

## PLANNING COMMITTEE – 29 June 2021

**REFERENCE NUMBER:** 20 / 01305/FL    Application Expiry Date: 30 May 2021  
**Application Type:** Full Planning Permission

**Proposal Description:**    **Application for the demolition of the former public house (Butcher's Arms) and erection of 4 no. 3-bedroom dwellings with associated off-street parking and garden areas, and closure of footpath Eckington FP52 (Conservation Area/ Affecting a public Right of Way) (Amended Plans) (Further Amended Plans)**

**At:**    **Butchers Arms Main Road Marsh Lane Sheffield S21 5RH**

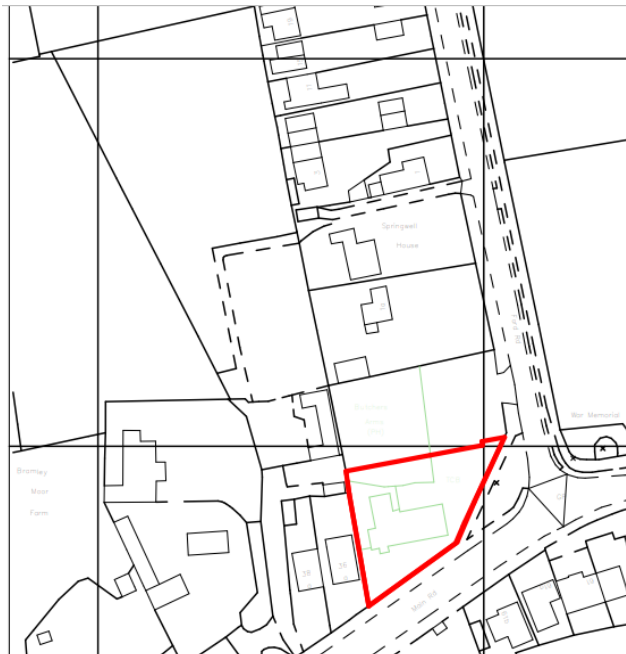
**For:**    **Mr Craig Hughes**

**Third Party Reps:** 43    **Parish:** Eckington Parish  
**Ward Name:** Ridgeway And Marsh Lane

**Author of Report:** Aspbury Planning – Denise Knipe    **Date of Report:** 28 May 2021

**MAIN RECOMMENDATION: GRANT CONDITIONALLY**

Location Plan



## **1.0 Reason for Report**

- 1.1 The application has attracted significant local interest including that of the Ward Member, Councillor Renwick, raising concerns about the impact of the proposal upon character of the area and the loss of the pub. As such, the application is referred to the Planning Committee for determination.

## **2.0 Proposal and Background**

- 2.1 The application proposal relates to the demolition of the existing Butchers Arms building and the site's redevelopment with 4no. dwellings and associated parking. This would also entail the extinguishing ('stopping up') Eckington footpath 52.
- 2.2 The application site is situated both within the Settlement Development Limit for Marsh Lane and the Moss Valley Conservation Area. The Butchers Arms is a substantial building situated on the corner of Main Road and Ford Road. It commands a prominent position along the main arterial route through the centre of the village.
- 2.3 The application site itself, is to the south of a recent development of housing situated on the former car park and 'beer garden' to the public house. The PRow FP 52 – Eckington, runs through the site along the northern boundary between the two developments and the applicant is seeking to have this 'stopped up' and have submitted an application to the County Council as such. This is therefore not a matter for consideration here and there are two alternative Public Right of Ways (PRow) to the west and north of the site that join up with the rest of FP 52 which would still give access to the wider footpath network beyond the site.
- 2.4 There are residential properties to the west, north and south of the site and open countryside to the east across Ford Road. On the corner of Ford Road is a War Memorial. The character of the area is mixed with different age, styles and sizes of dwellings constructed from stone, brick and render. The properties under construction to the north are of a three storey scale.
- 2.5 The proposal presents a development of 4no. two storey, 3-bedroom terraced dwellings, with accommodation in the roof space (including dormer windows). The row of terraced properties will continue from the existing building line created by the adjacent dwellings and have a set back from the highway with rear gardens set behind low stone walls.
- 2.6 The dwellings have been designed to pick up on elements of the character of the area using traditional materials.

- 2.7 Contained on the ground floor would be a family lounge/dining kitchen area, entrance hall, WC and cloak room with 3 bedrooms, 1 ensuite, 1 home office and family bedroom above. A further bedroom with ensuite is proposed on the second floor.
- 2.8 A car parking area for 8no. vehicles is provided to the east of the dwelling, behind a stone boundary wall. Access would be provided directly from Main Road.

### **AMENDMENTS**

- 2.9 During the course of the application amended plans have been received to address design concerns and resulted in:
- Removal of a garage/parking barn on the corner of the site facing Ford Road/Marsh Lane – replaced with an open car parking areas and additional landscaping.
  - Additional landscaping to the eastern boundary behind the retained current boundary wall.
  - Proposed building height no greater than surrounding built form – see sections provided.
  - Reduction in the level of projection of the dormer windows.
  - Removal of the glazed balconies to the site frontage.
  - Increased garden area to Plot 4.
- 2.10 For the avoidance of doubt the plans for consideration are:
- 018045-AAD-01ZZ-DR-A-0001-P03 Proposed Site Plan
  - 018045-AAD-05-ZZ-DR-A-0001-P03 House Type A- Proposed Floor Plans
  - 018045-AAD-05-ZZ-DR-A-0002-P03 House Type A- Proposed Floor Plans
  - 018045-AAD-05-ZZ-DR-A-0003-P03 House Type A – Proposed Elevations



Proposed elevations

- 2.11 The application is supported with a Heritage Statement, Design and Access Statement, Planning Statement and Structural Survey. The proposal is not considered to be EIA development.

### 3.0 Relevant Planning History

- 3.1 17/01258/FL | Application for change of use from public house (A4) to mixed use of dwelling (C3) and shop (A1) (Conservation Area): Conditionally Approved
- 3.2 18/01280/FL | Redevelopment of the car park of the vacant public house The Butchers Arms to residential use to form 3no. new detached dwelling houses with associated parking and gardens (Conservation Area) (Amended Plans): Conditionally Approved.
- 3.3 *20/00191/FL | Application for demolition of former public house and construction of 4no 3 -bed houses and 1no 4-bed house (Conservation Area) (Affecting a Public Right of Way) (Amended Plans): Refused on two grounds.*
- 1: *The scale, layout and massing of the proposed development would result in a cramped form of development and represent an overdevelopment of the site; and*
  - 2: *Unsatisfactory living conditions created for the future occupiers of Plot 4.*

## **4.0 Consultation Responses**

- 4.1 **Parish Council** no comments received.
- 4.2 The **Highways Authority** have reviewed the amended plans and have commented on Plot types being described as 3-bedroom dwellings with each showing an office and has the potential to be used as a fourth bedroom. Current design guidance for the Highway Authority typically seeks 3 parking spaces per 4 bedroomed dwelling however the Local Plan Policies seek to provide 2 car parking spaces for a 3+ dwelling. It is considered that a suitable access can be provided to serve the development and the Highways Authority have no objection to the proposal and conditions have been requested.
- 4.3 **Chesterfield and North East Derbyshire & Bolsover Ramblers Association** have commented and whilst raising no objection have emphasised the importance of encouraging the use of walking as part of a healthy lifestyle.
- 4.4 **Yorkshire Water (YWA)** raised no objection, subject to conditions.
- 4.5 **Environmental Health** No objection subject to pre-commencement conditions to safeguard from potential contaminants.
- 4.6 **DCC Archaeologist** have responded and advised that they wish to re-iterate their comments of April 2020 in relation to application 20/00191/FL recommending that the proposal be informed by an historic buildings appraisal of the Butcher Arms Public House as very little photographic and archival evidence is provided in evidence to support the proposal.
- 4.7 **Derbyshire Wildlife Trust** raise no objection based on the reports commented on under 19/00191/FL. No presence of bats was recorded.

## **5.0 Representations**

- 5.1 A press notice was published on the **21 January 2021** and a site notice placed on the site on the **15 January 2021**. Neighbouring properties were consulted by letter. A site visit was undertaken by the case officer on **15 January 2021**.
- 5.2 **42 objections** have been received from residents and, following amendments, objectors have reiterated their objections, raising the following material objections/concerns:
- Object to the loss of the pub building
  - The former pub building is the heart of the historic village
  - Loss of a heritage building

- The building should be retained and reused
- The building has stood for years and the structural report needs to be independently reviewed
- Cramped form of development
- Too many houses on a small site – over development
- Three storey dwellings are not in keeping – as can be seen from the recent development to the rear
- They are too tall
- Detrimental impact to the Conservation Area
- The materials proposed are not in keeping – cladding and fake stone
- Car ports out of keeping with the location
- Out of keeping and will be an eyesore much like the development to the rear which was allowed on the former car park
- Impact upon highway safety – too close to the junction
- Not enough parking for visitors – they will be parked on the road which would impact upon highway safety
- Houses are not in keeping with the character of the area
- Object to the footpath being closed
- The earlier refusal should still stand
- Don't need any more housing and the consent for the conversion with shop should be implemented
- Loss of privacy and day light to neighbouring properties
- Loss of a facility – a shop was more relevant and needed
- The building should be converted not pulled down
- Object to the loss of the trees on the frontage
- Lack of ecology assessments – bats are seen in the locality
- A neighbouring development was refused on highway grounds why is this any different?
- Not enough turning area on site

One letter of support has been received which considers the site to be an eyesore and redevelopment is to be welcomed.

## **6.0 Relevant Policy**

6.1 The Development Plan comprises the **North East Derbyshire Local Plan (2005)**. In addition, the **Publication Draft Local Plan 2014-2034** is a material consideration. There is no Neighbourhood Plan for the area.

6.2 In respect of the North East Derbyshire Local Plan the most relevant policies to this application are considered to be as follows:

- GS1 Sustainable Development
- GS5 Settlement Development Limit
- GS10 Crime Prevention

- BE1 General Design Principles
- BE11 Development within and adjacent the Conservation Area
- H2 Housing Development on Other Sites within the SDL
- H12 Design and Layout of new House
- T2 Highway Access and the Impact of New Development
- T9 Car Parking Provision
- R11 Development Affecting Public Right of Way
- CSU4 Surface and Foul Water Drainage
- CSU6 Contaminated Land

6.3 The **North East Derbyshire Publication Draft Local Plan 2014-2034 (PDLP)** was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March 2019. Consultation on the Main Modifications ended on 31st January. It is expected the Plan will achieve adoption in early summer 2021. The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.

6.4 In respect of the PDLP the most relevant policies to this application are considered to be as follows:

- SS1 Sustainable Development
- SS7 Development on Unallocated Land within Settlements within defined SDL
- SDC4 Biodiversity and Geodiversity
- SDC5 - Development within Conservation Areas
- SDC9 - Non-designated Local Heritage Assets
- SDC12 - High quality Design and Place-Making
- ID3 Sustainable Travel
- ID7 Greenways and Public Rights of Way

6.5 The overarching aims of the revised **National Planning Policy Framework (NPPF)** are also material in the assessment of this application. Of particular relevance to the proposal are:

Section 12 (paragraphs 124 to 132) relating to good design sets out that good design is a key aspect of sustainable development with design guides playing a role in clarifying the design expectations in any particular circumstance.

Section 16 (paragraphs 184 – 202) relate to the historic environment and state the importance of considering the impact of a proposed development on the significance of a designated heritage asset and that great weight should be given to the asset's conservation. Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to

the quality of life of existing and future generations. Paragraph 195 relates to the harm caused by total loss of a heritage asset and paragraph 201 is particularly relevant to the loss of a building in a Conservation Area.

## **7.0 Planning Issues**

- 7.1 The main planning considerations are whether the development conforms to the principles set out in the Development Plan, whether the loss of the building is harmful to the area, is the proposal in keeping with the character of the Conservation Area and the locality, has it satisfactory parking and access and does it have any adverse impact upon residential amenity.

### **Principle**

- 7.2 The site lies within the defined Settlement Development Limits for Marsh Lane where there is a presumption in favour of new housing development, subject to satisfying the other criteria set out within the Development Plan.
- 7.3 Marsh Lane is identified as a Level 3 settlement within the PDLP where new housing wouldn't generally be supported due to having limited services. However, it is noted that new housing development has recently been approved to the rear of the site and there is reasonable access to nearby towns to access services by various transport means and so in this case it is considered the redevelopment of the site for housing is acceptable.
- 7.4 The proposal would result in the loss of the public house. There is no intention to reopen the building as such and, furthermore, redevelopment of the former car park has recently taken place which hinders any further commercial operation taking place. Local Plan Policy CSU3 seeks to protect existing services. Planning permission has previously been granted, but not implemented, for the conversion of the former public house to 2 dwellings and a local shop. Whilst the provision of a shop was balanced against the loss of the pub it is not considered that the loss of the public house needs to be revisited for the purpose of this application particularly as other appropriate facilities exist close by with The Fox and Hounds located within 135 meters of the site.
- 7.5 As the site lies within the designated Conservation Area for the Moss Valley the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Importantly, in this context, "preservation" means to cause no harm, and this is a matter of paramount importance in the decision-making process. These issues are considered below.



## **Impact of the proposal upon Heritage Assets**

- 7.6 The proposal requires the demolition of the former public house and its replacement with a development of 4no dwellings. The site lies on the boundary of the Moss Valley Conservation Area and therefore LP Policy BE11 and PDLP policy SDC5 are relevant and state that proposals for development within or adjacent to a Conservation Area should preserve and enhance the character of the Conservation Area. LP policies GS5 and BE1 and PDLP policy SS7 also seek to ensure proposals are in keeping with the character of the area and would not have a detrimental impact upon neighbouring uses.
- 7.7 The Moss Valley is a large Conservation Area, covering a number of settlements and was designated in 1990. The designation report states that the Conservation Area includes a highly significant historic landscape, where there are key components that contribute significantly to the special architectural and historic quality of the area, one of these being, the historic settlements. Marsh Lane is a small historic settlement located within the Conservation Area and as such contributes to the significance of the Conservation Area.
- 7.8 The Butchers Arms commands a prominent position on a main road through the settlement. It is a well-proportioned stone building with a slate roof and ridge chimney stacks with traditional timber sliding sash windows on the main front elevation. It is considered to be an attractive vernacular stone building that contributes to the character and appearance of the street scene within the Conservation Area. This advice was given to the applicant as part of the pre-application comments along with a request for any application to be accompanied by a Heritage Statement.
- 7.9 The Heritage Statement supporting the application provides an assessment of what is considered to be the significance of the Conservation Area designation and the contribution this building has to that designation. It is argued that the building, due to its altered state with later additions, does not merit being a non-designated heritage asset and contributes little to the Conservation Area.
- 7.10 The application is also supported by a Structural Survey. In that, the cost of repairs is considered to make it uneconomical to convert the building as per the permission granted under planning reference NED/17/01258/FL and therefore its demolition with a redevelopment proposal is considered to provide a better alternative for the site.
- 7.11 The view that the building is not to be considered as a non-designated heritage asset or that it does not contribute positively to the Conservation Area is not shared by Derbyshire County Council Development Control Archaeologist Conservation, Heritage & Design officer or the advice given

within the pre-application advice. Within the response from DCC dated 7 April 2020 (planning reference 20/00191/FL) it is stated that *'The building, The Butchers Arms PH, is depicted on the 1:2500 scale OS map of 1876 being one of a suite of buildings and features reflecting the past history of the area. On the historic mapping these features include coal pits, orchards, a Wesleyan Chapel, a school and a pinfold. The school, the chapel and the Butchers Arms are buildings which still remain from this period. Taking this into consideration we would argue that the building in question is a non-designated heritage asset.'*

- 7.12 DCC comment that very little photographic and archival evidence is provided in evidence of this statement. There are no photographs of the interior of the building and no clear images of all the elevations of the structure. Only one early O.S. map is reproduced in the report, and whilst figure 10 depicts phasing of the structure, this is not supported by any photographs of the interior of the building or any images of specific features/fabric which reflect its 19th century (or earlier) origins. DCC are of the opinion that given the proposal results in the loss of a traditional building in a Conservation Area, and one which is considered to contribute to the character of that Conservation Area, a Historic Building Survey should be provided.
- 7.13 The Heritage Statement at paragraph 2.8 comments that the Council does not have a list of Non-Designated Buildings and given the building is not mentioned in the Conservation Area Character Appraisal it is not of such importance or merit to be considered as a non-designated heritage Asset.
- 7.14 The PDLP policy SDC9 'Non-designated Local Heritage Assets' seeks to safeguard historic buildings and advises that proposals involving full or partial demolition of, or significant harm to, a local heritage asset will be resisted unless sufficient justification is provided, and the public benefits outweigh the harm caused by the loss of the asset. The pre-amble to the policy states that the Council will aim to identify and establish a list of locally important buildings and structures. At present there is no further progress on a list.
- 7.15 The earlier refusal did not specifically make reference to the loss of the building itself. Given that the Structural Survey does not support the reuse of the building per se and the building is much altered from its original appearance it is not considered that there is any merit in this case in preventing its demolition as part of this application.

### **Proposed Development and its impact upon the Conservation Area**

- 7.16 Notwithstanding the issue of the loss of the building itself, as set out above, the proposal seeks to address the reasons for the earlier refusal and reduces the development from 5no. dwellings to 4no. dwellings

designed as a row of terraced properties on a similar footprint to the former building. The dwellings are of 3 storeys in height with rooms provided in the roof space for the second floor. Parking provision has been increased to satisfy the requirements of DCC Highways standards and provided to the side of the dwellings behind the stone wall. Additional trees are to be planted to soften this corner location to provide a 'greening' of the site. There is limited opportunity for further formal landscaping due to the constrained size of the plot.

- 7.17 The design objectives for the dwellings have been taken from the development to the rear and will be constructed from materials to blend with that development. The amended design removed the glazed balconies from the front elevation and the gables are considered to add interest to the streetscene. The rear box dormers, whilst not a traditional feature would be set back from the gable elevation and are considered to have a limited impact upon the overall character of the streetscene. On balance, they are considered to be acceptable.
- 7.18 The application is supported with streetscene drawings from Main Road and Ford Road. The creation of a terraced development is considered to address the earlier refusal providing a more coherent approach to the development to the rear and replicating a more traditional design approach. The removal of the car ports also retains a more open feel to the corner.
- 7.19 The most prominent gable elevation as proposed, facing east, has limited interest within it and this is regretted. However, through condition, requiring a revised elevation, it is considered some more openings, and so activity, can be introduced into this feature.
- 7.20 Given the constraints of the site, its limited size, unusual shape and prominent corner location, the design of any scheme needs to be acceptable in preserving the character of the Conservation Area. A row of terraced properties is considered to better respond to the locality and addresses the earlier refusal. Whilst the demolition of the former building is regrettable the removal of all of the hardstanding to the frontage of the building is considered to allow for an enhancement to the conservation area. Overall, it is not considered that there sufficient evidence meriting withholding permission to prevent demolition of the Butcher's Arms and it is considered that the amended proposal would provide for an acceptable treatment of the street scene and preserve the character of the Conservation Area as required by LP policies GS5, BE11 and PDLP policies SS7 and SDC5.

### **Impact upon Neighbouring Properties and Amenity**

- 7.21 Policies GS5 and Policy H12 of the LP and Policy SDC12 of the PDLP requires that proposals must not result in a detrimental effect on the amenities of neighbouring occupiers and uses and acceptable levels of amenity are provided.
- 7.22 There is a detached dwelling located to the west of the site that has an obscurely glazed window on the side elevation; assumed to serve a bathroom. Plot 1 would be located along this boundary, much closer than the existing pub, however it is not considered that the impact upon the residents would be detrimental or result in loss of privacy due to the obscurely glazed nature of the window.
- 7.23 To the rear of the site is a new residential development. The dwellings run perpendicular to the application site. The nearest dwelling has a gable end with windows serving the stairway facing onto plots 3 & 4. "Successful Places" seeks to ensure that development proposals respond positively without having a detrimental impact upon existing land uses. It promotes different levels of separation distances that relate to different situations (orientation, layout, design) to ensure overlooking, loss of privacy and light is avoided. The separation distance in this case is over twelve metres and is therefore considered to be acceptable in providing adequate privacy and amenity for future and existing occupiers.
- 7.24 The relationship between the proposed dwellings is also acceptable.
- 7.25 "Successful Places" seeks to ensure that development proposals provide a sufficient level of private amenity space. Section 3.11.15 advocates that there should be a minimum of 90 square metres of amenity space for a 4+ bedroom dwelling (excluding open private space and parking areas). For family dwellings there should be a sufficient space to allow outdoor play. The amended scheme provides a sufficient level of private amenity space to the rear which is private and secure in line with this guidance.
- 7.26 As such, the proposal is considered to comply with the objectives of LP policies GS5, BE1, H12 and PDLP policies SS7 and H12 and would represent a satisfactory form of development providing satisfactory residential amenities for the both existing and future occupiers.

### **Impact upon Highway Safety**

- 7.27 The proposed access is considered acceptable in terms of visibility and width, with the applicant being in control of sufficient frontage to provide

the necessary visibility splays (2.4m x 43m) and for vehicles to pass within the entrance/exit area as necessary.

- 7.28 The proposal has been amended to remove the originally proposed car ports and provide parking in line with the highway guidance. Manoeuvring within the site can be provided. There are no objections raised by the Highway Authority subject to conditions.
- 7.29 Concern about traffic safety have been raised but as the previous use of the site was as a pub any level of traffic associated with the new development will be lower than that and so from that point of view an improving situation.
- 7.30 Overall, the proposal can provide sufficient parking in relation to the quantum of development proposed. The former commercial use will have ceased and it is considered the proposal is compliant with Local Plan policies T2 and T9.

#### **Public Right of Way – Eckington FP 52.**

- 7.31 The line of the PRow currently runs through the site along the northern boundary. The applicant is seeking to have this 'stopped up'. This is not to be considered as part of this proposal and requires further consideration. The applicant has been advised to contact the County Council.
- 7.32 There are two alternative Public Right of Ways to the west and north of the site that joins up with FP 52 which would still give access to the wider footpath network beyond the site and so this issue is not considered of weight justifying resistance of the application.

#### **Ecology**

- 7.33 As the proposal involves the demolition of a building it is appropriate to consider whether any protected species have access to the roof void. No survey has been provided with this revised proposal however the Bat Survey submitted under planning reference 20/00191/FL concluded the property to have no field sign evidence synonymous with bats but low roost suitability to support resting and/or roosting bats. DWT have been consulted and raised no objection based on the earlier report. It is not considered that ecology impacts would be a constraint to developing the site.

#### **Conclusion**

- 7.34 In conclusion it is noted the site lies within a settlement limit and that there is access to services by a range of transport means. Overall, the proposal is considered to represent sustainable development.

- 7.35 The scheme would result in the loss of an existing building. However, the structure is considered not of such merit to resist its removal and subject to some minor design amendments the scheme is considered, on balance, to preserve the character of the Conservation Area and provide an acceptable level of amenity for existing and future residential occupiers.
- 7.36 There are no other technical reasons justifying refusal of the scheme on their own merits.
- 7.37 Therefore for the reasons set out above the proposal is considered to comply with the Development Plan and no other matters outweigh that conclusion.

## **9.0 Recommendation**

### **9.1 GRANT Full Planning Permission subject conditions:**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the amended plans referenced:

- 018045-AAD-01ZZ-DR-A-0001-P03 Proposed Site Plan
- 018045-AAD-05-ZZ-DR-A-0001-P03 House Type A- Proposed Floor Plans
- 018045-AAD-05-ZZ-DR-A-0002-P03 House Type A- Proposed Floor Plans
- 018045-AAD-05-ZZ-DR-A-0003-P03 House Type A – Proposed Elevations

Reason- For clarity and the avoidance of doubt.

3. The materials shall be in accordance with the details provided within the application.

Reason: In the interest of preserving the character of the area and in accordance with North East Derbyshire Local Plan Policies GS5, BE11 and H12; and Publication Draft Local Plan Policies SS7, SDC5 and SDC12.

4. Before above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
- the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- a schedule of proposed plant species, size and density and planting locations and
- an implementation programme.

Reason: In the interest of the appearance of the area and in accordance with policies GS1, GS5 and BE11 of the North East Derbyshire Local Plan, and Publication Draft Local Plan Policies SS7, SDC5 and SDC12.

5. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the area and in accordance with policies GS1, GS5 and BE11 of the North East Derbyshire Local Plan, and Publication Draft Local Plan Policies SS7, SDC5 and SDC12.

6. Notwithstanding any submitted details, before development starts a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the extension hereby approved, and it shall be retained as approved.

Reason: In the interest of the appearance of the area and in accordance with policies GS1, GS5 and BE11 of the North East Derbyshire Local Plan, and Publication Draft Local Plan Policies SS7, SDC5 and SDC12.

7. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
  - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - b) evidence of existing positive drainage to public sewer and the current points of connection; and

c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

8. Before any other operations are commenced (excluding demolition/ site clearance), 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, 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 interest of highway safety.

9. The development hereby permitted shall not be occupied until the existing access to Main Road has been modified in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and T2.

10. The proposed access drive to Main Road shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and T2.

11. Prior to the first occupation of any dwelling hereby permitted, the existing vehicular access to Main Road shall be permanently closed off and the existing vehicular crossing reinstated as footway in accordance with the County Council's latest standard for works in the public highway. Notwithstanding the provisions of the Town and Country



Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the measures to close off the access shall be retained as approved throughout the lifetime of the development.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and T2.

12. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of 2 vehicles and manoeuvring of residents' vehicles (each space measuring at least 2.4m x 5.5m), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and T9.

13. The premises, the subject of the application shall not occupied until a bin dwell area has been provided adjacent to Main Road, so bins can be stored clear of the public highway on collection day.

Reason: In the interest of highway safety in accordance with North East Derbyshire Local Plan Policies GS5 and H12.

14. Before the commencement of the development hereby approved:
- a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
  - b) The land contamination assessment shall include a desk-study with details of the history of the site use including:

- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

15. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority.

The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

16. The dwellings hereby approved shall not be occupied until:
- a) The approved remediation works required by 15 above have been carried out in full in compliance with the approved methodology and best practice.
  - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 14b to 15 above and satisfy 16a above.
  - c) Upon completion of the remediation works required by 15 and 16a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings,

structures/services, ecosystems and controlled waters, including deep and shallow ground water.

17. Prior to any above DPC works being carried out a revised eastern elevation to the building shall be submitted to and be approved in writing by the local planning authority. The elevation shall feature windows and doors that create an acceptable level of activity to the elevation. The development shall then be implemented as agreed.

REASON: As the proposed elevation lacks interest and further ineptest and activity is considered necessary to ensure the character and appearance of the area is maintained and enhanced.