

PLANNING COMMITTEE – 20 July 2021

Reference Number: 21/00393/OL

Application expiry: 22 July 2021

Application Type: Outline permission

Proposal Description: Application to remove condition 28 (Footpath Link) of planning application 12/00718/OL (Major Development)

At: The Woolpack, Town End, Shirland

For: Mr Evans (Langton Evans and Walker Limited)

Third Party Reps: 7 supporting and 2 objections

Parish: Shirland & Higham

Ward: Shirland

Report Author: Graeme Cooper

Date of Report: 18 June 2021

MAIN RECOMMENDATION: Grant, subject to conditions & legal agreement

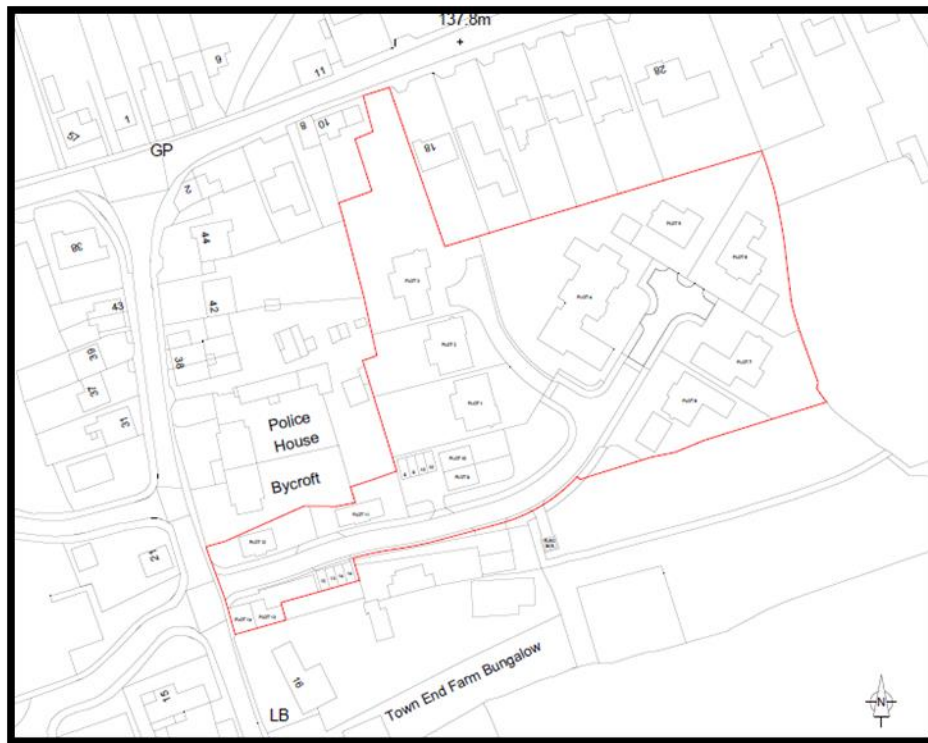


Figure 1: Site location plan with site edged in red

1.0 Reason for Report

- 1.1 Cllr Liggett a local ward member requested that this application be heard by committee as it goes against part of NEDDC s original planning application for this new development. Local residents, especially the pensioners of School Close are very upset at losing a path that has been used for a hundred years that we know about I also believe this is setting a precedent for all developers to do what they like with our footpaths.
- 1.2 Members of planning committee are therefore required to determine the application in line with the Councils constitution.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises a residential development in the settlement of Shirland. Development on the site is almost complete with just the final surfacing of the access road to be completed. The road within the site will not be adopted by the County Council. The site is now locally known as Northfield.
- 2.2 Access is provided from Town End to the west and development is framed around a turning head. The site abuts Birkinstyle Lane to the north but the route to the road is currently fenced off.
- 2.3 Officers are not aware of any formal public footpaths crossing or ever having crossed this site. Previously this site was a public house. Google Maps imagery shows the site used to include a car park associated with the public house, outbuildings and a grassed paddock framed by trees and hedgerows.
- 2.4 The application site sits partially outside the current Local Plan Settlement Development Limit for Shirland, but is included in the revised Settlement Development Limit in the emerging Local Plan.

Proposal

- 2.5 The proposal seeks consent to remove condition 28 (requiring a footpath link to Birkinstyle Lane) relating to the original outline permission (reference NED/12/0071/OL).
- 2.6 Figure 2 below illustrates the approved footpath link (application 16/00524/RM) which would connect the site to Birkinstyle Lane to the north.
- 2.7 This application seeks to remove this link.

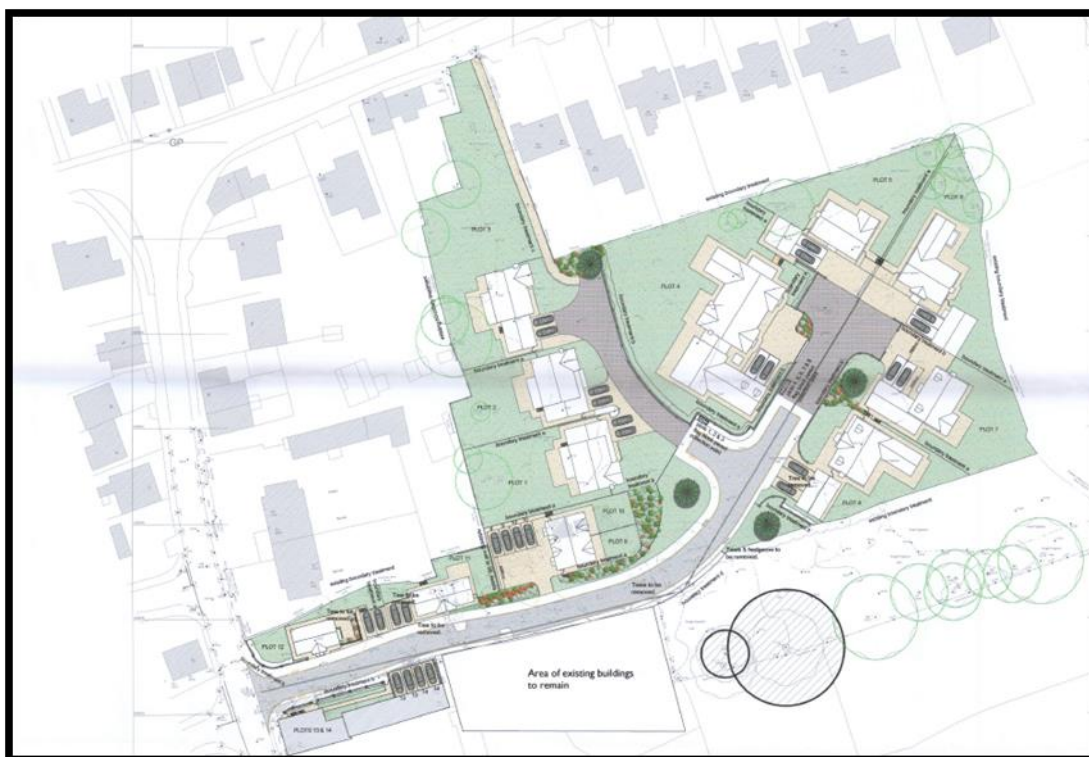


Figure 2: Approved site layout with link connecting the site to Birkinstyle Lane

Amendments

2.8 None.

3.0 Relevant Planning History

- 3.1 76/01019/OL - Residential development (outline) (CONDITIONALLY APPROVED)
- 3.2 12/00718/OL - Outline application (access submitted) for redevelopment of the former Woolpack Public House, Woolpack Croft and land adjacent to provide up to 14 dwellings including the conversion of the public house to two apartments (full details submitted) and partial demolition of the public house (Major Development) (Departure from Development Plan) (Amended Plans/Additional Information) (Additional Ecological Information) (CONDITIONALLY APPROVED)
- 3.3 16/00524/RM - Reserved matters application relating to outline permission 12/00718/OL for access appearance landscaping layout and scale for redevelopment of former Woolpack Public House and land adjacent to provide 14 dwellings (Major Development/Departure from Development Plan) (CONDITIONALLY APPROVED)

- 3.4 17/00371/DISCON - Application for approval of details reserved by conditions 4 (affordable housing), 8 (Landscaping scheme), 10 (Boundary treatments), 11 (Materials), 12 (Levels), 14)(Public Art), 19 (Surface water drainage), 20 (Foul drainage), 25 (Site compound), 30 (Site Investigation) pursuant of 12/00718/OL and conditions 3 (footpath details) and 7 (ecology) of 16/00524/RM (DISCHARGED)
- 3.5 18/00732/DISCON - Application to discharge condition 29 (Residential Travel Plan) of planning application 12/00718/OL (DISCHARGED)
- 3.6 19/00251/FL - Application for the erection of two dwellings (plots 4a and 4b, to replace approved plot 4) (CONDITIONALLY APPROVED)

4.0 Consultation Responses

4.1 The **Parish Council** made the following comments:

- The Parish Council strongly feel that the footpath should remain.
- There is concern that if condition 28 is removed then the developer will build additional properties in the open space.
- Although a footpath across the front garden of No 3 is not ideal the developer was well aware of condition 28 that was agreed regarding this footpath in the 2012 application decision.
- The idea of a footpath to Birkinstyle Lane arose from the public consultation. The developer's description said that "A new public footpath will be provided linking the site to Birkinstyle Lane. This will provide people living on the development, and indeed on Town End, a quick and easy route to the bus stop on Birkinstyle Lane and to the facilities at Stonebroom.
- The police report that Charlotte Stainton is relying on as evidence is dated 21st June 2016, well before the landscaping and driveways were put in.
- The footpath is very well used and is an important link for the elderly residents of nearby School Close. *[Officer note: As set out above Officers are not aware that this footpath link has ever been in use and there has never been a public footpath through this site from Town End to Birkinstyle Lane.]*

4.2 The **Highways Authority** (HA) raised no highway objections given the relatively short distance from the site to Birkinstyle Lane via Town End and the scale of development.

4.3 The **Designing Out Crime Officer** comments that his view of the proposal hasn't changed since the submission of the reserved matters application and is set out in his consultation response at that time, which is included in

the application submission. To summarise, the footpath proposed should have been resisted from the outset as it doesn't accord with either general design guidance, or my own experiences regarding meeting the balance between convenient and problem free pedestrian movement routes. Consequently he supports the application to remove the link.

4.4 **Ramblers Association** raised no objection to the proposal.

4.5 **Peak & Northern Footpaths Society** objected to the proposal raising the following comments:

"I object to the application to remove the condition to provide a footpath link from the development to Birkinstyle Lane. The applicant choses to quote the Derbyshire Police crime prevention officer who says that he would strongly oppose the footpath link. However, the applicant neglects to say that in fact at the relevant stage of the process, the then crime prevention officer did not oppose the footpath link in any way. If the applicant is saying that the new footpath will pass too close to the house in the photo, then this is a reflection on the applicant's design of the layout of that plot, not a reflection on the need or otherwise for a footpath link. The footpath should have been integrated into the layout, so that any concerns about crime and anti-social behaviour were addressed and concerns minimised. Not addressed as an afterthought as seems to be here.

Should the Planning Authority decide to remove this condition, at the very least there should be a commensurate increase in any financial contribution that the applicant is obliged to make. They will save a considerable amount of money if the condition to build the footpath is removed. Both directly in saved building costs and in the increase in value of the house adjacent which won't have a footpath to be worried about."

5.0 Representations

5.1 **Ward member Cllr Roe** raised the following comments:

"I must object to what is once again a change to this developers plans for the area. One of the main reasons the residents directly affected agreed to this build was to have the footpath in place to alleviate the uplift in foot traffic past houses on what can only be described as the narrowest and most dangerous pavement heading from Town End in the Stonebroom direction. Had we have realised at the time their clear withheld intentions I dare say the strength of feeling would have been different.

I have already raised a concern / complaint with the Council over the already fitted "driveway" access to a plot of land left over. This piece of land has been levelled and fenced off so it's clear to see if the path gets removed they will build immediately, this was again never part of the plan.

If the Council visit and view this it is there to be seen and it's easy to draw an inference from what can be seen.

I urge the Council on this occasion to take into consideration all that I've said, consider the extra footfall that has been created on the narrow stretch of the pavement and the potential danger presented and reject this application. The path should be allowed to remain as part of the original build, as was intended from the get go."

5.2 **Ward member Cllr Liggett** requested that the "application be heard by committee as it goes against part of NEDDC s original planning application for this new development. Local residents especially the pensioners of School Close are very upset at losing a path that has been used for a hundred years that we know about I also believe this is setting a precedent for all developers to do what they like with our footpaths."

5.3 The application was validated on 23 March 2021 and is due to expire on 22 June 2021. Due to the call in to planning committee a further extension of time has been agreed until 22 July. A site visit was undertaken by the case officer on 7 May and a site notice was placed on a sign at the entrance to the site which expired on 28 May.

5.4 7 supporting comments have been received making the following points:

- There is already sufficient "on-foot" access to Northfield via the entrance on Town End
- Provision of the Footpath would present an unnecessary and unwarranted potential security and nuisance/anti-social behaviour risk, which does not exist at present.
- Footpath link would do nothing more than encourage anti-social behaviour
- No requirement for access onto the estate from Birkinstyle
- Serves no purpose to residents of Northfield
- Footpath would reduce privacy of some residents (especially number 4)
- This has never been a footpath
- Supporter believes path isn't a short cut and measured on a map this route is longer than current route along Town End to Birkinstyle Lane.
- Public transport links are on A61
- The proposed path also doesn't circumnavigate the narrow pavement on Town End, in fact on route to Shirland, brings you out onto the narrowest part of the road, where the pavement disappears completely on one side.

5.5 2 objections have been received from a local resident raising the following points:

- Removal of the footpath would be contrary to the transport statement associated with the original application, a significant factor in the approval of the application. The relevant part of that transport statement is: 'In order to encourage alternate modes of transport, the submitted scheme also includes a bike store and a new footpath to Birkinstyle Lane, to provide a shortcut to the nearest bus stop.'
- Footpath would be asset to all local community.
- The argument stating it would promote anti-social behaviour and encourage an undesirable element to gain access to the development surely doesn't hold credibility as the access from Town End would equally offer the same argument
- The footpath was not a concern to residents who purchased properties on this cul de sac

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

- 6.1 The following policies of the Local Plan are material to the determination of this application:

GS1 Sustainable Development
 GS5 Settlement Development Limits
 BE1 General Design Principles
 T2 Highway Access and the Impact of New Development
 T5 Walking and Cycling

Emerging North East Derbyshire Local Plan (PDLP) (Under Examination)

- 6.2 The new emerging Local Plan (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 Main Modifications was undertaken in 2020 ending on 31st January 2021. All comments/representations received have now been forwarded to the Inspector and it is expected that the plan will be adopted in summer 2021.
- 6.3 The PDLP is therefore at an advanced stage and should be attributed appropriate weight in decision making.
- 6.4 The following emerging policies of the PDLP are material to the determination of this application:
- SS1 Sustainable Development

SS7 Development on Unallocated Land within Settlements with defined
SDL's
SDC12 High Quality Design and Place Making
ID3 Sustainable Travel

National Planning Policy Framework (NPPF)

- 6.5 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

Other Material Planning Considerations

- 6.6 Successful Places Interim Planning Guidance, adopted December 2013.
- 6.7 Sustainable Buildings Policy, adopted November 2011.
- 6.8 Affordable Housing Supplementary Planning Document, adopted January 2008.
- 6.9 Developer Contributions Supplementary Planning Document, adopted September 2007.

7.0 Planning Issues

Principle of Development

- 7.1 The principle of residential development on the site has been accepted through the granting of outline (NED/12/00718/OL) and reserved matters (NED/16/00524/RM) approvals. There is no need to revisit this matter at this stage.

Section 73 Process

- 7.2 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. A Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

Planning Considerations

- 7.3 This application has been submitted in order to vary condition 28 (footpath link) relating to the original outline permission (reference 12/0071/OL).

- 7.4 Condition 28 was included on the outline approval which read “*The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme for the provision of a footpath to link the site with the existing footway on Birkinstyle Lane. The scheme shall include details of the width and surfacing of the new routes and shall include details of the drainage of all pedestrian routes. The scheme shall include a timetable for implementation of the works relative to the completion of the dwellings hereby approved. Thereafter the approved footpath works shall be implemented in full in accordance with the approved timetable and shall be retained as such thereafter.*” The reason for this condition was “in the interest of pedestrian safety in accordance with Policy T2 of the North East Derbyshire Local Plan”.
- 7.5 It appears that the footpath link was always proposed by the developer, as illustrated in the extract below from a Building for Life Assessment which was submitted during the course of the outline application process.

7) Are the streets pedestrian, cycle and vehicle friendly?

Yes. Defined footpath routes are provided throughout the site, including a link to Birkinstyle Lane.

Figure 3: Extract from BfL submission contained in original outline application

- 7.6 An indicative layout for the proposed development submitted as part of the outline application also illustrated a footpath link to Birkinstyle Lane. As such, it is clear that the main reason for this pedestrian link was to provide connectivity from and through the site to Birkinstyle Lane.
- 7.7 During the course of the outline application it is apparent officers made efforts to protect a link through the site to Birkinstyle Lane. However, during consideration of the outline application process the Designing Out Crime Officer (DOCO) didn't provide comments in time to be considered as part of the process. It is clear from correspondence made during the consideration of the reserved matters application that the DOCO would have resisted the provision of this link. The DOCO considers that “such narrow links emerging into semi private space are a known generator of nuisance problems for adjacent houses and alter the hierarchy of space and residents' territoriality for what should be a private cul de sac.” The officer goes on to comment “in terms of convenient circulation the link doesn't seem to offer a major improvement given the distances involved in moving from the site to Birkinstyle Lane via Town End.” However, during the course of the reserved matters application process the DOCO accepted the LPA's decision to include this link and provided comments purely on the boundary treatments to this link route.

- 7.8 As seen above in Figure 2 above, the approved reserved matters application granted permission for a pedestrian link. The approved plans illustrate the approved landscaping and boundary treatments which edge the footpath link. Boundary treatment B which runs along the western edge of plot 4 was approved as 1.7m high feature walling. The approved boundary treatment C which runs between the footpath and garden of plot 3 was approved as 1.8m high close boarded 'hit and miss' fencing.
- 7.9 Following the granting of the aforementioned reserved matters, a further application was submitted to replace one dwelling (Plot 4) with two, under application reference 19/00251/FL. This scheme did not impact the footpath link provision or approved boundary treatments adjacent to the link.
- 7.10 The applicant has provided a statement which notes that there are concerns about security and anti-social behaviour associated with the proposed link. The applicant considers that the link would create a long narrow pathway, with 1.8m fencing to each side and therefore there would be very limited natural surveillance for the majority of its length. This would enable people to loiter unseen in this pathway at the side of the existing property, number 18 Birkinstyle Lane, as well as at the side of the garden associated with plot 3. The applicant contends this is a serious potential security and antisocial behaviour problem. As seen in the photo below, the link would pass close to plot 3. The applicant claims that this relationship would have a detrimental impact on the privacy and amenity of residents at plot 3 and their front garden.



Figure 4: Photo taken by applicant from in front of Plot 3

- 7.11 The applicant also does not consider that the link is logical as there is no need for a link onto Birkinstyle Lane into the site or vice versa. They consider that for a pedestrian on Birkinstyle Lane to access the site it is not significantly more inconvenient to walk to the Town End entrance. It is therefore considered that the footpath link condition is unnecessary. The applicant also points to comments made by the DOCO made during the reserved matters application. In view of the points raised, the applicant requests that the condition be removed.
- 7.12 The current Local Plan includes Policy T5 which supports developing and improving routes for walkers, cyclists and horse riders. Specifically, it states, as part of new developments the Council will seek to secure, where appropriate, the provision of measures to improve footpaths, bridleways and cycle way. However, the route through this site is not a designated route which is protected from development.
- 7.13 The PDLP includes Policy ID3 which seeks to maximise walking, cycling and the use of public transport through the location and design of new development, with the aim of a reduction in congestion and improving air quality. Major developments, such as this one, will normally be required to promote sustainable travel from measures such as improvements to existing routes and provision of new routes which are permeable for all users and provide direct links to new and existing footpaths, cycle networks and local facilities.
- 7.14 In addition to the Local Plan policies, the Council's Successful Places Planning Guidance considers good design to undertake a site appraisal which seeks to improve linkages to the wider area. The same guidance links potential applicants to the Building for Life guidance which seeks to create connections which integrate the wider neighbourhood by reinforcing existing connections and creating new ones. At paragraph 3.2.4 the guidance states that proposals should comprise a layout of permeable streets that connect to and integrate with the surrounding network of streets and paths. Paragraph 3.2.13 states that the movement network should be designed to create a safe and comfortable environment for users and states that it is good practice for pedestrians and cyclists to be accommodated and routes to be well lit, straight as possible, wide enough to avoid conflicts, overlooked by properties and activities, attractively designed and landscaped and devoid of hiding places.
- 7.15 The Highways Authority has raised no highway objections to this application given the relatively short distance from the site to Birkinstyle Lane via Town End and scale of development.
- 7.16 The Ramblers Association raised no objection.

- 7.17 The Peak and Northern Peak & Northern Footpaths Society objected raising concern that the DOCO didn't object to the original outline application and that the link should have been more appropriately incorporated into the layout. If the LPA is minded to grant permission the Society asks that the developer should make a financial contribution to improve footpaths in the area.
- 7.18 The DOCO states that his view has not changed since the reserved matters application. To summarise, the DOCO considers the footpath link proposed should have been resisted from the outset as it doesn't accord with either general design guidance, or the officers experiences regarding meeting the balance between convenient and problem free pedestrian movement routes. Consequently the DOCO supports the application to remove the link.
- 7.19 Officers accept that developments should seek to include measures to improve connectivity to the wider area. However as outlined in the Council's Successful Places Guidance, these links should be positively integrated and be well lit, with natural surveillance. In this case the link contains a narrow unlit section which is framed on either side by a 1.7/8m high fence/wall, with limited natural surveillance. The DOCO raises concerns at the proposed link and it being a generator of nuisance. He goes onto point out that in terms of convenient circulation, the link doesn't seem to offer any major improvement given the distances involved in moving from the site to Birkinstyle Lane via Town End.
- 7.20 As such, Officers note the intentions encapsulated by the original application and the aims of the Development Plan and PDLP to create accessible places. However, in view of the manner in which the development has been implemented and the comments of the DOCO, Officers are minded, on balance, to agree that the potential harm that would result from the links retention would outweigh the community benefits of retaining the link.

Other Matters

- 7.21 This latest permission should take into account details approved by way of discharge of condition applications (reference 17/00371/DISCON and 18/00732/DISCON).
- 7.22 Notwithstanding the above, officer's note that the estate road through the site has not been completed with a finished surface approved under the reserved matters approval. Furthermore a validation report demonstrating that the contamination remediation works identified have been carried out has not been submitted to and agreed by the Local Planning Authority, as such these details should be requested, in a timely manner, on any decision.

- 7.23 Officers note that the original outline approval included a S106 which covered a number of contributions. A supplemental deed linking this application to the previous S106 will be required if the Council is minded to grant planning permission.

8.0 Summary and Conclusion

- 8.1 The principle of residential development in this location has already been granted and as such the only matter for consideration here is the retention of the footpath link connecting the site to Birkinstyle Lane.
- 8.2 The outline approval included the requirement for the developer to provide details of a footpath link, details of which were submitted to and approved by the Local Planning Authority as part of the reserved matters application.
- 8.3 The design of the link has raised concern as it includes a narrow, unlit section with limited natural surveillance which makes it a potential generator of nuisance.
- 8.4 The DOCO raises concerns at the retention of this link and the Footpaths Society also question the design and consider this link should have been more appropriately integrated into the development.
- 8.5 The Council has to assess the proposal on its planning merits. In this instance a pedestrian link scheme has been approved by the LPA. However its design is far from ideal with a section of the route being a narrow, unlit path with limited natural surveillance. Furthermore the benefits of the link are considered by Officers to be limited and there has never been a public right of way through this site. Indeed the route through the site for anyone crossing the site is no more convenient and in fact arguably more intimidating than the route around Town End onto Birkinstyle Lane. In view of this, Officers are minded, on balance, to conclude that the harm resulting from the retention of this link is not outweighed by its benefits.
- 8.6 Accordingly, the proposal is recommended for approval subject to the prior completion of a legal agreement and conditions as outlined in the original decision notice being included where necessary.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED**, subject to the **S106 agreement**, in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager (development Management):-

- 1) The affordable housing scheme and timetable for implementation shall be undertaken and retained in accordance with the details hereby approved under application reference 17/00371/DISCON.

[Reason: In the interest of delivering affordable housing in accordance with Policy H7 of the North East Derbyshire Local Plan, Policy LC2 of the emerging Local Plan and in line with the overarching aims of the National Planning Policy Framework.]

- 2) The scheme for mitigating climate change through sustainable design and construction of the dwellings approved under application reference 16/00524/RM shall be implemented in full and retained as such thereafter.

[Reason: In the interest of mitigating climate change in accordance with the Sustainable Buildings Policy.]

- 3) The details submitted as part of the Building for Life 12 assessment approved under application reference 16/00524/RM shall be implemented in full and retained as such thereafter.

[Reason: In the interests of achieving good design in accordance with Policy BE1 of the North East Derbyshire Local Plan and Policy SC12 of the emerging Local Plan.]

- 4) The landscaping details hereby approved under application reference 17/00371/DISCON shall be implemented in full in line with the approved details and implementation programme.

[Reason: In the interests of the appearance of the area and in accordance with Policies GS6, NE3 and NE7 of the North East Derbyshire Local Plan and Policies SS9, SDC2 and SDC4 of the emerging Local Plan.]

- 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 interests of the appearance of the area and in accordance with Policies GS6, NE3 and NE7 of the North East Derbyshire Local Plan and Policies SS9, SDC2 and SDC4 of the emerging Local Plan.]

- 6) The boundary treatment details hereby approved under application reference 17/00371/DISCON shall be implemented in full in line with the approved details and retained as such thereafter.

[Reason: In the interests of the appearance of the area and to safeguard the privacy of neighbouring residents, all in accordance with policies GS6, H12 and BE1 of the North East Derbyshire Local Plan and policies SS9 and SDC12 of the emerging Local Plan.]

- 7) The development hereby approved shall be carried out in accordance with the walling and roofing material details approved under application reference 17/00371/DISCON.

[Reason: In the interests of the appearance of the area, all in accordance with policies GS6, H12 and BE1 of the North East Derbyshire Local Plan and policies SS9 and SDC12 of the emerging Local Plan.]

- 8) The development hereby approved shall be carried out in accordance with the levels details approved under application reference 17/00371/DISCON.

[Reason: In the interests of the appearance of the area, all in accordance with policies GS6, H12 and BE1 of the North East Derbyshire Local Plan and policies SS9 and SDC12 of the emerging Local Plan.]

- 9) The crime prevention details approved under application reference 16/00524/RM shall be implemented in full, in accordance with the approved timetable and shall be retained as such thereafter.

[Reason: in the interests of designing out crime in accordance with Policy GS10 of the North East Derbyshire Local Plan and policy SDC12 of the emerging Local Plan.]

- 10) The scheme of public art hereby approved under application reference 17/00371/DISCON shall be completed in full in accordance with the approved details and timetable. The approved public art scheme shall be retained as such thereafter.

[Reason: in the interest of delivering public art in accordance with policy BE5 of the North East Derbyshire Local Plan and in line with the Council's Developer Contributions Supplementary Planning Document.]

- 11) The ecological mitigation and enhancement details approved under application reference 16/00524/RM shall be implemented in full, in

accordance with the approved timetable and shall be retained as such thereafter.

[Reason: In the interests of ecological mitigation and enhancement in accordance with policy NE3 of the North East Derbyshire Local Plan and policy SDC4 of the emerging Local Plan.]

- 12) The tree and hedgerow works approved under application reference 16/00524/RM shall be implemented in full, in accordance with the approved details and any protection measures shall be retained for the full duration of the construction period.

[Reason: In the interests of the protection of trees and hedgerows, all in accordance with Policy NE7 of the North East Derbyshire Local Plan and policy SDC2 of the emerging Local Plan.]

- 13) The site shall be developed with separate systems of drainage for foul and surface water.

[Reason: In the interests of sustainable drainage, in accordance with policy CSU4 of the North East Derbyshire Local Plan and policy SDC11 of the emerging Local Plan.]

- 14) The surface water drainage scheme hereby approved under application reference 17/00371/DISCON shall be implemented in full in accordance with the approved details and retained as such thereafter.

[Reason: In the interests of sustainable drainage, in accordance with policy CSU4 of the North East Derbyshire Local Plan and policy SDC11 of the emerging Local Plan.]

- 15) The foul water drainage scheme hereby approved under application reference 17/00371/DISCON shall be implemented in full in accordance with the approved details and retained as such thereafter.

[Reason: In the interests of sustainable drainage, in accordance with policy CSU4 of the North East Derbyshire Local Plan and policy SDC11 of the emerging Local Plan.]

- 16) Construction works on site and deliveries to the site shall be undertaken only between the hours of 0730 to 1800 Monday to Friday and 0730 to 1200 on Saturdays. There shall be no work undertaken on site or deliveries made to the site on Sundays or public holidays.

[Reason: in the interests of the amenity of the surrounding residential area, all in accordance with policies GS5, GS6 and H12 of the North

East Derbyshire Local Plan and policies SS9 and SDC13 of the emerging Local Plan.]

- 17) From the commencement of the development hereby approved there shall be no access at any time to or from the site (either pedestrian or vehicular) via the field access gate along the western boundary of the site adjacent to The Barn House, 32 Town End, Shirland.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 18) The design for the proposed access off Town End, the new estate street(s) and accesses to them approved under application reference 16/00524/RM shall be implemented in full in accordance with the approved details. Within 3 months of this decision the site access off Town End and the entire estate road(s) and private driveways shall be completed with a finished surface approved under application 16/00524/RM. The access and roadways shall be permanently retained as such thereafter.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 19) The scheme for the storage of refuse and recycling bins and access for refuse collection vehicles approved under application reference 16/00524/RM shall be implemented in full and retained as such thereafter.

[Reason: In the interests of highway safety, in the interest of delivering a sustainable refuse collection service and in the interest of residential amenity, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 20) The site accommodation/storage of plant and materials/parking and maneuvering of site operatives and visitors vehicles, loading/unloading and maneuvering of good vehicles including wheel washing facilities approved under application reference 17/00371/DISCON shall be retained for the duration of the works.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 21) The driveway and parking areas, along with the required visibility splays shall be implemented in line with the details agreed under

application reference 16/00524/RM and retained as such thereafter. For clarity each driveway shall include maximum achievable visibility splays and be laid out with the area in advance of the visibility splays clear of all obstructions exceeding 0.6m in height relative to the adjoining nearside carriageway channel level and 2m x 2m x 450 pedestrian inter-visibility splays with the area in advance kept clear of any obstruction.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 22) Prior to any dwelling hereby approved being occupied, the private driveway to serve that dwelling shall be surfaced in a solid bound material and there shall be no gates across the vehicular access/driveway within 5m of the highway boundary. The driveways shall be retained as such thereafter.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 23) The residential travel plan approved under application reference 18/00732/DISCON shall be implemented in full in line with the agreed details and in accordance with the agreed timetable.

[Reason: In the interests of encouraging the use of sustainable modes of transport, all in accordance with policy T4 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 24) The surveys and mitigation measures outlined in the intrusive site investigation works and remediation method statement agreed under application 17/00371/DISCON shall be carried out strictly in accordance with these approved details.

[Reason: In the interests of ensuring ground stability and addressing contamination issues, all in accordance with policy CSU6 of the North East Derbyshire Local Plan, Policy SDC14 of the emerging Local Plan and the National Planning Policy Framework.]

- 25) Within 30 days of this decision, an independent Validation Report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the contamination remediation works identified in the condition above have been carried out satisfactorily and remediation targets have been achieved. This report shall be produced by a suitably qualified and accredited independent body (independent of the developer). The report shall provide verification that the

remediation works have been carried out in accordance with the approved Method Statement(s). Where necessary, post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

[Reason: In the interests of addressing contamination issues, all in accordance with Policy CSU6 of the North East Derbyshire Local Plan, policy SDC14 of the emerging Local Plan and the National Planning Policy Framework.]

Informatives:

- a) DISCON
- b) NMA
- c) The Highway Authority recommends that the first 5m of the modified track 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.
- d) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/new estate street, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaways within the site.
- e) Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written agreement of the County Council as Highways Authority. Advice regarding technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Highways Authority. The applicant is advised to allow 12 weeks in any programme of works to obtain a Section 278 Agreement.
- f) Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to an adoptable standard and financially secured. Advice on the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the County Council.
- g) Highways surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharged to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority, highways Authority or environmental agency. The use of soakaways for highways purposes is generally not sanctioned.