

Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 23rd September 2019

File No: CHE/19/00093/REM
Plot No: 2/3513

ITEM 8

RESERVED MATTERS FOR CHE/15/00835/OUT - NEW BUILD RESIDENTIAL DEVELOPMENT CONSISTING OF 13 NO. NEW BUILD DETACHED PROPERTIES (REVISED PLANS RECEIVED 27/08/2019, 03/09/2019, 04/09/2019, 06/09/2019 AND 11/09/2019) LAND WEST OF LOUNDSLEY GREEN ROAD, LOUNDSLEY GREEN, CHESTERFIELD, DERBYSHIRE FOR THE CONSTRUCTION PROJECT LTD

Local Plan: Open Countryside / Other Open Land
Ward: Loundsley Green

1.0 CONSULTATIONS

DCC Local Highways Authority	Comments received 22/03/2019 – see report
The Coal Authority	Comments received 20/05/2019 – no objections
CBC Design Services (Drainage)	Comments received 21/03/2019 and 11/09/2019 – see section 5.5.1
Derbyshire Wildlife Trust	Comments received 21/03/2019 – see report
Crime Prevention Design Advisor	Comments received 19/03/2019 – no comments / observations to make
Lead Local Flood Authority	Comments received 27/02/2019 and 09/09/2019 – see section 5.5.1
CBC Environmental Services	Comments received 04/09/2019 – no objections to proposed remediation; subject to validation report being submitted prior to occupation
Yorkshire Water Services	Comments received 13/03/2019 and 05/09/2019 – see section 5.5.1
CBC Tree Officer	Comments received 29/03/2019 and 09/09/2019 – see report

CBC Urban Design Officer	No comments received
Ward Members	No comments received
Site Notice / Neighbours	3 no. representations received

2.0 **THE SITE**

2.1 The site the subject of the application is a parcel of open grassland 1.09ha in area which lies on the western edge of Loundsley Green Road (B6150), sharing its western boundary with Ashgate Plantation. The site lies between the built settlements of Loundsley Green which is concentrated to the south east / north east of the site; and Holme Hall which is concentrated to the north / north west of the site.



2.2 The Ashgate Plantation lying to the west of the site is a protected woodland (TPO Ref. 4901.64) and when outline planning permission was granted for residential development on the site, a tree preservation order was made to protect the 4 no. London Plane trees aligning the Loundsley Green Road frontage (TPO Ref. 4901.342).

3.00 RELEVANT SITE HISTORY

- 3.1 CHE/15/00835/OUT - Proposed residential development. Conditional permission (inc. S106 Agreement) approved - 31/03/2016.
- 3.2 CHE/04/00620/TEL - Application for prior approval proposed Hutchison 3G Base Station. Prior notification refused on 08/09/2004, but allowed on appeal (Ref: APP/A1015/A/04/1169759) on 15/06/2005).

4.0 THE PROPOSAL

- 4.1 In March 2016 planning permission was granted in outline for residential development of up to 14 dwellings on land located to the west of Loundsley Green Road, Loundsley Green.
- 4.2 This is an application which seeks reserved matters approval for a development of 13 no. dwellings, with site access as agreed under the outline permission.
- 4.3 The site layout submitted (drawing no. LOUND-WBA-XX-ZZ-DR-A-90_100 P16) shows a development of exclusively detached properties arranged predominantly around a central site access taken off Loundsley Green Road. There are 5 no. house types proposed in the scheme.
- 4.4 The application submitted is supported by the following list of plans / documents:

Original Submission

~~LOUND-WBA-XX-ZZ-DR-A-90_100 P8 – Site Layout Plan~~

~~LOUND-WBA-XX-ZZ-DR-A-90_101 – Location Plan~~

~~LOUND-WBA-XX-ZZ-DR-A-20_100 P5 – HTA Plans and Elevations~~

~~LOUND-WBA-XX-ZZ-DR-A-20_101 P7 – HTB Plans and Elevations~~

~~LOUND-WBA-XX-ZZ-DR-A-20_103 P6 – HTD Plans and Elevations~~

~~LOUND-WBA-XX-ZZ-DR-A-20_104 P5 – HTE Plans and Elevations~~

~~LOUND-WBA-XX-ZZ-DR-A-20_105 P3 – Site Sections~~

LOUND-WBA-XX-ZZ-DR-A-20_106 – Double Garage Plans and Elevations

P18-01337-MET-M2-C-001 Rev 2 – Proposed Catchment Area Plan

P18-01337-MET-M2-C-002 Rev 5 – Proposed Drainage Layout Plan

P18-01337-MET-M2-C-003 Rev 2 – Proposed Site Levels Plan

P18-01337-MET-M2-C-005 Rev 1 – Typical Highway Construction Details

P18-01337-MET-M2-C-006 Rev 1- Proposed Coloured S38 Layout Plan

P18-01337-MET-M2-C-007 Rev 1 – Private Surfacing Layout Plan

Tree Constraints Plan dated December 2018

~~SE0866-01_LP1 Rev A – Planting Plan Sheet 1~~

~~SE0866-01_LP2 Rev A – Planting Plan Sheet 2~~

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~~LOUND-WBA-XX-ZZ-DR-A-90_100 P14 – Site Layout Plan~~
LOUND-WBA-XX-ZZ-DR-A-20_101 P8 - HTB - Plot 4 Plans and Elevations
LOUND-WBA-XX-ZZ-DR-A-20_103 P7 - HTD - Plot 2 Plans and Elevations
LOUND-WBA-XX-ZZ-DR-A-20_105 P4 - Site Sections
LOUND-WBA-XX-ZZ-DR-A-20_107 – HTB Plots 10 & 12 Plans and Elevations
LOUND-WBA-XX-ZZ-DR-A-20_108 – HTD Plot 3 Plans and Elevations
LOUND-WBA-XX-ZZ-DR-A-20_109 – HTD Plot 7 Plans and Elevations
LOUND-WBA-XX-ZZ-DR-A-20_110 – HTD Plot 13 Plans and Elevations

SE0866-01_LP1 Rev B – Planting Plan Sheet 1
SE0866-01_LP2 Rev B – Planting Plan Sheet 2

Arboricultural Impact Assessment (AIA) dated 26th July 2019

- Appendix 3 Tree Constraints Plan
- Appendix 4 Arboricultural Method Statement
- Appendix 5 Tree Protection Plan

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P18-01337-M2-C-006 Rev 3 - S278 Entrance Access Layout

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LOUND-WBA-XX-ZZ-DR-A-90_100 P16 – Site Layout Plan
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and Elevations

5.0 **CONSIDERATIONS**

5.1 **Planning Background / Principle of Development**

- 5.1.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/15/00835/OUT for residential development which was approved on 31/03/2016 subject to 31 no. planning conditions.
- 5.1.2 The live outline permission enabled applications for reserved matters approval to be submitted for a period of three years following the date of the outline approval (i.e up to 30/03/2019). This application was received before the expiry of the outline permission on 22/02/2019.
- 5.1.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions the issues already agreed and set by the outline permission cannot be revisited. Access was agreed at the outline planning application stage. Only the outstanding reserved matters issues concerning appearance, landscaping, layout and scale are to be considered.

- 5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**
- 5.2.1 Having regard to the application for reserved matters, the submission seeks approval of layout, landscaping, appearance and scale. The detailed design and appearance considerations of the proposed reserved matters details the Council's **Urban Design Officer** (UDO) and the **Crime Prevention Design Advisor** (CPDA) were invited to review the submission, however neither consultee wished to make any detailed comments on the proposals.
- 5.2.2 Notwithstanding the above the development proposals have been considered having regard to the requirements / provisions of the Council's adopted Supplementary Planning Document 'Successful Places' Housing Layout and Design.
- 5.2.3 The application site sits in relative isolation, with the Ashgate Plantation providing its streetscene backdrop. The settlement edge of Holme Hall is located to the north and the settlement edge of Loundsley Green lies on the opposite side of the road the east / south. Having regard to this context the site can quite easily absorb its own architectural character, subject to its scale and mass being in proportion with its surroundings.
- 5.2.4 The development includes 5 no. individual house types (4/5 bed), which are each two / two and half storey in scale finished with a combination of pitched and hipped rooflines and red brickwork with feature white / cream render. All plots include driveway and garage parking – with at least 2 no. parking spaces per dwelling (inc. the garage spaces). The layout is predominantly orientated around the new driveway / access road with existing trees almost entirely encapsulating the whole development.
- 5.2.5 It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved.
- 5.2.6 The site has been laid out such that all adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the

privacy and amenity of neighbours commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design.

5.2.7 Overall it is considered that the development proposals are acceptable. The design, density, layout, scale, mass and landscaping proposals are considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD such that the scheme is acceptable in this regard.

5.3 **Landscaping**

5.3.1 The reserved matters submission seeks landscaping approval and the application is accompanied by landscaping plans (drawing no's SE0866-01_LP1 Rev B – Planting Plan Sheet 1 and SE0866-01_LP2 Rev B – Planting Plan Sheet 2) and an Arboricultural Impact Assessment (AIA) including a Tree Constraints Plan (TCP), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). The landscaping plans and AIA have gone through a series of revisions throughout the application process.

5.3.2 Both the Council's **Tree Officer (TO)** and **Derbyshire Wildlife Trust (DWT)** were initially consulted on the application submission and both parties objected to the RM application and the initial site layout submitted. Both the TO and DWT were concerned that the proposed site layout didn't reflect the site layout plan of the outline planning application, however when outline permission was granted 'layout' was a detail reserved for later approval and therefore the site layout accompanying the outline was only ever intended to be indicative.

5.3.3 Amongst other inaccuracy concerns the TO and DWT both highlighted that they had anticipated a green buffer zone to be protected along the western edge of the application site boundary which was not reflected in the RM site layout proposals and the fact that private garden boundaries formed adjacent to the woodland edge do not allow for free ecology movement and place continued pressure for tree pruning.

5.3.4 As part of preparing a package of revisions to the development proposals to respond to other consultee comments the case officer met with the applicant to discuss the concerns raised by the TO

and DWT. The inaccuracies in the AIA in respect of the protected trees were corrected and the site layout plan amended to show the extent of the adjacent tree canopies and the wider root protection areas (RPAs) of these trees.

- 5.3.5 In response to the comments made by the TO and DWT the revised site layout ensures that the development footprints of each dwelling are clear of the AIA's designated RPAs. In addition to this the applicant also confirmed that they had purchased the adjacent woodland (Ashgate Plantation), which enabled them to take control over the western edge of the development proposals and address the concerns of DWT over the lack of woodland buffer. Whilst it is appreciated that the site layout proposed doesn't accommodate the ecological buffer which may have been suggested as a means of mitigating the impact of development on this site by the accompanying outline planning applications ecological survey; it cannot be ignored that in reality given the fact the woodland edge immediately adjoins the application site boundary there is nothing preventing wildlife traversing through the woodland. Whilst it is accepted that development may displace wildlife from the actual application site, the fact that any displacement can be mitigated by improvements to the management of the woodland adjacent is an acceptable compromise.
- 5.3.6 In respect of the commentary above the applicant has prepared a Woodland Management Plan for the adjacent plantation (which will require separate Forestry Commission approval) and they have revised the landscaping proposals to retain and enhance the native hedgerow in situ along the western edge of the application site boundary. This will allow some permeability between the private residential gardens to be created and the adjacent woodland.
- 5.3.7 Overall despite the objections raised by the TO and DWT it is considered that the development proposals reach an appropriate compromise and relationship to the adjoining woodland and the surrounding protected trees and hedgerows. In accepting the principle of development of up to 14 dwellings on the site by granting outline planning permission, there would inevitably be a change to the character and function of the site and it is considered that a reasonable compromise has been reached to enable the development to take place with minimal impacts to the surrounding flora and fauna. Any prospective purchaser will clearly be able appreciate that the development has an immediate

relationship with the adjacent woodland which is protected, and therefore there will be a clear understanding that the gardens adjoining the western boundary shared with the woodland will be overshadowed by the mature trees. Similar relationships have previously been accepted like this on the sites to the west of Slack Lane to the south of this site. In this regard however it is appropriate to remove any permitted development rights (by planning condition) to these properties to retain control and manage any future domestic extensions to these dwellings.

5.4 **Highways Issues**

5.4.1 Under the provisions of granting outline planning permission a singular site access point onto Loundsley Green Road serving the development was agreed, however its detail was subsequently reserved under the provisions of condition 14 of the outline planning permission requiring 2.4m x 120m visibility splays in both directions. Condition 19 also required a new footway link to be provided adjacent to and across Loundsley Green Road.

5.4.2 This reserved matters application is accompanied by drawing no's P18-01337-M2-C-006 Rev 3 - S278 Entrance Access Layout and LOUND-WBA-XX-ZZ-DR-A-90_100 P16 – Site Layout Plan, which illustrate the proposed site access arrangements to Loundsley Green Road and the overall site layout proposals.

5.4.3 The **Local Highways Authority** (LHA) was consulted on the original REM application submission and the following comments were initially made:

The submitted details propose a residential development of 13no. residential units with all served via a private driveway from Loundsley Green Road. It's noted that Outline Approval has been granted for development.

The Highway Authority considers that there is adequate site frontage to Loundsley Green Road to enable creation of a new access and recommended inclusion of a condition within the Outline Consent requiring submission of a detailed new junction design for approval prior to commencement of any other operations.

No detailed design for the new access/ junction has been forwarded to this Authority for comment and, this being a Reserved Matters application, it's assumed that such will need to be submitted prior to determination.

The creation of a new access/ junction will involve modifications to the existing carriageway markings as well as provision of a footway link between the existing bus stop to the north and a point adjacent to the existing carriageway central refuge to the south. As the latter would then serve as a pedestrian crossing point, appropriate tactile paving will be required and a footway link provided on the opposite side of the carriageway. The detailed design should also take account of drainage of the new impermeable surfacing, demarcation of the highway boundary and jointing with the existing carriageway (Base at centre of the nearside running lane, binder course at the existing offside lane marking with surface course 300mm in to the right turn harbourage). A new gully should be installed on the uphill side of the new junction entry radius and a review of lighting around the new junction will be required.

In response to the Outline application, it was recommended that some consideration be given to the likely pedestrian desire line between the site and existing bus stop on the opposite side of Loundsley Green Road to the proposed access/ junction and potential safety benefits in relocating the stop. There is no indication of whether or not there has been any dialogue with the Public Transport Unit in this respect. There is also concern that confusion may arise in situations where a vehicle indicating to turn right into the site is mistaken for one overtaking a parked bus leading to rear end shunt type incidents.

It's clear that the proposed access road is to remain private beyond the existing highway boundary therefore the Highway Authority will not provide detailed comments with this respect to the proposals. That said, it's noted that swept paths had been demonstrated on the Site Layout Plan for a Refuse Vehicle of unspecified dimension whereas those for a Large Refuse Vehicle of 11.6m length should be provided. It's recommended that the views of the local refuse collection service are sought with respect to suitability of the proposals for their purposes as, if they do not intend to enter the site, a collection point of appropriate dimension will need to be provided. It's also strongly recommended that a minimum corridor width of 7.5m is maintained between the highway and private road

turning facility (this isn't currently the case) and private driveways are located at, or close to, 90° to the proposed carriageway channel in order to reduce the likelihood of awkward manoeuvring being required. (e.g. Plots 2, 3, 13).

Therefore, it's recommended that the applicant is requested to submit further details to satisfactorily address the above issues.

5.4.4 Following receipt of these comments the layout of the proposed development was revised and proposals to gate the development were removed from the scheme. The applicant confirmed that there were looking to secure S38 agreement from the LHA for the adoption of the driveway. Footways were shown to be provided along the entire frontage of the development to Loundsley Green Road, linking the development to the existing public footpath network. The revised layout plans also demonstrate the proposed S278 works to the layout of Loundsley Green Road to allow for the formation of the site access with a right turn harbourage, the footpath links and the relocation of the bus stop.

5.4.5 The LHA has been re-consulted on the revised plans submitted; however at the time of writing this report no detailed comments have been received. Notwithstanding this the case officer has discussed the revisions with the LHA Officer and they are agreed in principle. The site layout plans show swept path analysis for a refuse collection vehicle, and the supporting Waste Audit Statement submitted (11/09/2019) confirms agreement with CBC Waste Services that the development meets their waste collection policies. If the developer is looking to ascertain adoption of the development access full construction approval will separately be necessary through a S38 agreement with the LHA, alongside a S278 agreement to create the access and amend Loundsley Green Road. The outstanding issues which are set out in the original LHA comments above regarding drainage, lighting, relocation of the bus stop etc will be dealt with at this stage.

5.5 **Technical Considerations**

5.5.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, ecology protection / enhancement, land condition and contamination; however these matters and the details thereof will be dealt with through forthcoming DOC

application details under the provisions of these conditions if necessary. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised are to be dealt with separately in connection with each respective planning condition / discharge of conditions application.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 18/03/2019; by advertisement placed in the local press on the 07/03/2019; and by neighbour notification letters sent on 27/02/2019. Following receipt of revised plans neighbours were re-consulted again on 28/08/2019 by letter – the re-consultation publicity period for the application expires on the 11/09/2019.

6.2 As a result of the applications publicity 3 representations have been received as follows:

51 Grampian Crescent

Objects to the Planning Application

Comment Reasons:

- Traffic or Highways
- Visual

Comment: Loundsley Green Road is a very fast road, putting a gated access on this road will be dangerous

38 Quantock Way, Loundsley Green

Object on same grounds as the earlier application

CHE/15/00835/OUT and following comments:

- Will impact on sewers and drainage in the immediate area
- And falls to the north, is marshy and has a stream running through it which is then piped under the main road directly opposite our home on Quantock Way
- Rain currently turns the stream to a deluge and we regularly have to check that the pipe is not blocked or a lake forms in the marshy area and we and our neighbours are at risk of flooding
- The development will result in less land to soakaway any water along with extra run-off from roof and drives
- There is also a sewage-pipe following the same route as the rainwater pipe

- Tapping into either pipe will only exacerbate problems and we don't want to be the sacrificial lambs in the rush to build on all available land
- I raised the same issue on the Linacre Road/Holme Hall public consultation

No Address Given

I would like to log a formal objection to the planning application CHE/19/00093/REM.

Judging from the documents I am viewing on the planning website, including the CBC Tree Officers, DCC Highways and Derbyshire Wildlife Trust, the site is not suitable for what has been outlined

More worrisome is that there is evidence that the planning has already not taken into account preservation requirements for trees and wildlife that were outlined during the initial request for planning

This does not instil confidence that the developers have consideration for the local community or environment

In addition to this, there is plenty of land not being purchased and built on within Chesterfield, which does not involve destroying what wildlife and greenery we do have, although I presume the profit margins of developing ethically sound areas is not large enough to satisfy greedy housing developers

This development and others you are approving in the area will impact visually, environmentally, financially (house prices) and increase traffic collisions in the area

Please ensure there is a stop to the wasteful destruction of greenery and direct developers to more ethical development opportunities

- 6.3 **Officer Response:** All of the above points relate to issues of principle that have already been established by virtue of the extant 'Outline' permission and drainage (the subject of conditions), and the objections do not relate to the 'reserved matters' (details not decided with the outline) currently being considered.

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

9.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of technical considerations.

10.0 **RECOMMENDATION**

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

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

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~~LOUND-WBA-XX-ZZ-DR-A-90_100 P8 – Site Layout Plan~~

~~LOUND-WBA-XX-ZZ-DR-A-90_101 – Location Plan~~

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P18-01337-MET-M2-C-003 Rev 2 – Proposed Site Levels
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LOUND-WBA-XX-ZZ-DR-A-20_102 – HTC Plot 9 Plans and Elevations

LOUND-WBA-XX-ZZ-DR-A-20_111 – Single Garage Plot 2 Plans and Elevations

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.

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 permission is granted further to an earlier grant of outline planning permission (CHE/15/00835/OUT) to which any developer should also refer.