

Case Officer: Rob Forrester File No: CHE/19/00498/FUL  
 Tel. No: (01246) 345580 Plot No: 2/126  
 Ctte Date: 25<sup>th</sup> November 2019

**ITEM 2**

**Construction of new four bedroom, one and a half storey detached dwelling, served from new access drive - revised drawings received 4.11.2019 and 11.11.2019, at Trevilla, 73 Hady Hill, Hady S41 0EE**

Local Plan: Unallocated  
 Ward: St Leonards

**1.0 CONSULTATIONS**

<b>Local Highways Authority</b>	Amended Comments received 30/10/2019 no objections to the proposal – recommends 7 conditions.
<b>Tree Officer</b>	Amended Comments received 31/10/2019 – None of the proposed changes on the revised plan will affect the retained trees. No objection subject to adherence with tree report and to 3 conditions.
<b>CBC Environmental Health</b>	Comments received 03/09/2019 – Given the proximity of adjacent dwellings, hours of operation during building works should be restricted
<b>CBC Drainage</b>	Comments received 12/09/2019 – see report
<b>Yorkshire Water</b>	Noted that foul water to be connected into existing drainage system that serves no.73 and surface water is to be drained in proposed back garden area, which is considered acceptable in principle to Yorkshire Water. Usual separate systems of drainage condition is

	satisfactory for a decision notice.
<b>CBC Policy</b>	Comments received 01/10/2019 – see report
<b>D.W.T</b>	Comments received 11/10/2019 – see report
<b>Coal Authority</b>	Comments received 17/09/2019 – see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	1 representation received

## 2.0 **THE SITE**

2.1 The site the subject of the application comprises a backland development site to the rear of 73 Hady Hill, Hady, a detached dwelling served from 2 access-points with a hardstanding area to the front behind a substantial wall/railings. There are further dwellings to the north, and a recreation ground to the south.



73 Hady Hill

2.2 The site is part of the large sloping rear garden to No 73, and comprises a plateau area (where a tennis court was previously situated with the hardstanding remaining) and a lower garden area.



- 2.3 The road frontage of the site is dominated by stone-walls and mature gardens, and whilst several dwellings are close to the road, others are set-back, and the site reflects this unusual layout of dwellings, being set-back from Hady Hill, and accessed via a long tree-lined access drive.
- 2.4 This section of Hady Hill is itself, a 'service road' running parallel to the main Hady Hill Road, the A632 and is a narrow "country lane" with dwellings to the southern side and a woodland strip between the 2 roads on the other.



Application site to rear of No 73

- 2.5 The surrounding land is in residential use with the immediate properties being a mix of detached houses and modern bungalows, all within substantial grounds.
- 2.6 The dwelling at No 73 is a rendered chalet-style bungalow within a fenced side/ rear garden, with on-site turning/parking to the front.
- 2.7 The adjacent dwelling at No 81 is set-back from the highway and is a substantial bungalow in extensive grounds, separated from the application site by a substantial hedge.
- 2.7 The site is surrounded by mature trees to the front side and rear boundaries, which are covered by a Preservation Order, with 2 fine specimen beech trees, close to where the dwelling would be sited.

### **3.0 RELEVANT SITE HISTORY**

- 3.1 There has been an extensive history of tree-works at the site, however the only relevant/recent Planning History relating to the site is the previous outline applications as follows:-
- 3.1.1 CHE/17/00768/OUT – Outline for erection of a dwelling was Refused 26.02.18 for 2 reasons:
1. Intensification in the use of two existing substandard access roads onto Hady Hill where alignment and visibility are both considered to lead to an increased risk in highway safety within the local area. Also, insufficient information to account for the parking of 3 vehicles and their manoeuvring within the defined site.
  2. Potential for adverse effects upon amenity and the future health and wellbeing of the protected trees.
- 3.1.2 CHE/18/00321/OUT - Outline erection of one 4-bed, 1½ storey detached dwelling was Approved 27.06.18

### **4.0 THE PROPOSAL**

- 4.1 The scheme differs slightly from the indicative plan included on the outline approval, but remains a linear dwelling however the parking/garage and turning area is positioned where the site is at its widest, immediately behind the garden to No 73 (on the outline

scheme, the parking was further from the highway to the rear of the proposed dwelling)

- 4.2 The dwelling now proposed is a 1½ - storey chalet-style bungalow, incorporating bedrooms within the roof served by high-level roof lights and gable end windows.
- 4.3 The design has been influenced by the need to respect the protected trees on the site. The dwelling is a compact 4-bedroomed unit with a master bedroom at ground floor and with 3 more bedrooms within the roof. It incorporates an integral garage. The layout incorporates high-level roof-lights and high sill windows on the elevation facing the neighbour.
- 4.4 The dwellings main outlook from the living space (open-plan lounge/kitchen/diner), faces in to the extensive rear garden, that is at a lower level than the dwelling and is surrounded by trees and hedges.
- 4.5 The proposed dwelling would be rendered with a slate roof.
- 4.6 The proposal would result in the reduction in height of the front boundary wall to No73 Hady Hill for visibility, and service vehicle tuning and garage/parking is provided served by the long drive. The dwelling is to be served from its own drive directly from the service road (Hady Hill), with the visibility splays required by the Local Highway Authority, and with bin-storage at the entrance.

3-D Visual Impressions are shown below:-



View on Approach



View from garden

- 4.8 The application is accompanied by a detailed assessment of the impact on the trees, with a constraint plan and root-protection area and service trench detail, and the drive past the pollarded trees would be a no-dig cellular construction.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

- 5.1.1 The site is situated within St Leonard's Ward in an area which is unallocated in the current and emerging Local Plans and which 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), CS11 Housing Mix, 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 800m to the east of Chesterfield (Sub-Regional) Town Centre, 800m of a convenience store (coop), play area, natural greenspace, 600m from the railway station and 200m from Hady School. All these are accessible on relatively level, hard surfaced, well lit and overlooked and well-used routes. Given the distance and route, and with a good bus service, this is 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 are bus stops in close proximity and good cycle routes to the centre.
- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites, favouring previously-developed sites (the current site is part greenfield and part brownfield). 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, although the current site is part-previously developed. Accordingly the proposal would not fully accord with policy CS10, and whilst favouring the development of previously developed sites, the NPPF is not so restrictive as to rule-out the development of greenfield sites.

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 main centre and well served by public transport
- 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 application site is situated within a residential area close to a school
- It would add to the availability of housing land – boosting supply as required by the NPPF, and provides a 4 bedroomed family dwelling
- The site already has the benefit of an extant consent which establishes the principle of development
- Given the above the proposal would not prejudice the spatial strategy and strategic objectives.

5.2.7 Having regard to the above it is accepted that the proposal would not fully accord with policy CS10 and criterion (b) of CS2 due to it not being totally previously developed land, however, the proposal is considered to be 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**

5.3.1 In respect of design and appearance matters the proposal provides for a 4-bedroomed family dwelling in a compact linear form of a contemporary style and the 1½-storey dwelling as proposed does not jar with the surrounding character of the detached houses and bungalows on Hady Hill.

5.3.2 The area is one that has a mix of dwelling sizes, age and architectural style and any development could not possibly mirror each character. The proposal is not at odds with the form of the surrounding development or its low density, as the dwelling is situated on a generous plot, a similar distance from the road to that of other backland developments. Outline permission has already been granted for development of the plot and the scheme generally reflects the form agreed at outline stage.

5.3.3 The design does not therefore appear out-of-character, being well screened from public vantage points and the crisp-modern design is not unattractive, and is fitting for its location.

5.3.4 No design matters related to the application would materially affect crime, disorder or policing.

5.3.5 The reduction in height of the front wall to below 1m to provide a level of visibility would not result in an unsatisfactory appearance as the wall is not a traditional one, but a modern addition.

- 5.3.6 The dwelling is sufficiently distant from the neighbours such that they cannot readily be viewed together, and as a result, the proposed dwelling has a modern style, and the proposed render/slate construction will not look out-of-place.
- 5.3.7 The dwelling in its amended form, maintains the same basic form approved at the outline stage and it is considered that the siting, design and scale of the development proposal is visually acceptable having regard to the provisions of policies CS2, CS6, and CS18 of the Core Strategy.

#### 5.4 **Highways Issues**

- 5.4.1 The plans submitted at the outline stage, indicated that the normal 2.4m x 43m visibility splays for a 30mph zone could be achieved within the highway boundary, however it has been discovered during the processing of this application that the indicated splays were based on an outdated Ordnance Survey Plan and the carriageway was significantly closer to the front boundary than previously shown.
- 5.4.2 As a result, there is a severe shortfall in available visibility of only 2.0m x 29.8m to the east (the critical traffic approach-side) and only 2.0m x 14.1m to the west. The amended plans demonstrate that the visibility splays previously required by the Local Highway Authority) cannot be achieved, however by reducing the height of the front wall, the visibility can be maximised, being greater on the critical traffic-approach side. Traffic speeds are relatively slow, and there would be reasonable pedestrian visibility and on this basis the Local Highways Authority raises no objections, despite the shortfall.
- 5.4.3 Due to the distance from the highway, and to avoid on-road parking, the scheme makes provision for the turning of small-delivery vehicles (as used by supermarkets for home-delivery) and an adequate level of parking is provided. The Highway Authority considers that, on the basis of the present drawing, the vehicle tracking is considered to be acceptable. The amended plans enlarge the garage to the dimensions required by the Highway Authority, and the proposal is acceptable in Highway safety terms and the N.P.P.F indicates that permission should only be refused on highway safety grounds when the resulting situation would be severe.

5.4.4 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.

## 5.5 **Neighbouring Impact/Amenity**

5.5.1 The proposed dwelling has been designed so as to look up and down its own plot, and there are few windows facing the neighbour at No81 Hady Hill, who has expressed concerns at potential overlooking.

5.5.2 The upper floor of the proposed dwelling is largely contained within the roof, and is served by gable end windows and high level roof-lights. The side windows at ground floor level are high sill types and the rooflights/high sills, do not allow for overlooking of the neighbour and the concerns are therefore unfounded, particularly as there is an especially high hedge between the new and existing properties.

5.5.3 The position of the dwelling is such that there could be a modest loss of light to the neighbour's garden although much of the dwelling is hidden behind the hedge and the roof pitches away from the boundary and as a result, the impact would be acceptable.

5.5.4 The position of the new dwelling and orientation of windows is such that there would be no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy or over-looking, and there would be no undue noise/disturbance arising from the use of the access. A restriction on further windows could be conditioned.

5.5.5 Subject to the above controls identified above, the proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 and CS18 of the Core Strategy.

## 5.6 **Impact on Protected/Mature Trees**

- 5.6.1 There are 17 trees on and off the site that are covered by Tree Preservation Order. The proposal follows closely the layout as agreed at the outline stage, which considered the impact on protected/mature trees.
- 5.6.2 Many of the trees, particularly those next to the access drive have been pollarded in the past and hence would have a lesser root protection area, and the application is accompanied by a tree-report, constraints plan and root-protection areas which demonstrate that the development would not impact on existing trees.
- 5.6.3 The proposal includes details of the position of service trenches and the drive is to be a no-dig granular construction to avoid root compaction, and the tree officer raises no objection, subject to conditions. Subject to the above controls identified above, the proposal would not harm the mature trees, and the development complies with the provisions of policies CS2 and CS9 of the Core Strategy.

## 5.7 **Ecology**

- 5.7.1 Ecology - The only other issue is the impact on wildlife habitat, although as the scheme retains all the boundary trees and hedges there would be little impact on wildlife. The main ecological consideration appears to be the existing mature trees, which will be retained. With suitable measures in place to protect the retained trees, as per the tree protection plan submitted, it is not anticipated that there would be any significant negative impact on the biodiversity value of the site. It is recommended that some simple features are incorporated into the design to provide ecological enhancement for roosting bat and nesting birds, ideally as integrated nest boxes and bricks. The development could be subject to conditions to require such landscaping/habitat creation.
- 5.7.3 Subject to conditions it is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

## 5.8 **Ground Condition**

5.8.1 Whilst the Coal Authority has made a holding objection, this was on the basis of a technicality, as the required documents had already been provided in relation to the previous outline application, and the granting of that outline demonstrated that the site was capable of being developed without any over-riding safety issues arising from mining legacy, and similar conditions should be imposed.

5.8.2 In so far as contamination issues it is also the case that the granting of outline permission established that contamination would not be a constraint on development, and similar conditions need to be imposed.

## 5.9 **Drainage**

5.9.1 The site is shown to be at risk of surface water flooding to the rear of the site, according to the Environment Agency Flood Maps. However, this is not expected to cause a problem as it is shown to be away from the proposed property. It is noted that the applicant intends to use soakaways as a means of surface water disposal. Therefore, infiltration tests should be carried out and calculations provided in accordance with BRE Digest 365 to ensure that no flooding for a 1 in 30 year rainfall event. The surface water flooding mentioned above may saturate the ground inhibiting the effectiveness of a soakaway in this location. Any new connections to the public sewerage system will require prior approval from Yorkshire Water.

## 5.10 **Community Infrastructure Levy (C.I.L)**

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

5.10.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked).

	A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
226	226	£50 (Low Zone)	307	288	£12,045

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by means of a site notice (expired 01/10/2019) and neighbour letters (publicity period expired 30/09/2019).

6.2 As a result of the applications publicity, 1 letter of objection was received from the adjacent neighbour at No 81 Hady Hill, which made the following points:-

- I have concern at windows over-looking my property
- My property is currently on the market and the proposal could deter buyers and devalue my home

### **Comments**

***The issue of the impact of the development on the neighbour is addressed in the above report.***

## 7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 noted above.

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.

## **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 Following changes to the proposed development as a result of concerns in relation to visibility splays/parking and 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

## **9.0 CONCLUSION**

- 9.1 The site already benefits from outline consent which established the principle of the proposed development of this backland/part brown-field site. The detailed development has been sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS18, and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.
- 9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS2, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

## **10.0 RECOMMENDATION**

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

### **Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.  
All external dimensions and elevational treatments shall be as shown on the approved plans which are:  
Drawing Number - 110-01 Rev C – Location Plan - Received 04.11.2019;  
Drawing Number - 210-03 Rev F - Proposed Site Plan - Received 04.11.2019;  
Drawing Number - 210-03 Rev C - Proposed levels and Service Trench - Received 04.11.2019;  
Drawing Number - 210-4 Rev C - Tracking Plan - Received 04.11.2019;  
Drawing Number - 210-5 Rev D - Proposed Floor Plans - Received 04.11.2019;  
Drawing Number - 210-6 Rev C - Proposed Roof Plan - Received 04.11.2019;

Drawing Number - 210-07 Rev B – Highway Splays - 210-03 Rev C - Received 11.11.2019;  
Drawing Number - 310-01 Rev D - Proposed Elevations - Received 04.11.2019;  
Drawing Number - 410-01 Rev B - Existing and Proposed Sections - Received 04.11.2019, and  
Drawing Number - HHC 03 Rev A - Tree Protection Plan – Received on 19.09.2019.

03. 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 point shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.
04. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
05. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
06. Prior to occupation of the dwelling, the existing vehicular access to the Hady Hill service road shall be provided with maximum achievable visibility from a distance 2.0m back taken from the highway boundary across the site frontage, including the existing dwelling No. 73. The sightlines shall be maintained clear of all obstructions greater than 1 metre in height (0.6 metre in the case

of vegetation) relative to nearside carriageway channel level for the life of the development.

07. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked and for vehicles (including smaller service/delivery vehicles e.g. supermarket delivery) to turn so that they may enter and leave the site in a forward gear. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
08. The proposed dwelling shall not be occupied until parking and manoeuvring is available for the existing dwelling which shall be retained thereafter free from any impediment to its designated use for the life of the development.
09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any Order revoking and re-enacting that Order no gates or other barriers (other than that already existing on site) shall be erected within 6m of the entrance to the site, where it meets the public highway.
10. The access/drive to the Hady Hill service road shall be no steeper than 1:14.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any Order revoking and re-enacting that Order, no dormer windows, new windows or roof-lights, other than those hereby permitted, shall be installed above ground floor ceiling height, without the prior express consent of the Local Planning Authority.
12. No demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day, Monday to Friday, 9:00am to 1:00pm 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.
13. 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 on the site and

approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

14. No development above floor-slab/D.P.C level shall take place until details for the 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:
- a) a scaled plan showing trees and plants to be planted:
  - b) proposed hardstanding and boundary treatment:
  - c) a schedule detailing sizes and numbers of all proposed trees/plants
  - d) Sufficient specification to ensure successful establishment and survival of new planting.
- Any new tree(s) that die(s), are/is removed, 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. Replacement planting shall be in accordance with the approved details.
15. The details within the Tree Protection plan (TPP) reference HHC 03 Rev A by Weddle Landscape Design shall be adhered to at all times throughout any land stripping and development. A method statement should be submitted and approved with details of the ground preparation process for the installation of the new 'no dig' driveway within the designated root protection area before any heavy construction vehicles are brought onto the site. Details and specifications for the construction any alterations to the track/roadway to the frontage of the site where the track runs parallel with Hady Hill and meets the new driveway to the proposed dwelling should be submitted and approved which should include details of the no-dig specification and extent of the areas of the roads and driveway to be constructed using a no-dig specification. Details shall include relevant sections through them.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority .

### **Reasons for Conditions**

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. In order to clarify the extent and terms of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
03. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.
04. 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 and in order to comply with Policy CS18 of the Adopted Core Strategy Local Plan 2011-2033.
05. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033. The above condition needs to be prior to commencement as the Details need to be in place prior to work commencing.
06. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.
07. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.
08. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.

09. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.
10. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.
11. In the interests of the privacy and amenity of occupants of the neighbouring dwelling and to comply with Policy CS18 of the Adopted Core Strategy Local Plan 2011-2033
12. In the interests of residential amenities.
13. To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site. This condition is a 'pre-commencement' condition and is required to be so in the interest of public safety, as the construction of the dwellings may need to involve special foundations or other measures, that would only be apparent following completion of the required investigation.
14. In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality.
15. In regards to the protection of trees on site and to ensure compliance with Policy CS9 of the Core Strategy Local Plan 2011-2033
16. In order to ensure that the development can be properly drained in the interest of satisfactory and sustainable drainage and to comply with Policy CS7 of the Adopted Core Strategy Local Plan 2011 - 2033

**Notes.**

1. The Highway Authority recommends that the first 5m of the 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 householder.
2. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is

not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3. 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.
4. 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.