on the basis of the further investigations carried out on site that they Withdraw their objection subject to the imposition of a condition requiring details of the geotextile reinforcement proposed. This can be imposed as a condition as part of an approval.
- 5.5.3 Drainage and flooding – Design Services and Yorkshire Water have been requested to comment. They have accepted that soakaways are a practical option and can work on site.
- 5.5.4 Biodiversity – The Derbyshire Wildlife Trust has requested that native trees are planted on site and requested more information in terms of biodiversity loss. This has led to the change in the trees/shrubs to the front. The loss of some hedgerow to the front is not ideal but necessary to achieve the single access point, but a large amount of new hedgerow will also be created as part of the scheme. The inclusion of 1.2m fencing does not clarify what type of fence design this would use. The fences of the existing dwellings are ranch style open fences that allow wildlife to travel across the site and it is considered that a continuation of this would be preferable.
- 5.5.5 Gas monitoring and grounds investigation – the Environmental Services team cannot comment further on this until gas monitoring results are provided to the authority. This can be dealt with via the outline application conditions.

5.6 **Community Infrastructure Levy (CIL)**

- 5.6.1 The application seeks approval of reserved matters, where the outline planning permission was granted prior to the 1st April 2016 CIL implementation date. On this basis the scheme is not CIL liable.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised via neighbour letters and site notice, 3 comments have been received from 2 different sources.

6.2 Residents of no.146 Hady Lane provided 2 separate comments which are summarised below:

1) Layout of the site – OBJECTION with caveat

Object to the change in scale between the original proposal, **CHE/15/00594/OUT**, and the current proposal. Initially, the plans had a buffer of open land between the existing four houses (146 to 152) and the proposed development of eight houses in two curved blocks of four houses each. The current proposal has nine houses in a straight line on the land uphill of No 146, and the land buffer is no longer on the plans.

We note, however, that the recommendations made by the CBC Design Officer in terms of the proposed layout and planting have been considered in the revised plans. We also acknowledge the revised layout for plot one which resituates the garage in a position which improves the outlook from 146 Hady Lane.

2) Vehicular access - OBJECTION

Object to the proposed access to the site, which is poorly positioned seeming to be only a few metres from a well-used bus stop, creating road safety issues in terms of sightlines and congestion.

3) Coal Authority – Comment

Note that the Coal Authority comments with reference to further investigations into mine entrances.

4) Rainwater drainage. - Comment

Note that there are now detailed reports which indicate that soakaways are indeed suitable for rainwater drainage from the site.

5) Nature of proposed fences - Comment

Pleased to see that the plans now show post and rail fences beyond the garages.

6) The proposed field access track - Comment

Note that the width of the access track has been narrowed to allow for more space between the houses as suggested by the CBC Design Officer.

7) Access along pavement/footpath once development is complete - Comment

We are concerned about maintenance of the hedge which borders the pavement/footpath adjacent to Hady Lane on completion of the development.

8) Lack of public notification of planning proposal in the immediate area - Comment

Concerned about the lack of public notices regarding this new planning proposal CHE/18/00224/REM in the immediate vicinity of the land concerned. We see from the planning website that there is no notification of an advertisement being placed in the Derbyshire Times.

6.3

Residents of no.148 Hady Lane have made the following comments prior to the most recent changes –

1) Difference between initial and current plans.

Object to the change in scale between the original proposal, **CHE/15/00594/OUT**, and the current proposal. Initially, the houses were deliberately positioned sympathetically in relation to the existing houses 146-152. The plans had a buffer of open land between the existing houses and the proposed development of eight houses in two curved blocks of four houses each. The current proposal has nine houses in a straight line on the land uphill of No 146, and the land buffer is no longer on the plans.

Object to the change in layout of the proposed development, as the revised plans will be considerably more disruptive to the existing site as a whole.

2) Rainwater drainage.

Object to the large amount of hard standing associated with the new proposal. As the proposed development is uphill of our property we are very concerned that the large expanse of hard standing, in the form of roadway access and driveways, will greatly increase the risk of flooding to the existing properties 146-152.

3) Location of garages.

Object to the proposed siting of the garages to the rear of the properties, as the current houses, 146-152 all have their garages to the front/side, leaving the gardens unobstructed. We all have open views across each other's gardens, creating an open feel. This would be lost under the proposed development by siting garages so that they create a barrier between neighbouring properties.

4) Vehicular access.

Object to the proposed access to the site, which is poorly positioned seeming to be only about 3 metres from a well-used bus stop, creating road safety issues in terms of sightlines and congestion.

5) Nature of proposed fences.

Object to the use of 2 metre high fencing to surround each garden as this will greatly change the open nature of the area. Currently the four houses, 146-152 have open, ranch-style fences.

6) The proposed central gravel area.

Concerned as to the purpose and nature of the proposed 8.3 metre-wide gravel area between plots 4 and 5. The hedgerow looks like it is going to be removed in this section. Why is this required, unless further development of the fields behind 146-152 is planned? We would like further information about this but in principle we object to it.

7) Removal of trees.

Object to the fact that the new proposal includes the removal of trees. The original proposal allowed for the retention of two lovely mature fruit trees as well as helping to maintain the open nature of the current site. The new proposed plan shows a total contempt for the natural features of the site, including the wildlife that benefits greatly from the two fruit trees and the grassland. The range of biodiversity across the site will be harmed by the removal of the trees and the surrounding grassland.

8) Damage to existing hedgerows and grassland

Concerned that the development will damage a mature, well-developed hedgerow which hosts nesting for a large variety of birds. We are aware from our neighbour at 146 that significant numbers of animal species live in our gardens and the surrounding field. We are concerned that the development will have a detrimental impact on them and object to the new proposal on these grounds.

6.4 Comments –

- 6.4.1 ***Changes to layout of this site from the outline application – The drawings provided during the outline application were indicative drawings, with the layout a reserved matter.***
- 6.4.2 ***Vehicular Access – The Highways authority has been consulted on this application and they have raised no objections with the proposed access.***
- 6.4.3 ***Continued maintenance of the hedgerow – In the short to medium term the continued maintenance of the hedgerow will be the responsibility of landowner, whether that be Mr Bailey or Orchard View Homes. Once all the dwellings have been built and sold it is unclear whose responsibility this will become. Further details need to be sought in relation to management plan for the hedgerow, trees and soft planting on site.***
- 6.4.4 ***Site notices/public notification – A site notice was placed within the vicinity of the site on the 11th May 2018 to advertise the application. An advertisement was provided to the Derbyshire Times on 26th April 2018 to advertise the application.***
- 6.4.5 ***Rainwater drainage – The developers have engaged with the LPA in regards this issue and have provided additional information in reference to the proposal to use soakaways. This information has been checked by the drainage team within the Council, and this was found to be acceptable.***

- 6.4.6 ***Location of garages – It is noted that the garages are set to rear side of the houses, in design terms the proposed dwellings are very different to the existing houses in the local area. To ensure that each house had adequate off-street parking it was required to set the garages back this distance. The lower sections of the gardens are open with lower fencing, although it is accepted that this is not the same as the existing setup, the inclusion of open lower gardens was considered to be a reasonable compromise.***
- 6.4.7 ***Proposed fences – The fences have been changed as part of this process, so the section of land to the rear of the houses has a 2m fence where there isn't a garage wall, but the lower sections of the gardens have 1.2m high fences. This was considered to be acceptable.***
- 6.4.8 ***Central gravel area – The central access road has been reduced to a 4m wide road and 6m wide area including footpaths. This was reduced from a road and footpath area that was 7.5m to 8.5m in width. This reduction has been spread amongst the gaps between the other houses and is considered to be an improvement.***
- 6.4.9 ***Removal of trees – Several trees will be removed as part of the proposal, but 7 trees are included in the site plan. It also proposed to plant a hedgerow around the rear and side of the site. These issues will be conditioned to ensure it is done appropriately.***
- 6.4.10 ***Damage to hedgerow and grassland – A section of the front hedge will be lost as part of the proposal to provide an access to the land, but the planting of the rear and side hedgerow will (over time) compensate for this loss. The loss of grassland is a matter of principle and which cannot be revisited on a reserved matters submission.***

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 objectors, the development is not proposed to most efficiently use the whole outline site, 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 paragraph 38 of the July 2018 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 proposal the subject of the application is deemed to be contrary to the provisions of policy EVR2 of the Local Plan in so far as the application site is situated on land allocated as open countryside / other open land. However given the fact that a live outline permission exists for the site alongside the fact the Council was in a position where it could not demonstrate a five year housing land supply rendered policy EVR2 out of date and not relevant.
- 9.2 The Council has considered the proposals the subject of the application against all remaining up to date development plan policies and on the basis of the position established by the outline planning permission the proposals can be accepted given the appropriateness of the proposed access, the siting, scale and appearance of the development and its landscaping impacts and the appropriate relationship with the surrounding properties. The development will not introduce any adverse highway safety concerns and in respect of land condition, drainage, sustainability, ecology the development is acceptable.
- 9.3 On balance of all material planning considerations the development is considered to be acceptable 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The proposals are considered therefore to comply with the provisions of policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing) and CS18 (Design) of the Core Strategy and the wider National Planning Policy Framework (NPPF).

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be approved subject to the following conditions:

01. All external dimensions and elevational treatments, as well as landscaping and the drainage schemes, shall be as shown on the approved plans.

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.

02. Development shall not commence until details of the access onto Hady Lane have been submitted to the Local Planning Authority for consideration and have been approved in writing. No building shall be occupied until that junction has been constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. This will be laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.

Reason: In the interests of highway safety

03. The premises, the subject of the application, shall not be occupied until the on-site parking spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

Reason: In the interests of highway safety

04. Upon commencement of development, details of all proposed tree and hedge planting, and the proposed times of planting shall be submitted to the LPA for consideration. Those details, or any amendments to those details as may be required, which have received the written approval of the Local Planning Authority, shall be carried out in accordance with the approved details and times. Those trees shall be native trees to the United Kingdom.

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

05. Prior to the undertaking of any works in the rear garden areas of plots 1, 8 and 9 full details of the geotextile reinforcement proposed around the zone of influence of the adjacent mine entries shall be submitted to the Local Planning Authority for consideration. Only the mitigation measures and details agreed in writing by the local planning authority, following consultation with the Coal Authority, shall be constructed on site. The approved mitigation measures shall have been installed prior to the first occupation of plots 1, 8 or 9 and which shall be retained thereafter.

Reason: To take account of the coal mining legacy in the vicinity of the site having regards to the interests of the safety of occupiers of the property.

06. 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 amenity

07. The proposed bin storage areas shall be provided as shown as in the plans and maintained as such thereafter, with any changes to these areas requiring a further planning application to the Local Planning Authority.

Reason: In the interests of visual and residential amenity

08. Upon commencement of development details of the fencing style shall be submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, will not be installed until the agent/applicant has received the written approval of the Local Planning Authority.

Reason: In the interests visual amenity

09. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. The required soft landscaping 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, or any 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.