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File No: CHE/19/00043/OUT
Plot No: 2/5910

ITEM 3

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ADDITIONAL INFORMATION RECEIVED 09/05/2019) AT MOORLEA, ASHGATE ROAD, ASHGATE, CHESTERFIELD, DERBYSHIRE FOR MRS LARDGE

Local Plan: Unallocated
Ward: West

1.0 CONSULTATIONS

Local Highways Authority	Comments received 07/02/2019 – see report
DCC Archaeology	Comments received 25/02/2019 – see report
CBC Design Services	Comments received 20/02/2019 – see report
Yorkshire Water Services	Comments received 22/02/2019 – see report
CBC Environmental Services	Comments received 05/02/2019 – see report
CBC Tree Officer	Comments received 26/02/2019 – see report
Derbyshire Wildlife Trust	Comments received 20/02/2019 and 14/05/2019 – see report
Coal Authority	Comments received 08/02/2019 – see report
Crime Prevention Design Advisor	Comments received 15/02/2019 – see report
North Derbyshire CCG	No comments received
DCC Planning Policy	Comments received 22/02/2019 – see report
CBC Planning Policy	Comments received 18/03/2019 – see report
Lead Local Flood Authority	Comments received 05/02/2019 – see report
CBC Estates (Kier)	No comments received

Ward Members	No comments received
Neighbours / Site Notice	Five representations received

2.0 **THE SITE**

2.1 The site to which this application relates concerns a property and its extended garden curtilage called Moorlea which is a large two storey detached dwelling positioned on the northern side of Ashgate Road in Linacre. The property is served by a dedicated driveway access leading off Ashgate Road which sweeps into the site to an area of hardstanding and a detached double garage which are both positioned in advance of the properties principle elevation.





2.2 The site and garden curtilage are enclosed to the south and east by mature trees with Ashgate Plantation (a TPO protected woodland) aligning the eastern boundary. To the north and west of the site are open fields (arable agricultural land). There is a variety of outbuildings positioned in the extended garden curtilage which are concentrated to the northern half of the site.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/15/00678/OUT - Outline application for residential development. Conditional permission 15/03/2016 (permission expired 14/03/2019).

3.2 CHE/0692/0335 - Proposed garden room. Conditional permission 14/07/1992.

3.3 CHE/0492/0269 - Change of use from agricultural to garden land Conditional permission 09/06/1992.

4.0 **THE PROPOSAL**

4.1 The application submitted outline planning permission with all matter except access reserved for a development of up to 7 detached dwellings.

4.2 Access is shown to be provided at the same position as the existing driveway access with 2.4m x 103m ((critical) / 8.2m (non-critical) visibility splays provided.

4.3 The application is accompanied by an indicative site layout drawing and site sections / streetscene elevations which shows how the development could be laid out in the format described above.

4.4 The application submission is accompanied by the following plans / documents:

15-003 A(01)-01 Existing Site Plan
15-003 A(01)-02 Existing Site Location
ML/TH/JH/001 Ground Level Survey
15-003 A(00)-01 Rev A – Proposed Indicative Site Layout
15-003 A(00)-002 – Proposed Indicative Site Sections / Streetscene Elevations

Supporting Planning Statement by Stainton planning dated October 2018

Preliminary Ecological Appraisal by ML Ecology dated November 2018

Design Ethos by Taylor Holmewood dated September 2015

Phase I Desk Top Study by Arc Environmental dated September 2015

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within West ward in an area which unallocated in the Local Plan and is predominantly residential in nature.

5.1.2 Having regard to the nature of the application proposals 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), CS18 (Design) and CS20 (Demand for Travel) 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.

5.2 **Principle of Development**

Local Plan Spatial Strategy

- 5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are viewed to be in date and relevant to the proposal.
- 5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking distance, the site is around 980m of the Holme Hall Local Service Centre and Primary school via a well-used and lit route. Given the distance and route, this could be considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There is a bus stop in close proximity. The policy identifies 6 Regeneration Priority Areas (RPA) of which Holme Hall is one. The proposal accords with the policy in that, with reference to paragraph 4.38 of the Core Strategy, the scheme could deliver wider regeneration benefits to the Holme Hall area (although no evidence has been submitted with the application which demonstrates what benefits could be achieved).
- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites. In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **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.” As the council is currently able to demonstrate a five year supply of deliverable housing sites, policy CS10 would indicate that planning permission should *not* be granted for the development of residential gardens or small scale greenfield urban infill plots such as that proposed. Accordingly the proposal would not accord with policy CS10.

- 5.2.5 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11 of the NPPF.
- 5.2.6 In this case when considering policies CS1, CS2 and CS10 together, there appears to be a tension between policy CS1 and CS10. The proposal would accord with policy CS1 and the majority of the criterion in policy CS2 would also met. However, it would not accord with CS10. In such a circumstance it is for the decision maker to attribute weight to the policies taking into account the facts of the particular case. In this instance it would seem reasonable to apply greater weight to policy CS1 than CS10 on the basis that (in a cumulative manner): -
- The majority of criteria in policy CS2 are met.
 - The site is within reasonable walking distance of a local centre
 - The site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or 'open countryside' functions so its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality
 - The site is in the locality of the Holme Hall RPA
 - The application site is adjacent a large site identified for residential purposes. The site could be considered as a small extension to this. Additionally the development of this area could bring about shorter walking distances to the local centre.
 - Given the above the proposal would not prejudice the spatial strategy and strategic objectives.
- 5.2.7 Having regard to the above therefore the proposal would not accord with policy CS10 and criterion (b) of CS2 due to it not being previously developed land, however, the proposal is in accordance with the Spatial Strategy and policy CS1 and meets the majority of criteria in policy CS2.
- 5.2.8 Whilst weight should be given to policies CS10 and CS2, it seems reasonable to give greater weight to policy CS1 (when considering purely the principle of development) in this particular instance, having regard to the small scale of the proposed development, its location and the degree to which it otherwise meets the requirements of CS1 and CS2 and the NPPF and therefore it is

considered that on balance the principle of development is acceptable.

5.3 **Design and Appearance Considerations (inc. Neighbouring Impact / Amenity)**

- 5.3.1 Paragraph 124 comments that good design is a key aspect of sustainable development and is indivisible from good planning. Furthermore policy CS18 of the Core Strategy comments that proposals for new development should respect the character and form of the site by virtue of its appearance and architectural style and have an acceptable impact on the amenity of neighbours. This policy notes that proposals should contribute to the distinct character of the Borough and enrich the quality of existing places. Furthermore the Councils adopted SPD – Successful Places (July 2013) sets out objectives for residential design. This document comments that it is important to ensure that new residential development is designed on the basis of an understanding of its context and which recognises and enhances the local distinctiveness of the area.
- 5.3.2 Matters of detailed design have been reserved for consideration at a later date.
- 5.3.3 Core Strategy Policy CS18 also comments that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.3.4 It considered that site is of a sufficient size to accommodate a residential development. This view is supported by the indicative plan submitted with the application which demonstrates a scheme for up to 7 no. units without causing detrimental harm to amenity. Site layout and amenity are to be considered at a later date however there are no neighbours which are likely to be impacted by any redevelopment of the site.
- 5.3.5 It is considered that the proposed development can be appropriately designed to reflect the character and appearance of the streetscene and to preserve appropriate levels of amenity and privacy to adjoining and adjacent neighbouring properties in the context of policies CS2 and CS18 of the Core Strategy. As further

designs are developed they will need to take account on the observations made above and also the advice which is contained in the Council's adopted Supplementary Planning Document for Housing Layout and Design.

5.4 **Highways Issues**

5.4.1 The **Local Highways Authority** (LHA) has been consulted on the application and provided the following comments:

From a highway viewpoint the submitted details are almost identical to those approved under the earlier consent of planning app. CHE/15/00678/OUT i.e a development of 7 no. dwellings served by a modified existing access with Ashgate Road, therefore its considered that the comments and recommendations made with respect of this proposals remain generally the same.

However, the submitted details would still appear to demonstrate use of kerbed radii for the modified access whereas a dropped kerb crossing of the footway is considered to be more appropriate for a shared private driveway serving the scale and nature of development proposed.

A driveway width of 5.0m is considered to be acceptable although, whilst the internal layout is indicative, it should be noted that to comply with current guidance (i.e the delivering streets and places design guide) an overall corridor width of 7.5m should be available for developments in excess of 5 no. dwellings (e.g a level margin, or margins, totalling an additional 2.5m on one or both sides of the driveway).

As stated previously the entire access will need to be re-constricted in accordance with this Authority's current materials and constriction specification for a strengthened footway in order to cater for the additional vehicular use generated by the proposals.

Its noted that exit visibility sightlines complying with the Highway Authority's recommendations have been demonstrated and its assumed that the applicant has satisfied themselves that these may be delivered by accurate on site measurements. However, it should also be demonstrated that the nearside carriageway channel can be observed from a 2.4m set back distance over the

full extent of requisite visibility to the right when existing all areas in advance of the sightline being within control / existing highway.

Its appreciated that the internal layout submitted is an indicative one and as such no comment will be made with respect to this other than any subsequent reserved matters or full application should include details demonstrating a layout meeting current design criteria i.e width, off stet parking and manoeuvring space, waste bins storage and collection areas etc.

Therefore should you be minded to approve these proposals it's recommended that the following conditions are included within the consent:

- 1. Space shall be provided within the site curtilage for storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles throughout the demolition and construction period, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.*
- 2. Prior to the construction compound (the subject of Condition 1 above) being brought into use, detailed designs shall be submitted to the Local Planning Authority for written approval indicating the proposed site access, shared driveway, manoeuvring and off-street parking layout.*
- 3. Prior to the construction compound (the subject of Condition 1 above) being brought into use, the vehicular access to Ashgate Road shall be modified in accordance with the approved design, the subject of Condition 2, with the areas in advance of the exit visibility sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.*
- 4. No development shall take place until construction details of the shared driveway (including layout, levels, gradients, surfacing and means of surface water drainage) have been*

submitted to and approved in writing by the Local Planning Authority.

5. *The proposed shared driveway shall be constructed in accordance with Condition 4 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from the driveway. The driveway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced route between the dwelling and the existing highway. Until final surfacing is completed, the driveway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions. The driveway in front of each dwelling shall be completed with final surface course within three months from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
6. *The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.*
7. *There shall be no gates or other barriers within 12m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*
8. *No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.*
9. *No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed shared driveway within the*

development have been submitted to and approved by the Local Planning Authority. The shared driveway shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

5.4.2 Having regard to the comments of the LHA above (and on the basis of this being an outline application) it is considered that the development proposals can be appropriately serviced by driveways and a dedicated access junction such with space to provide the necessary highway visibility splays such that the development does not give rise to any adverse highway safety concerns. Appropriate driveway widths and length can be accommodated, alongside appropriate visibility splays and parking provision to meet the requirements of the LHA and the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

5.5 **Flood Risk / Drainage**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the Core Strategy), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from flooding. In respect of drainage, the application details that the development is to be connected to existing mains drains and SuDS for surface water. Proposed foul connections are currently unknown but given the proposed end use would either be mains or package treatment / septic tank.

5.5.2 The Council's **Design Services** (DS) team and **Yorkshire Water Services** (YWS) were both consulted on the application and no objections were received. Details of the proposed site drainage strategy will need to be submitted for approval in accordance with the Council 'Minimum Standards for Drainage'.

5.5.3 Full drainage details have not been submitted for consideration as part of the planning application submission however these matters are ordinarily dealt with by appropriate planning condition (which in this case would be pre-commencement requirement – as agreed with the applicant).

5.6 **Land Condition / Contamination**

5.6.1 The site the subject of the application comprises of a mixture of domestic garden / hard surfacing / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the **Coal Authority** (CA) were consulted on the application submission and the following comments were received:

The Coal Authority records indicate that the site has been subject to both recorded and historic unrecorded coal mine workings at shallow depth.

We note from the Planning Statement which accompanies this application that this is a resubmission of an extant planning permission (CHE/15/00678/OUT). The Coal Authority was consulted on the above application where the applicant provided a Phase I: Desk Top Study Report (dated 1 September 2015) prepared by Arc Environmental and the Coal Authority raised no objection subject to the imposition of an appropriate planning condition for site investigation works to be undertaken, as per the recommendations of the report author.

*The same Report accompanies this current application. Accordingly, as it would appear that no intrusive ground investigations have yet been undertaken our comments remain the same and we would have **no objection** to this proposal, subject to the LPA imposing a Planning Condition (as per Condition 14 of issued consent: CHE/15/00678/OUT).*

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 that prior to the commencement of development:

** The undertaking of an appropriate scheme of intrusive site investigations;*

** 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.*

5.6.4 In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) was consulted and raised no objections subject to the construction hours of the development being restricted to protect the amenity of nearby residential neighbours and the dwellings being equipped with electric vehicle charging points.

5.6.5 Having regard to the comments detailed above from the CA and EHO appropriate planning conditions can be imposed on any permission issued to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition, air quality and noise.

5.7 **Ecology / Trees**

5.7.1 Upon the initial request of the **Derbyshire Wildlife Trust** (DWT) (original response received 20/02/2019) the applicant was required to undertake a bat survey report and the results were submitted on 09/05/2019) for further consideration. DWT responded (14/05/2019) as follows:

A Preliminary Bat Roost Assessment undertaken in April 2019 assessed the main house on site to display low potential to support roosting bats. In accordance with best practice guidelines (Collins, 2016) a single nocturnal bat survey was undertaken to determine presence/absence of roosting bats. None were recorded and no further survey or specific mitigation is required to determine the application.

We still advise that a Tree Survey and Arboricultural Impact Assessment should be undertaken. The proposed site plan does not indicate which trees will be lost and retained and from the Ecological Appraisal and aerial mapping, there appear to be numerous established trees on site. Effort should be made to retain features of ecological value within the scheme design (mitigation hierarchy: avoid, mitigate, compensate). Information on the retention and loss of native hedgerows should also be provided.

Should the LPA be minded to approve the application, we advise that the following conditions are attached:

Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. Measures shall include (but are not limited to):

- 1xSchwegler 1FR bat tube per dwelling will be clearly shown on a plan (positions/specification/numbers).*
- details of building and/or tree-mounted bird boxes will be clearly shown on a plan (positions/specification/numbers).*
- measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).*
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).*

Lighting Strategy

Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors, timers, tinted glazing or recessed lighting fixtures. Consideration should be given to avoiding lightspill to the Local Wildlife Site woodland immediately to the east. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

- 5.7.2 Having regard to the comments received above, the Council's **Tree Officer** (TO) was also consulted on the application submission who made the following comments:

There are two tree preservation orders in force adjacent to the site on the east and southern boundaries. To the frontage of the site on the southern boundary is a Derbyshire County Council tree preservation order No.52 reference Woodland 1 and Group 2 either side of the existing access. To the east is a Chesterfield Borough Council tree preservation order 4901.64 reference Woodland 1 which is a managed deciduous woodland.

The indicative layout proposes 7 dwellings on the site. No tree survey has been submitted with the application and the indicative site layout plan is not to scale so it is unclear at this stage where the tree constraints are on the site and whether the proposed dwellings would be located within the calculated root protection areas. If a tree survey was submitted this would have highlighted any tree issues. It is clear from the submitted drawings that at least plot 5 is too close to the woodland edge so either the number of plots should be reduced or the size of the dwellings reduced to avoid any RPA's. The orientation of the dwellings should also be sited to avoid any perceived nuisance from shading, lack of light and leaf fall.

There are no details provided to with the application to show if the existing access will remain the same or be upgraded. Further details should be provided as the protected trees in this area may be affected.

I have no objection to the outline application in general; however the following tree protection conditions should be attached if consent is granted to the application to safeguard the trees during demolition and development.

Tree protection

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a detailed tree survey, tree constraints plan, and a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.*
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.*
- c) Details of construction within the RPA or that may impact on the retained trees.*
- d) a full specification for the installation of boundary treatment works.*
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification*

and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.

Details shall include relevant sections through them.

f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

h) a specification for scaffolding and ground protection within tree protection zones.

i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

k) Boundary treatments within the RPA

l) Methodology and detailed assessment of root pruning

m) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

a) BS: 3998:2010 Tree work – Recommendations

b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

Landscape

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and

approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;*
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving*
 - b) use within tree Root Protection Areas (RPAs);**
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;*
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and*
- 5) types and dimensions of all boundary treatments*

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

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Tree Pruning

Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority.

The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason:

Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Informative:

The following British Standards should be referred to:

a) BS: 3998:2010 Tree work – Recommendations

b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

- 5.7.3 Under the provisions of policy CS9 of the Core Strategy new development is required to secure a net gain in biodiversity enhancements and therefore in accepting the principle of the development proposals it will be necessary to require this site to contribute ecological enhancement. Measures such as bird and bat boxes can be required along with appropriate compensatory soft landscaping and boundary treatments including any hard boundary fences which allow small mammal passage (hedgehog highway).
- 5.7.4 Having regard to the comments made by DWT and TO about the absence of a tree survey and their ability to judge the appropriateness of the indicative site layout, it should be noted that the site layout submitted is only indicative (given the outline nature of the application).
- 5.7.5 It is noted that the TO raises observations about particular plots, to which the applicant should refer should outline consent be granted and a reserved matters application be forthcoming. As the outline permission would be for a development of up to 7 dwellings the site layout could be adjusted and the density reduced to overcome these initial observations. It would be expected that any subsequent reserved matters application would be accompanied by the necessary tree survey to demonstrate how and what trees are affected / protected from the most up to date site layout proposals.
- 5.7.6 Overall therefore it is considered that subject to the imposition of appropriate conditions the provision of policy CS9 of the Core Strategy and wider NPPF can be met in respect of ecological

impacts and retention / protection and enhancement of trees and soft landscaping.

5.8 **Heritage / Archaeology**

5.8.1 The site the subject of the application is not affected by any specific heritage designations however given it is a greenfield site, matters concerning potential below ground archaeology are a material consideration having regard to para. 199 of the NPPF and policy CS19 of the Core Strategy.

5.8.2 In respect of the above, the **DCC Archaeology** (DCC Arch) team were consulted on the application submission and the following comments were received:

The site is directly to the south of a larger area which has been the subject of archaeological evaluation in recent years (Linacre Road, Ashgate). Desk-based research and geophysical survey of this area identified significant evidence of 19th century coal mining and iron stone working within this area. These remains were characterised by mine shafts and bell pits, some of which were recorded on 19th century colliery plans. Recent field evaluation (autumn 2018) confirmed the existence of these features, along with ditch features which may have been of medieval or Roman origin. Detailed reports on this work are in preparation.

Taking in to account the fact that land to the north of the current application site is of industrial archaeological significance, and that there is a strong possibility of other such remains occurring on the land in question, we would recommend that the following condition be attached to any grant of planning permission for this scheme:

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

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for post investigation assessment*

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

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

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

This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost.

5.8.3 Having regard to the comments received above it is not considered that the development proposals are unacceptable. Clearly DCC Arch is satisfied that whilst the site may hold some below ground archaeological interest an appropriate planning condition imposed as a pre-commencement condition would ensure this was investigated. Thereafter any findings would be recorded in accordance with a written / prescribed scheme of investigation. On the basis of these conclusions it is not considered that the development would be contrary to the provisions of policy CS19 of the Core Strategy or the wider NPPF in respect of heritage considerations.

5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.

5.9.2 The site the subject of the application lies within the high CIL zone and its final liability would be calculated at the stage when reserved matters or a full planning application are received.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 05/02/2019.

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

Oak Tree Cottage

We are the only property close to Moorlea, being situated diagonally on the other side of Ashgate Road;

We do not object to the development but in the documents viewed some of the terminology appears vague which may allow for some changes / flexibility in the development which takes place. We would object to changes as follows:

- An increase in the number of properties being proposed;
- A change in house type mix;
- Removal of the tree line to Ashgate Road as they provide privacy; and
- Any changes to the access road onto Ashgate Road.

4 Woodnook Close

This development would increase the density of housing hugely on the adjacent development. The houses have been planned to be much more densely packed than their nearest neighbours;

We understood the same principles of low density would apply to both side on Linacre Road when / if further development occurred; Additional traffic on Ashgate Road will cause more pollution and risk of congestion; and

Please record this as an objection to further development it the Ashgate Area.

5 Woodnook Close

The development would increase the density of the house by 2.33% more than the existing adj development (Woodnook Close); At the time Woodnook Close was approved it was on the understanding that housing density would be maintained at a low ratio and be tapered from The Meadows / Holme Hall

Development. We were informed the same principle would be applied to the development on the opposite side of Linacre Road; Notwithstanding the above, with Moorlea you have a single property in a little over a 1 acre plot which the owners have enjoyed; but now they are done with it they are applying to pack as many properties on it as possible; We would expect the planning department to ensure this does not happen however if consent is granted for whatever density then the local authority should share the benefit of the increased value of the land; and As there will be additional vehicles onto Ashgate in a 40mph, what are the plans for roads and the adjacent land when it is developed?

8 Woodnook Close

I would like to object to the development as primarily this development and the development of land near Home Hall will severely impinge on the area in which I live; The development will impact upon traffic up and down Ashgate Road (which is used as a rat run) and cannot cope with anymore traffic. I live in a supposedly 'quiet' area but the development would impact upon this quiet; When the houses were built on Woodnook Close we were all given firm assurances any developments in close proximity would be built to a similar size / density / ratio. This is not the case with the development at Moorlea.

1 Woodnook Close

This development would increase density by nearly 2.5% more than the existing adjacent development site (a scale plan has already been submitted by our neighbours demonstrating this); Part of the land the subject of this application was agricultural land until 1992, does this mean that any other land adjacent to Moorlea will be given permission at this density; When Woodnook Close was approved and sold to individuals we were assured that development around use would only take place at the same density; and If this such density is agreed for other sites around Ashgate the increase in traffic on this already busy road would be unacceptable. To the west it turns into a country road with tight corners.

6.3

Officer response: See section 5.0 above.

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 paragraph 38 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 have been considered against the principles 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 the Delivery of Housing), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy. In addition consideration has been given to the wider National Planning Policy Framework (NPPF) and the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places'.

9.2 It is considered that although some conflicts have been identified with policy CS10; the proposed development can be considered in broad compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its connection to social, economic and environmental infrastructure and the key benefits of supporting the development are such that it meets the definitions of sustainable development and there is a presumption in favour of its approval.

9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

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

Time Limit etc

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

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

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

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

03. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

Drainage

04. 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.

05. No development shall take place until details of the proposed means of disposal of 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.

Highways

06. Space shall be provided within the site curtilage for storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles throughout the demolition and construction period, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason – In the interests of highway safety.

07. Prior to the construction compound (the subject of Condition 6 above) being brought into use, detailed designs shall be submitted to the Local Planning Authority for written approval indicating the proposed site access, shared driveway, manoeuvring and off-street parking layout.

Reason – In the interests of highway safety.

08. Prior to the construction compound (the subject of Condition 6 above) being brought into use, the vehicular access to Ashgate Road shall be modified in accordance with the approved design, the subject of Condition 7, with the areas in advance of the exit visibility sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason – In the interests of highway safety.

09. No development shall take place until construction details of the shared driveway (including layout, levels, gradients,

surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

10. The proposed shared driveway shall be constructed in accordance with Condition 9 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from the driveway. The driveway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced route between the dwelling and the existing highway. Until final surfacing is completed, the driveway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions. The driveway in front of each dwelling shall be completed with final surface course within three months from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

12. There shall be no gates or other barriers within 12m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

13. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason – In the interests of highway safety.

14. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed shared driveway within the development have been submitted to and approved by the Local Planning Authority. The shared driveway shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason – In the interests of highway safety.

Archaeology

15. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

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

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

Reason - This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost.

Land Condition

16. 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 appropriate interpretation of these results have been agreed. 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.

Ecology

17. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the 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.

18. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. Measures shall include (but are not limited to):
- 1xSchwegler 1FR bat tube per dwelling will be clearly shown on a plan (positions/specification/numbers).
 - details of building and/or tree-mounted bird boxes will be clearly shown on a plan (positions/specification/numbers).
 - measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

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.

19. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors, timers, tinted glazing or recessed lighting fixtures. Consideration should be given to avoiding lightspill to the Local Wildlife Site woodland immediately to the east. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

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.

Trees

20. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a detailed tree survey, tree constraints plan, and a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

k) Boundary treatments within the RPA

l) Methodology and detailed assessment of root pruning

m) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

Reason - To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance to section 197 of the Town and Country Planning Act 1990

21. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
 - 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) use within tree Root Protection Areas (RPAs);
 - 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
 - 5) types and dimensions of all boundary treatments
- There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year

maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason - To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

22. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority.

The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason - To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Others

23. 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.

24. 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.

25. 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.

26. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

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. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
04. The Highway Authority recommends that the first 6m 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 against the landowner.
05. 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 & Environment 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 by email highways.hub@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
07. Car parking provision should be made on the basis of 2no. or 3no. off-street spaces per 2/3 or 4/4+ bedroom dwelling respectively. Each parking bay should measure a minimum of 2.4m x 5.5m (2.4m x 6.5m where located in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. Wall/ fence/ hedge/ etc., and adequate space behind each space for manoeuvring.
08. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
09. The applicant is advised that to discharge Condition 14 that the Local Planning Authority requires a copy of the constitution and details of a Private Management and

Maintenance Company confirming funding, management and maintenance regimes. Such proposals should include indemnity insurance in the event that the management company should fail whereupon a replacement would be appointed. It follows, therefore, that the developer would not be liable to secure the works with advanced payments under of the Highways Act, and that the Highway Authority would issue an exemption notice upon notification of building regulation approval from the Local Planning Authority. The developer will need to advise Statutory Undertakers that the road will not be adopted for the provision of services.

10. The following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations