

PLANNING COMMITTEE – 25th July 2023

Reference Number: 23/00139/FL

Application expiry: 01/08/23

Application Type: Full

Proposal Description: Application for the construction of 2 dwellings (resubmission of 22/01124/FL) (Amended Plans) (Additional Information)

At: 24 Longedge Lane, Wingerworth, Chesterfield, S42 6PQ

For: Mr and Mrs Ashley Smith

Third Party Reps: 22 local residents

Parish: Wingerworth

Ward: Wingerworth

Report Author: Lynn Eastwood – Aspbury Planning

MAIN RECOMMENDATION: Grant permission, subject to conditions

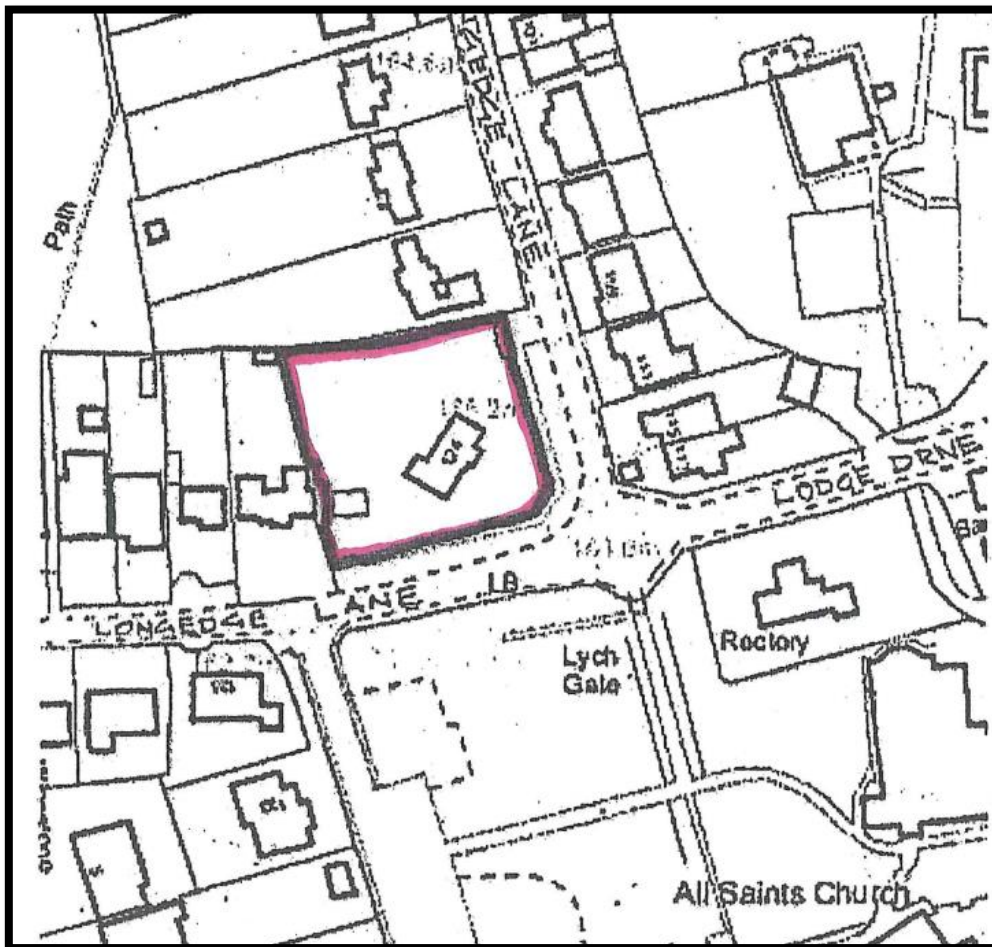


Figure 1: Site Location Plan

1.0 Reason for Report

1.1 This application is being considered by planning committee due Councillor Ruff calling the application in on the following grounds:

- Boundary issues for Plot 1.
- Policy 1 of Wingerworth Neighbourhood Plan - the proposed development is out of character with neighbouring properties. Impact on “street scene”.
- Policy 12 Density/massing and height of proposed properties

2.0 Proposal and Background

Site Description

2.1 The application site comprises a detached dwelling on a corner plot with a large garden area to the front, side and rear of the house, two existing driveways with parking for 3 – 4 cars and a detached garage. Figure 2 below illustrates the current site layout.

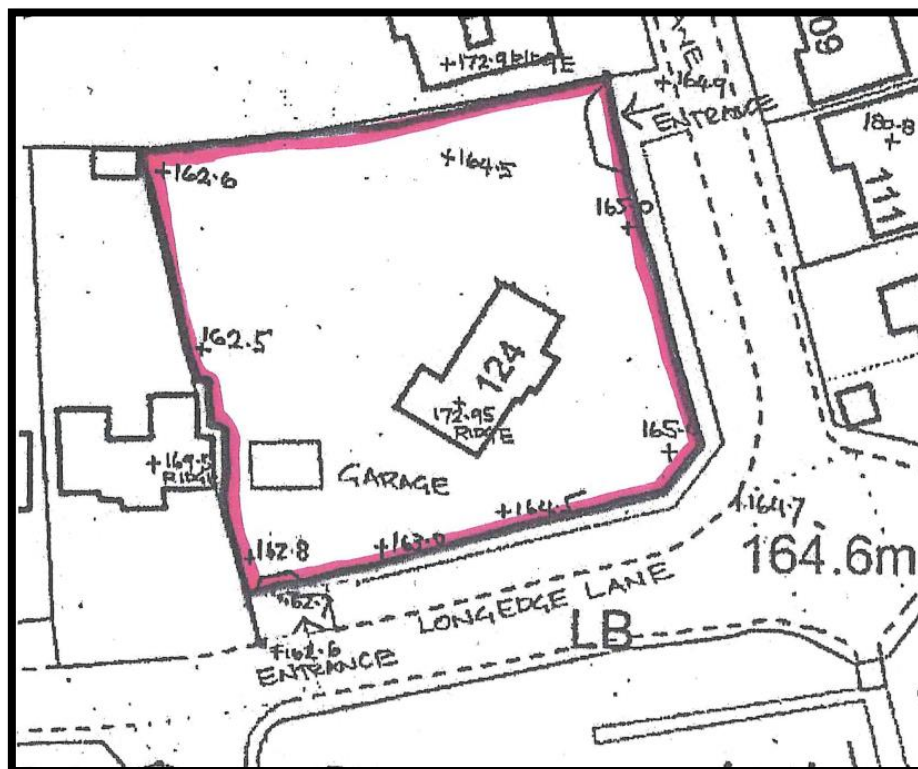


Figure 2: Existing site plan

2.2 The site is located within the settlement development limits for Wingerworth. The Local Plan identifies Wingerworth as a Level 2 settlement with a “good level of sustainability”¹.

2.3 Access to the application site is via two entrances, one off Longedge Lane to the east and the other to the same road in the south west corner of the site.

¹ Page 37 Local Plan; table 4.2 Settlement Hierarchy

- 2.4 The site is bounded to the north and west by neighbouring dwellings. 126 Longedge Lane to the west and 122 Longedge Lane to the north.
- 2.5 Topography across the site generally slopes down from east to west with a fall of approximately 2 metres.
- 2.6 To the south of the site, on the opposite side of Longedge Lane is the church yard associated with the Grade I Listed Church of All Saints which is to the south east of the site. There are further residential properties to the east of the site.

Proposal

- 2.7 Full planning permission is sought for the construction of 2 dwellings.
- 2.8 The existing plot would be separated to form three plots, each comprising of one detached house with front and rear garden and parking. Figure 3 below illustrates the proposed site layout.
- 2.9 The existing garage will be removed to allow construction of one dwelling on Plot 1.
- 2.10 The existing access on the south boundary is to be blocked and a new access created to the east of the existing access for Plot 1. The existing access to the east boundary is to be blocked and a new shared access is to be created to the south of the existing access for Plot 2 and the existing dwelling.

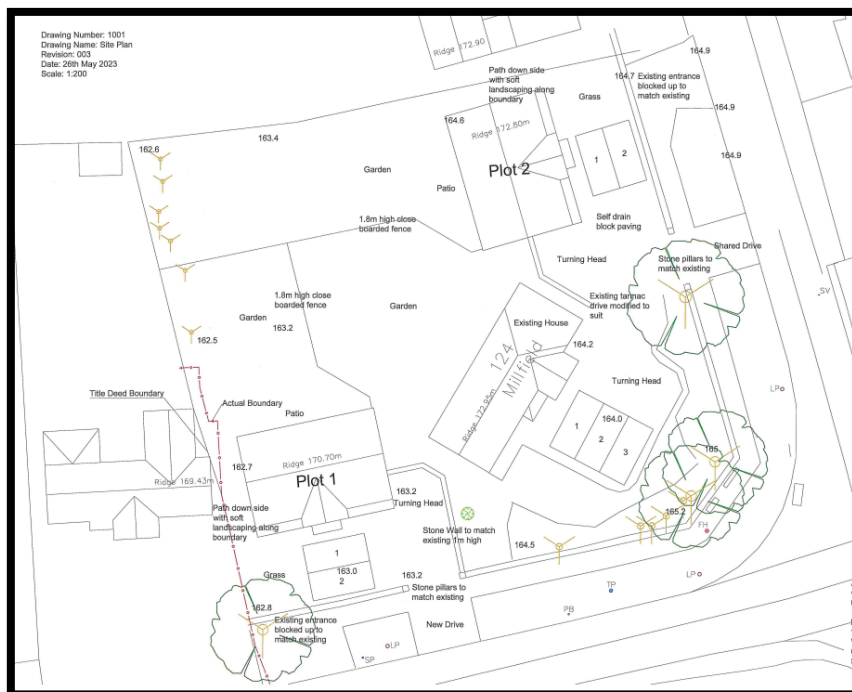


Figure 3: Proposed site layout

- 2.11 A number of trees have already been removed from the site, with the remaining trees mostly fronting onto Longedge Lane will be retained. Plans have been

submitted illustrating the retention of these trees and relevant protection measures.

- 2.12 The proposed detached dwellings each comprise of three bedrooms on the first floor, two of which are ensuite, with a family bathroom and galleried landing. The ground floor of each property would comprise an open plan kitchen / dining room, a living room, utility and study, with a w/c and under stairs storage area.
- 2.13 The designs for both plots feature two bay windows to the ground floor front elevation, a central front entrance within a two storey gabled section featuring glazing to the upper floor gallery area. To the rear elevation there are two sets of bi-folding doors on the ground floor. The side elevations are largely blank gables with a door to serving the utility room. Figures 4 and 5 below illustrate the proposed dwellings.

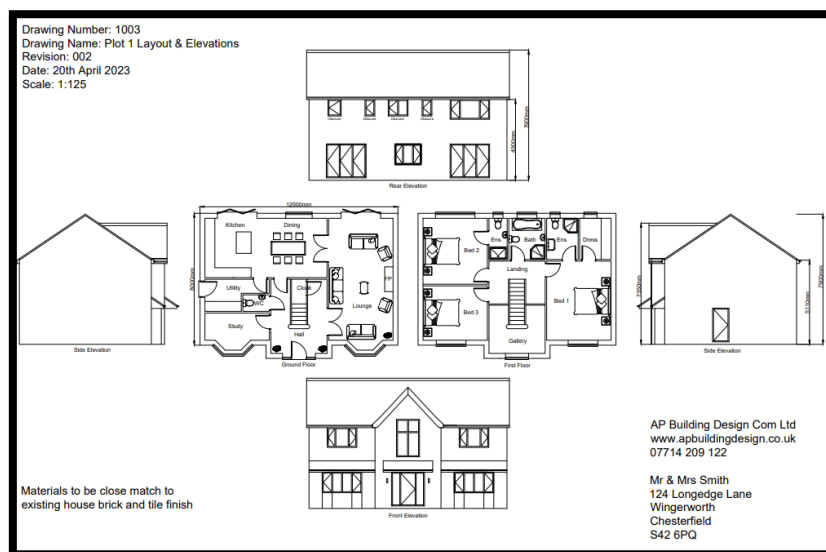


Figure 4: Plot 1 - Elevations and Floor Plan

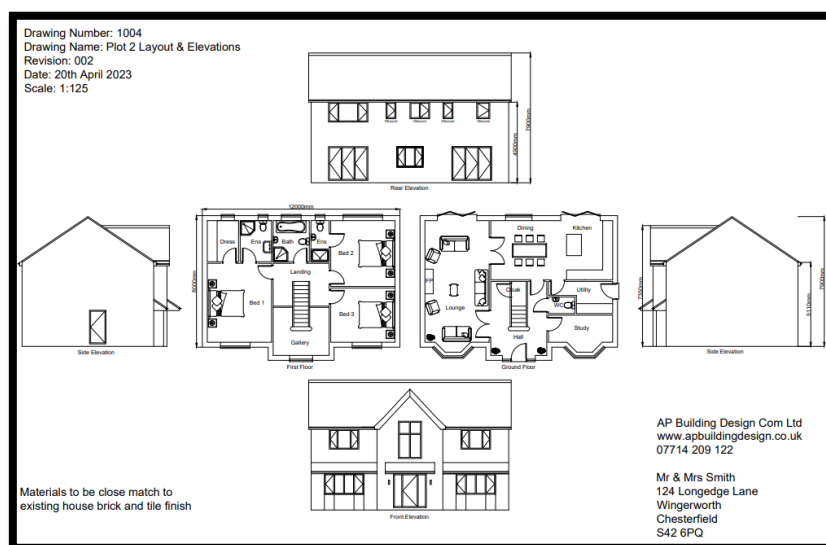


Figure 5: Plot 2 - Elevations and Floor Plan

- 2.14 The Design and Access Statement submitted with the application details the proposed materials as Wienerberger Heartland Brown Multi Brick. Red Sandtoft Clay tiles, and cream UPVC windows, rainwater goods, fascias and soffits. Landscaping proposed is lawn to front and rear and self-draining block paving for the parking areas.
- 2.15 Boundary treatments proposed are 2m high close boarded timber fence to side and rear boundaries with neighbouring properties, reducing fence heights to 1m high to the front of the properties close to the access points. The front boundary as existing will be retained as a 1m high stone wall, with modifications to accommodate the amendments to the access arrangements. The proposed dwellings would be set back from the boundary of the application site.
- 2.16 A street view plan has been submitted to demonstrate the relationship between the proposed buildings in terms of ground levels and height of buildings in comparison to neighbouring properties.

3.0 Amendments

- 3.1 Amended plans have been submitted following comments of the Highways Authority, neighbour representation letters and officer concerns regarding the design of the proposed dwellings.
- 3.2 The amendments include alterations to the access points and a revised house design and plot layouts.

4.0 Relevant Planning History

- 4.1 22/01124/FL - Application for the construction of 2 dwellings (withdrawn)

5.0 Consultation Responses

- 5.1 The **Parish Council** have provided no comments.
- 5.2 The **Ward Members** have raised concerns regarding impact on street scene, density, massing and height of proposed properties. A boundary issue was raised regarding Plot 1. The same ward member called in this application into planning committee for the reason outlined in 1.1 above.
- 5.3 County **Highways Authority (HA)** raised concerns on the original plans on 28th February 2023, stating that both of the existing vehicular accesses are severely substandard in terms of emerging visibility due to land outside of the applicant's control, frontages to the public highway and the lack of footways / margins, and therefore any intensification of their use would be unacceptable. The proposed new vehicular access was also deemed substandard.
- 5.4 Amended plans were submitted to address HA comments. The comments from HA following re-consultation stated that: the revised site plan (dated 26th May 2023) demonstrates the relocation of the vehicular access which serves Plot 1,

providing betterment in terms of emerging visibility in the Westerly direction, in line with the Highway Authorities previous comments. Additionally, there appears to be adequate space within the site(s) to enable vehicles to both enter and exit in a forward gear. In view of the improvements to the proposal, including the omission of the existing access to Plot 2 and relocation of the access to Plot 1, the Highway Authority has no objections to the proposal subject to their recommended conditions.

- 5.5 **Environmental Health Officer (EHO)** have commented that they have no objection to the proposal in principle. Owing to the potential risks of ground gas identified in the coal mining risk assessment, pre-commencement conditions are recommended for contaminated land assessment to be carried out.
- 5.6 **Yorkshire Water Services Ltd (YW)** have raised no comments.
- 5.7 **NEDDC Streetscene** have raised no comments.
- 5.8 The **Coal Authority** referred to their comments dated 17th January 2023 regarding the previous application 22/01124/FL which remain valid for this application: The Coal Authority has no objection to the proposed development and concurs with the recommendations of the Coal Mining Risk Assessment that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Pre-commencement conditions requiring intrusive siter investigations are recommended.
- 5.9 **Derbyshire Wildlife Trust (DWT)** noted that they do not appear to have commented on the previous application. From an aerial mapping review, it was noted that established garden habitats will be lost to accommodate the proposed dwellings. They advised that a tree survey and impact assessment should be submitted. Protected species impacts are likely to be low, providing the existing dwelling is retained. A Biodiversity Enhancement Plan should be secured via condition to ensure bat and bird boxes are installed, along with beneficial landscaping. The applicant provided a plan detailing the protection measures proposed for the remaining trees on the site. Conditions are recommended requiring a Biodiversity Enhancement Plan to ensure bat and bird boxes are installed, along with beneficial landscaping.
- 5.10 **Planning Policy Team** have raised no comments.

6.0 Representations

- 6.1 The application was publicised by way of neighbour letters and the display of a site notice. 22 letters of representation have been received from 10 households. The comments received are summarised as follows:
- Out of character with neighbouring properties and local vicinity

- Plot 1 parking close to boundary of neighbouring property reducing space between properties and resulting in overbearing development
- Plot 1 building line extends beyond building line at front and rear of neighbouring property
- Ground levels result in ridge height being higher than neighbouring property
- Loss of sunlight to garden
- Loss of privacy to front and rear
- Reduction of garden space to existing property
- Increased traffic close to school, church and scout hut
- Additional on road parking
- Concerns regarding land stability and drainage
- Concern regarding tree protection
- Over development of site and village
- Heritage impact – setting of listed buildings
- Impact on sunlight to solar panels within neighbouring property
- Proposed access to plots unsatisfactory and will cause hazard and congestion
- Reduction to green space and biodiversity
- Sufficient new housing in Wingerworth

7.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2021)

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

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS7	Development on Unallocated Land within Settlement with defined Settlement Development Limits
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC6	Development affecting Listed Buildings
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place Making
SDC13	Environmental Quality
SDC14	Land potentially affected by Contamination or Instability
LC4	Type and Mix of Housing
ID3	Sustainable Travel

Wingerworth Parish Neighbourhood Plan (WNP)

7.2 The following policies of the Neighbourhood Plan are material to the determination of this application:

W1	Settlement Development Limit
W3	Housing Growth

W4	Housing Mix
W11	Heritage Assets
W12	Design Principles
W13	Biodiversity
W14	Trees and Hedgerows
W17	Highway Safety

National Planning Policy Framework (NPPF)

- 7.3 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

- 7.4 Successful Places Interim Planning Guidance, adopted December 2013.
- 7.5 Section 66 of The Listed Buildings and Conservation Areas Act 1990 (as amended).

8.0 Planning Issues

Principle of Development

- 8.1 The application site is situated within the defined Settlement Development Limit for Wingerworth.
- 8.2 Local Plan Policy SS7 is supportive of development proposals within Settlement Development Limits, provided that the development is appropriate in scale, design and location to the character and function of the settlement, is compatible with, and does not prejudice any intended use of adjacent sites and land uses and accords with other policies of the plan.
- 8.3 The NPPF looks to support sustainable development, good design is a key aspect of this. Development should be visually attractive, sympathetic to the local character and history of the area and maintain a good sense of place.
- 8.4 The proposal is therefore considered to offer a sustainable development which is, in principle, acceptable and in accordance with the Development Plan.

Design and Impact on the Character of the Area

- 8.5 Local Plan Policy SDC12 aims to ensure quality, distinctive, and functional design and to ensure developments are satisfactorily assimilated within the existing local context reinforcing local character and a sense of local identity. It also aims to ensure that development through its design meets the challenges of climate change.

- 8.6 The application site is within a Secondary Area of Multiple Environmental Sensitivity (AMES) where Local Plan policy SDC3 states that proposals or new development will only be permitted where they would not cause harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities. WNP policy W1 supports development where it is sensitive to the high quality landscape of the Parish. Officers note that whilst the application site is within a secondary AMES, the proposed dwellings would be seen in the context of a built-up residential area and as such it is considered that the proposed development would not harm the local landscape character.
- 8.7 Local Plan policy LC4 and WNP policy W4 states that development proposals for new housing should seek an appropriate mix of dwelling types, tenures and sizes, taking into account local housing stock, site characteristics, and viability and market considerations. The proposed dwellings are 3 bedroomed and is broadly in line with the requirements of Local Plan and WNP policies on the required housing mix.
- 8.8 The application site is a large corner plot, with a single dwelling which fronts the south east corner, commanding a prominent position in the street scene. The surrounding street scene is a mix of individual house types, of differing scale and appearance.
- 8.9 The proposed development, as seen in Figure 3 above, comprises two dwellings either side of No124 Longedge Lane. The proposed dwellings are similar in their design with a centrally located projecting two storey front gable. The proposed materials of construction would be a brick and tile to match the existing dwelling on the application site.
- 8.10 Concerns have been raised by local residents that the proposed finished floor levels, proposed ridge heights and density of development would appear at odds with the surrounding street scene.
- 8.11 Each dwelling is positioned broadly in line with neighbouring dwellings. In terms of the proposed ridge heights, plot 1 would sit at a height between No126 and the existing dwelling on the application site. Plot 2 would sit at a similar level to the existing dwelling and No122 to the north. A levels comparison plan can be seen at Figure 6 below. Whilst the concerns raised above in 8.10 are noted, officers are satisfied that the submitted details will ensure the proposed development will be in keeping with the character and appearance of the street scene.



Figure 6: Proposed street view plan

- 8.12 The proposed plans illustrate the closure of the northern most access point into the site and formation of a new access on Longedge Lane to the east of the existing dwelling, this will form a shared access to this dwelling and plot 2 to the north. The existing access in the south west corner of the site will also be closed up and moved slightly eastwards and serve plot 2.
- 8.13 Stone walling is proposed to the front boundaries onto Longedge Lane and timber fencing separating the rear gardens, details of which can be controlled by way of condition on any decision.
- 8.14 Proposed car parking is provided forward of each dwelling, which whilst not ideal would be screened by existing tree planting and proposed stone walling. This, in officers opinion, would be in keeping with the surrounding parking arrangements seen in the vicinity of the application site.
- 8.15 The proposed landscaping details illustrated on the proposed site plan offers only limited information. Whilst some trees will be retained and grass laid, officers consider that a more detailed plan is required and can be addressed by way of condition on any decision.
- 8.16 No details have been provided as to how the proposed development might meet the challenges of climate change, as such officers consider that a suitably worded condition be included on any decision to cover the submission of such detail.
- 8.17 Overall, officers consider that the proposed dwellings would be of a scale and design which would be in keeping with and complement the site and the character of the surrounding street scene.

Impact on Heritage Assets

- 8.18 The statutory requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses.
- 8.19 The NPPF in section 16, paragraphs 199 and 200 state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 8.20 Local Plan policy SDC6 and WNP policy W11 requires development to preserve the significance of any heritage assets and their setting.
- 8.21 The application site is located approximately 70m to the north west of the Grade I listed Church of All Saints, and approximately 75m from the Grade II listed No1 Hockley Lane.
- 8.22 The proposed development is within the vicinity of the listed buildings however the context of the application site is within the built framework of a residential area which consists of a variety of modern single and two storey dwellings. It is officer view that public viewpoints towards the listed buildings are not affected by the proposal.
- 8.23 In view of the above, it is officer opinion that the materials, layout, architectural features, scale and design proposed would not detract from the nearby listed buildings, and that the significance of the heritage assets and their settings would be preserved all in accordance with Local Plan policy SDC6 and WNP policy W11.

Privacy and Amenity Considerations

- 8.24 Local Plan Policy SDC12 seeks to ensure that new development protects the amenity of existing occupiers and creates a good quality of amenity for future occupiers.
- 8.25 Local Plan Policy SDC13 sets out how all development proposals will need to be assessed in relation to their impact on air, light, noise, and ground and water pollution.
- 8.26 The application site is located within a residential area with neighbouring properties to the north and east and the existing dwelling central to the plot which would become a neighbouring dwelling.

- 8.27 The orientation of the proposed dwellings protects the amenity of the existing and future occupiers as there are no overlooking windows to side elevations, the rear windows overlook the gardens of the proposed dwellings and are not directed towards the habitable rooms of the neighbouring dwellings. Views from the proposed dwellings back towards the garden of No124 will be achievable, but these will only be to the far part of the garden and not the immediate private amenity area. The utility room doors on the ground floor face towards the neighbouring properties, this is not considered to be habitable room and there are existing boundary treatments which provide screening to the ground floor openings. The Councils Successful Places Interim Planning Guidance defines privacy in terms of the relationship of main windows to habitable rooms and areas of private amenity. The proposal is therefore considered acceptable in terms of privacy.
- 8.28 The positioning of the proposed dwellings is such that the windows of the neighbouring properties are not overshadowed by the proposed buildings in accordance with the 45 degree rule as detailed within Successful Places Interim Planning Guidance. As such officers are of the view that the proposed development will not have an overbearing impact on neighbouring residents which would warrant refusal of the application.
- 8.29 The garden amenity areas for the two proposed dwellings and the existing dwelling on site are detailed to be well in excess of 100sqm. This would comfortably meet the guidance set out in the Successful Places Interim Planning Guidance which recommends that a 3 bedroom property have 70sqm and a 4+ bedroom property have 90sqm of private outdoor amenity space.
- 8.30 It is concluded that the proposed development would not be harmful in regards to privacy and amenity of existing and future occupiers.

Land Stability

- 8.31 The application site falls within the defined Coal Mining Development High Risk Area. A Coal Mining Risk Assessment has been submitted and the Coal Authority were consulted. The original objection to the application was withdrawn and conditions recommended requiring a scheme of intrusive site investigations to be carried out prior to commencement of the development.
- 8.32 Concerns have been raised to the risk from land stability issues, however no evidence has been put forward to support this claim.
- 8.33 The proposed development is therefore considered to accord with Local Plan policy SDC14 which requires proposals to demonstrate that land affected by contamination or instability will be addressed by appropriate mitigation

measures, subject to compliance with the conditions recommended. As such officers are of the view that there is no technical reason to reject the proposal.

Ecology and Tree Protection

- 8.34 Local Plan Policy SDC4 states that the Council will protect and enhance the District's natural environment and seek to increase the quantity and quality of biodiversity. Neighbourhood Plan Policy W13 states that development proposals should conserve and enhance biodiversity.
- 8.35 Local Plan Policy SDC2 states that proposals for development should provide for the protection and integration of existing trees, woodland and hedgerows for their wildlife, landscape, and/or amenity value.
- 8.36 The proposed development does not include the removal of any trees, however prior to the submission of the application, several mature trees were removed and some mature planting within the site was cleared, this has resulted in the loss of established garden habitats.
- 8.37 On consultation with the Derbyshire Wildlife Trust, it was advised that a tree survey and impact assessment should be submitted. This was based on review of aerial mapping rather than a visit to the site. It was noted that the impact of the proposal upon protected species is likely to be low, however it was recommended that a Biodiversity Enhancement Plan should be submitted and approved by the Local Planning Authority prior to any works above foundation level commencing.
- 8.38 The Biodiversity Enhancement Plan should include nest boxes, bat boxes, insect bricks, fencing gaps for hedgehog access, and in accordance with Policy SDC2, a landscape plan to include new planting which uses species and varieties native to the area, of local provenance wherever possible, and that maximise the benefits to the local landscape, wildlife and air quality will be preferred.
- 8.39 A Tree protection plan was submitted by the applicant which details the measures proposed to ensure that the remaining trees and boundary hedging are protected during the construction period.
- 8.40 Concerns were raised regarding the impact of the development on a Poplar tree to the south of Plot 1. As the proposal involves laying of hard surfaces and works to the boundary walls within the Root Protection Area of the poplar to the south, and other remaining trees on the east boundary of the site, it is recommended that an Arboricultural Method Statement is required prior to the commencement of the proposed development which details the methodology for the implementation of any aspect of development which is likely to detrimentally affect the retained trees, and explains how this damage will be

avoided. The statement should be in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction.

Highway Safety Considerations

- 8.41 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is reflected in Local Plan policy ID3 and policy W17 of the Neighbourhood Plan.
- 8.42 Concern has been raised by local residents that the proposed development will increase traffic movements close to a school, scout hut and church, with the proposed development potentially causing a hazard and congestion. There are also concerns that the proposed development will displace vehicular parking onto the highway.
- 8.43 The proposal involves changes to the access points informed by earlier Highways Authority comments in relation to visibility requirements. The amended proposal comprises blocking up the two existing accesses to the site and creating two new accesses, one of which is to be shared with Plot 2. A new access is to be created for Plot 1 which is located to the east on the existing access.
- 8.44 The proposed parking provision includes two spaces with turning for each proposed new dwelling and three spaces with turning for the existing dwelling. This is considered adequate in relation to the number of bedrooms per property.
- 8.45 The County Highway Authority was consulted on the amended access detail, raising no highway safety objections to the scheme subject to the recommended conditions.
- 8.46 In conclusion, there are no highway objections to the proposal and it is therefore considered by officers that the proposed development would not lead to unacceptable impacts on highway safety or result in severe impacts on the wider road network. As such officers conclude that the application accords with Local and Neighbourhood Plan Policies and the NPPF guidance.

Flood Risk Considerations

- 8.47 The proposed development is within a Flood Zone 1 (land assessed as having less than 1 in 1,000 annual probability of river flooding) and has a low risk of fluvial and surface water flooding. There are no surface water flooding risks identified on or near to the application site.

- 8.48 Concerns have been raised to drainage, however no evidence has been put forward to support these claims.
- 8.49 In summary, Officers consider that the development would be acceptable from a flood risk perspective and there is no technical reason to reject the proposed development.

Other Material Considerations

- 8.50 Concerns were raised regarding the impact of the proposed development of Plot 2 in terms of the loss of sunlight to solar panels installed on a south facing roof slope of the neighbouring property.
- 8.51 The applicant provided an assessment which was carried out in accordance with the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2022). The findings of the report were that the development would result in 5.25 % drop-in Annual Probable Sunlight Hours (APSH) sunlight hours to the installed solar panels.
- 8.52 The BRE guidance states that for a solar panel angle of between 30.01-59.99 degrees a value of reduction of sunlight less than 85% of the former value will not be significant. Officers therefore do not consider that the impact on environmental sustainability is significant such to warrant refusal of the application.
- 8.53 Loss of value to a property is not a material consideration, this includes the production of renewable energy as a private asset.

9.0 Summary and Conclusion

- 9.1 The application site is located in the Settlement Development Limit for Wingerworth, where sustainable development is considered acceptable in principle.
- 9.2 In design terms, the proposed development for two dwellings either side of the existing property on site would be of a scale and design which would be in keeping with and complement the site and the character of the surrounding street scene.
- 9.3 Whilst the proposed development would be in the vicinity of two listed buildings, it is officer opinion that the materials, layout, architectural features, scale and design proposed would not detract from the nearby listed buildings, and that the significance of the heritage assets and their setting would be preserved.

- 9.4 In privacy and amenity terms, the proposed development would ensure good quality amenity for future occupiers and protect that of neighbouring residents.
- 9.5 Ecological and tree protection measures can be controlled by way of condition on any decision.
- 9.6 The proposed development would not lead to an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe which would warrant a reason to refuse the application.
- 9.7 No evidence has been brought forward to counter the technical advice of consultees and all technical matters can be addressed by way of condition.
- 9.8 Accordingly, there are not considered to be any matters to outweigh the predominance of the Local Plan and Wingerworth Neighborhood Plan and so the proposal is recommended for approval subject to conditions outlined below.

10.0 Recommendation

- 10.1 That planning permission is **CONDITIONALLY APPROVED** subject to the recommended conditions below, with the final wording of the conditions delegated to the Planning Manager (Development Management):

Conditions

- 1) The development hereby permitted shall be started within three years from the date of this permission.

[Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.]

- 2) The development hereby approved shall be carried out in accordance with the amended submitted plans:

- SITE LOCATION PLAN; Published 23 Feb 2023
- Drawing no. 1001 Revision 003 SITE LAYOUT; Published 31 May 2023
- Drawing no. 1002 Revision 003 STREET VIEW; Published 31 May 2023
- Drawing no. 1003 Revision 002 PLOT 1 LAYOUT AND ELEVATIONS; Published 25 Apr 2023
- Drawing no. 1004 Revision 002 PLOT 2 LAYOUT AND ELEVATIONS; Published 25 Apr 2023
- Drawing no. 1006 Revision 000 TREE MAINTENANCE DURING CONSTRUCTION; Published 22 Jun 2023

unless otherwise specifically agreed through a formal submission under the Non-Material Amendment procedures and unless otherwise required by any other condition in this decision notice.

[Reason: For clarity and the avoidance of doubt.]

- 3) Notwithstanding the submitted details, before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

[Reason: In the interests of the character and appearance of the area.]

- 4) Before above ground work commences, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[Reason: In the interests of the character and appearance of the area.]

- 5) Before development starts, a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy, policies SS1 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework.]

- 6) Notwithstanding the submitted details, before above ground works commence 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 development hereby permitted is commenced.

[Reason: In the interests of the character and appearance of the area.]

- 7) Notwithstanding the submitted details, before above ground works commence details of the type, layout and materials to be used on hard landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of each dwelling.

[Reason: In the interests of the character and appearance of the area.]

- 8) Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme.

[Reason: In the interests of the character and appearance of the area.]

- 9) 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 character and appearance of the area.]

- 10) The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

[Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.]

- 11) Before development starts a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

[Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.]

- 12) No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been

implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

[Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework. and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.]

- 13) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

[Reason: To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework. and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.]

- 14) Before the commencement of the development hereby approved:
- a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b. The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous gas,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, 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 ground gas 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. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]

15) Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of risk from ground gas, 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 LCRM 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.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]

16) No dwelling/s hereby approved shall be occupied until:

a. The approved remediation works required by condition 14 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 14(b) to condition 15 above and satisfy condition 16(a) above.

c. Upon completion of the remediation works required by condition 15 and 16(a) 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. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]

17) 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.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]

18) Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

[Reason: In the interests of highways safety and to protect the amenity of neighbouring users, all in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.]

19) 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.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 20) The premises, the subjects of the application, shall not be occupied until the access, parking and turning facilities have been provided as shown on the revised application drawing - Site Plan 1001 Rev 003. Each access shall be provided with maximum visibility sightlines in both directions, measured from a point located centrally and 2.4m back into each access. The area's in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 21) The existing vehicular accesses to Longedge Lane shall be permanently closed with physical barrier's and the existing vehicle crossover's reinstated as footway / verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 22) There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 23) Prior to occupation of any dwelling hereby approved, a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. Bin storage should not obstruct the private drive access, parking or turning provision.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 24) Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated bat boxes.

- insect bricks.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

[Reason: In the interests of the protection and enhancement of biodiversity in accordance with policy SDC4 of the North East Derbyshire Local Plan.]

25) Before development starts, an Arboricultural Method Statement shall be submitted and approved by the local planning authority which details the methodology for the implementation of any aspect of development which is likely to detrimentally affect the retained trees, and explains how this damage will be avoided in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction. The development shall then be carried out in accordance with the approved details.

[Reason: In the interests of the protection of existing trees in accordance with policy SDC2 of the North East Derbyshire Local Plan.]

Informative notes:

- DISCON
- NMA
- Provision of bins
- Environmental Health
The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>.
- Coal Authority
Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>
- Highways
Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be

completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk. email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

- g) Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway / verge without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
- h) The Highway Authority recommends that the first 5m of the proposed accesses / driveway's should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
- i) Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to 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 dished channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.