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<b>APPLICATION NO.</b>	19/01107/FL
<b>APPLICATION</b>	Proposed residential development comprising 21 dwelling (revised scheme of previously approved 18/00273/FL) (Major Development) (Amended Title)
<b>LOCATION</b>	Watercress Farm, Watercress Lane, Clay Cross
<b>APPLICANT</b>	Woodsett Homes Limited
<b>CASE OFFICER</b>	Graeme Cooper
<b>DATE RECEIVED</b>	8 November 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Wright

REASON: An application has been submitted with the intent to build an amount of properties requiring contributions for affordable housing and education in order to get permission. Concern that reducing the number of units by 2 avoids the need for affordable housing in the area. No funding will be provided for education, but new residents will put pressure on these services. Accumulation of houses being built in area is also causing pressure to stretched services. This development was already contentious with local residents and the developer has removed a tree without the permission of a land owner and there appears to be a total disregard for wildlife before the original application was granted.

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**The Site Inspection Group is to visit the site to assess the impact of the proposals on the site, its surroundings and highway safety issues.**

## **1.0 SITE DESCRIPTION**

- 1.1 The application site used to contain a farm house and associated outbuildings of Watercress Farm. The buildings were in a poor state or repair and largely uninhabitable. The site covers an area of approx. 0.56 hectares and is predominately flat in nature.
- 1.2 Access into the original site was from Watercress Lane, a narrow street with a small number of residential properties along it, the latter part of which appears to be an un-adopted, private road.
- 1.3 Surrounding land uses are a mixture of public open space to the north, 14 Beresford Close and an allotment to the west and residential properties to the south and east. The area is characterised by residential properties, typically two-storey and semi-detached in nature accessed off Springvale Close, or cul-de-sacs off this main circular road.
- 1.4 Work commenced on site back in December 2018, with development continuing on site in line with the previously approved plans.
- 1.5 The site sits in the Settlement Development Limit (SDL) of Clay Cross.

## 2.0 PROPOSAL

- 2.1 Permission is sought for the erection of 21 dwellings, with access taken from Springvale Close to the east. These being a mix of 6x4 bed, 14x3 bed and 1x2 bed properties.
- 2.2 The previously approved scheme was for 23 dwellings, including 4 on site affordable units. A S106 was agreed between the developer and Council to provide for education (£56,995.05), recreation (£18,800) and recreation maintenance (£5,520) contributions.
- 2.3 This proposal seeks to remove all affordable units from the scheme and will provide no financial contributions. A Financial Viability Appraisal has been submitted, prepared by S106 Management dated 20 November 2019. This has been independently assessed on behalf of the Council.

## 3.0 AMENDMENTS

- 3.1 None.

## 4.0 PLANNING HISTORY

- 4.1 18/00273/FL - Proposed residential development comprising 21 dwelling (revised scheme of previously approved 18/00273/FL) (Major Development) (Amended Title) (**Conditionally Approved – S106 Complete**)
- 4.2 19/00088/DISCON - Discharge of Conditions 3, 4, 10, 11, 12, 14, 15, 16, 17, 18, 21 and 26 of previously approved 18/00273/FL for 23 dwellings (**Further discharge required – only matters relating to conditions 4 (Phase 1 Study), 5 (Remediation scheme), 10 (Employment), 12 (Landscaping), 14 (Surface water), 15 (Foul water), 17 (highway surface water) and 21 (new junction) have been discharged**)

## 5.0 DEVELOPMENT PLAN POLICIES

- 5.1 The most relevant policies of the Local Plan are:-
- GS1 Sustainable Development
  - GS5 Settlement Development Limit
  - GS9 Planning Obligations
  - GS10 Crime Prevention
  - H2 Housing Development on other sides within the Settlement Development Limits
  - H6 Affordable Housing Provision
  - H12 Design and Layout of New Housing
  - NE1 Landscape Character
  - NE3 Protecting & Managing Features of Importance to Wild Flora & Fauna
  - NE6 Development Affecting Nationally Rare Species
  - NE7 Protection of Trees and Hedgerows
  - NE9 Development and Flood Risk
  - BE1 General Design Principles
  - T2 Highway Access and the Impact of New Development
  - T9 Parking Provision
  - CSU4 Surface and Foul Water Drainage
  - CSU6 Contamination Land

- 5.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year, and is currently paused. The document sets out the Council's strategy for sustainable development and should be afforded limited weight in decision making.
- 5.3 The most relevant policies contained in the Local Plan (Publication Draft) include:
- SS1 Sustainable Development
  - SS2 Spatial Strategy and the Distribution of Development
  - SS7 Development on unallocated land within the Settlements with Defined Settlement Limits
  - LC2 Affordable Housing
  - LC4 Type and Mix of Housing
  - SP2 Clay Cross
  - SDC2 Trees, Woodland and Hedgerows
  - SDC3 Landscape Character
  - SDC4 Biodiversity and Geodiversity
  - SDC11 Flood Risk and Drainage
  - SDC12 High Quality Design and Place making
  - SDC14 Land Potentially affected by Contamination or Instability
  - ID1 Infrastructure Delivery and Developer Contributions
  - ID3 Sustainable Travel
  - ID9 Open Space, Sport and Recreation Facilities
- 5.4 Other policy documents that are material to the determination of this application are:
- Successful Places Interim Planning Guidance
  - Sustainable Buildings SPD
- 5.5 The policies of the National Planning Policy Framework (NPPF) 2018, when read as a whole, is also a significant material consideration and aims to ensure that development is broadly sustainable having regard to three overarching objectives; economic, social and environmental factors.

## **6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS**

- 6.1 The application was validated on 8 November 2019 and was due to expire on 7 February 2020, however an extension of time was agreed until 13 March to allow the application to be considered by members of planning committee. A site visit was undertaken by the case officer on 29 November. A site notice was placed on a lamp post on Springvale Close which expired on 20 December 2019.
- 6.2 The **Parish Council** was consulted and highlight and express their concerns over the number of properties that are not on adopted roads and share private drives. There needs to be substantial information regarding the impact of this planning decision cascaded to potential house buyers regarding ownership, maintenance and access.

6.3 The **Local Ward member** raised the following comments:

“I wish this application to be decided by committee as once again I feel an application has been submitted with the intent to build an amount of properties requiring contributions for affordable housing and education in order to get permission. Then they want to reduce the amount by 2 to avoid provision of much needed affordable housing in our area. As for education are we saying that the 21 properties they are still intending to build won't require this funding and will not have need for the residents living in them to require school places, therefore putting more strain on service provisions etc. We should also take into account the house building currently granted in the locality when decisions are made on whether or not there is a need to provide financial contributions as this accumulation will cause more problems to our already stretched services. This development was contentious at the beginning with local residents plus the developer ripping out the tree adjacent without permission of the landowner and total disregard for wildlife before any application was granted.”

6.4 The **County Highways Authority (HA)** raised no objection to the proposed change in the house types to plots 11, 12, 13 and 14 with the proposed change not set to alter the exiting approved highway layout. Accordingly, subject to similar conditions to those associated with the previously approved application (Ref: 18/00273/FL) there are no highway objections.

6.5 With regard to the application 19/00088/DISCON the HA provided comments concerning highway related conditions 17, 18 and 21 in its letter dated 29 April 2019. This latest information sets to address comments made with regard to condition 18. It would appear that No 68 Springvale Close is to be used as the sales office, with the existing residential vehicular access off Springvale Close being utilized for sales office parking. This should be acceptable in principle subject to the property not also being used as a private residential property.

6.6 The **Council's Environmental Health Officer (EHO)** notes that the application is supported by reports from Eastwood and Partners. Based on the information submitted the EHO recommends a number of conditions be included in any decision.

6.7 The **Coal Authority (CA)** was consulted on the proposed development and note that the application is supported by a Phase 1 and 2 Geotechnical and Geo-Environmental Site Investigation, dated 27 April 2018, prepared by Eastwood and Partners. The report states that coal or evidence of historical mining activity was not encountered within any of the exploratory hole positions. Based on these findings the report authors state that the risk to surface stability of the proposed development from historical mining activities is considered to be negligible. On the basis of the submitted information, the Coal Authority has no objection to the proposal.

6.8 The **Council's Refuse Team** was consulted and note that sufficient space should be provided at each dwelling for the storage of 3x refuse bins. The Council operate a kerbside collection service once a week. Access is required for a 32t vehicle with 22.8m turning circle and allowances should be made in the construction of the highway for this vehicle. Adequate off street parking should be provided to allow full access for refuse vehicles. The refuse lorry will not cross block paved, gravel or other un-adopted surfaces. A refuse

collection strategy should be put forward by the developer and where necessary an indemnity may be agreed between the developer and Council to allow access to un-adopted sections.

- 6.9 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted ecology report prepared by ECUS, dated June 2018 together with the submitted documents. The ecology report provides a clear description of the habitats and their likely importance to protected or notable species and there are no outstanding recommendations for additional ecological surveys. The existing habitats comprise mainly species poor grassland that is of relatively low ecological value, with scattered trees and scrub that provide habitat structure and foraging habitat for a range of wildlife. The layout offers very little scope for habitat creation and based on the current information the proposal would struggle to achieve a net gain for biodiversity. DWT recommend that the layout is reconsidered and opportunities sought to incorporate a greater extent of high quality habitats to offset the losses, for example native species hedgerows, additional tree planting, greenspace to accommodate wildflower habitats, etc. The provision of bird and bat boxes is welcomed and these can be secured by way of condition.
- 6.10 **Yorkshire Water** raised no objection to the proposed separate systems of drainage on and off site, the proposed amount of domestic foul water to be discharged into the combined public sewer, the proposed amount of curtilage surface water to be discharged into the public sewer as a restricted rate of 3.5l/sec and the proposed points of discharge of foul and surface water to the respective sewers.
- 6.11 **Environment Agency** raised no comments due to the application be located in a Flood Zone 1.
- 6.12 **NHS** raised no comments.
- 6.13 The **Council's Drainage Engineer** raised no comments.
- 6.14 The **Lead Local Flood Authority (LLFA)** raised no objection in principle to the proposed development. Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 15 November 2019. The surface water drainage network has already been constructed under previously approved planning application (18/00273/FL). The surface water drainage conditions appended to the decision notice for application (18/00273/FL) were not recommend by the LLFA. It would be inappropriate for the LLFA to recommend conditions given the surface water network has already been constructed.
- 6.15 The **Councils Housing Strategy Officer** was aware that this site was not successful in attracting a Registered Social Landlord (RSL). An off-site commuted sum would be accepted in lieu of on-site provision. Based on the formula contained in the Councils Affordable Housing SPD the expected commuted sum would be £191,952. The same officer was made aware of the submitted viability assessments and that the scheme is not viable. This was noted by the Housing Strategy Officer.

6.16 The **Councils Streetscene (Parks) Officer** was notified that the proposal would not provide any financial contributions towards the enhancement of local play space.

6.17 **DCC Infrastructure** stated that based on analysis of the proposal there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The following requests are made:

- £67,248.96 for Sharley Park Community Primary School towards additional education facilities.
- £103,472.70 towards additional education facilities at Tupton Hall School.

Following the receipt of an independent viability appraisal the County Council were re-consulted and made aware that the site was not viable. They note that the submitted Viability Report and Assessment makes a thorough review of the figures provided. Despite this, the conclusion remains that development cannot support any planning obligations and it is disappointing that the development is already underway before this has been highlighted by the developer through the revised application. As such Derbyshire County Council recognises the results of the viability report and that contributions will not be able to be provided to mitigate the impact of the development on the normal area primary and secondary schools.

6.18 **1 objection** have been received from a local resident raising the following objections:

- Concern at proximity of the proposed development to his property [*Officer Note: all proposed dwellings accord with the separation distances contained in the Councils Successful Places Interim Planning Guidance.*]
- Proposed development will reduce light entering neighbours garden [*Officer Note: officers do not consider that there would be any loss of amenity resulting from the proposed development.*]
- Concern of overlooking [*Officer Note: all proposed dwellings accord with the separation distances contained in the Councils Successful Places Interim Planning Guidance.*]
- Increase in noise disturbance [*Officer Note: construction noise is not material to the determination of this application – matters relating to amenity resulting from the proposed development have been considered in the application process.*]

## **7.0 PLANNING CONSIDERATIONS**

7.1 The planning considerations for this application are the suitability of the proposal in this location in policy terms, its effect on character and appearance of the site and the surrounding street scene, the impact upon the amenity of neighbouring residents and land uses, its ecological impact, land contamination, drainage and highway safety.

## **8.0 PLANNING ASSESSMENT AND SUMMARY**

### **Principle of Development**

- 8.1 The principle of development on the site was established through the granting of planning permission 18/00273/FL. This permission remains extant. Therefore the principle of development is considered to be acceptable.

### **Infrastructure Considerations**

- 8.2 The previously approved scheme for 23 dwellings included 4 on site affordable dwellings along with financial contributions towards education (£56,995.05) and recreation (£24,320).
- 8.3 A financial viability assessment has been submitted with this application concluding that the scheme is unviable and is unable to provide any on site affordable housing or financial contributions.
- 8.4 The Council sought the opinion of an independent viability expert, who reviewed the submitted viability assessment and confirmed that the details were accurate and followed up to date guidance. He concludes that the scheme is technically unviable even before any planning policy requirements are applied and recommends that the financial contributions be removed from the scheme to provide the best chance of the scheme being fully delivered.
- 8.5 Derbyshire County Council (DCC) Infrastructure have been consulted on the proposals to remove the education contribution, and have commented that the submitted Viability Report and Assessment makes a thorough review of the figures provided. Despite this, the conclusion remains that development cannot support any planning obligations and it is disappointing that the development is already underway. As such DCC recognises the results of the viability report and that contributions will not be able to be provided to mitigate the impact of the development on the normal area primary and secondary schools.
- 8.6 In view of the independent review of the applicants viability report, and DCC not raising an objection to the removal of the education contribution officers consider that the removal of the s106 contributions is acceptable due to the viability of the site.

### **Landscape/Street Scene Considerations**

- 8.7 The proposed scheme differs from that previously approved with plots 11-14, a run of four terraced properties removed from the scheme and replaced with 2x4 bedroom properties. In place of a private parking area will be a smaller turning area and driveway.
- 8.8 Local Plan Policy and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development.

- 8.9 The surrounding streetscape is largely made up of residential properties, typically two storey, semi-detached in nature. The dwellings proposed would be a mixture of two-storey detached, semi-detached along with a short terrace of three properties. The housing mix would comprise 1x2 bed, 14x3 bed and 6x4 bedroom properties. Materials will primarily be red brick with small elements of render as a focal point on key strategic buildings.
- 8.10 Each property is provided with 2 off street parking spaces, with some having integral garages. Parking is provided predominantly to the front and side of each property and two short private drives are proposed within the scheme. Concern is raised by the Parish Council to the number of developments being served by private drives, however this is not material to the determination of this application.
- 8.11 Levels plans have been submitted with this application illustrating details across the site. Most of the development had already been constructed when Officers visited the site. The levels in the south west corner were an issue during the construction phase and the levels of plot 11 and 12 are lower than those of plots to the east and north. Levels from within the site fall to properties on Springvale Road. As such, Officers are satisfied with the submitted details and that the proposed dwellings would not have a detrimental impact upon the character of the area.
- 8.12 Boundary treatments have been submitted, which include 1.8m close boarded fencing to all private gardens. A feature brickwork wall is also proposed around the garden of plot 1. However some boundary treatment details are unclear and there are areas where 1.8m high fencing is proposed where it would be unacceptable from a design perspective. Furthermore, stronger frontage boundary treatments should be installed to enhance the scheme when entering from Springfield Close. Officers consider that these elements can be controlled by conditions.
- 8.13 Landscaping details have been previously approved during the course of a discharge of conditions application (19/00088/DISCON). The details approved included tree, shrub and grassed areas across the site. A full schedule of landscaping and implementation programme was submitted to and approved by the LPA. Notwithstanding the previously approved landscaping scheme, Derbyshire Wildlife Trust (DWT) provided comments on this amended scheme. They recommend that the additional native hedgerows are included, additional tree planting is undertaken and greenspace is seeded with wildflower mixes to incorporate greater natural habitats. Alterations to the previously approved landscaping scheme will be required to take into account amendments to the overall layout of the site, this will also allow for the request of DWT to be considered. It is considered that this can be dealt with by way of condition on any approval.
- 8.14 When viewed in the context of the properties that surround the application site it is considered that the layout as proposed, both in density and format, would respect the character of the area and comply with policies BE1 and H12 of the adopted Local Plan, and be generally in accordance with the guidance of Successful Places.



## **Residential and Neighbouring Land Uses Impact**

- 8.15 The application site is bounded by residential properties to the east, south and part of it is western boundary. Plots 6-10, which would have rear gardens adjacent to the back gardens of properties that front Springvale Road, would be two-storey in scale and have rear gardens in depth ranging from just over 9m to 11m.
- 8.16 Plot 11, which will be a two storey property sits approx. 3m from the southern boundary of the site. Properties to the south on Springvale Road have 18m long private gardens. The side elevation of plot 11 includes a first floor bathroom window and ground floor high level window. Officers consider that the upper floor bathroom window should be conditioned to be obscurely glazed and have no opening parts below 1.7m above floor level to avoid any loss of privacy and amenity for neighbouring residents.
- 8.17 Rear garden depths range from 9m up to beyond 12m. The Councils Successful Places Interim Planning Guidance states that to reduce the effect of direct overlooking from new houses, first floor habitable room windows facing a rear boundary should not normally be sited closer than 10.5m to the boundary. However each case should be assessed on its own merits. Properties along the north and western boundaries which just fall short of this requirement overlook open space and not neighbouring properties. Plots 7, 8 and 10 are between 9-10m from the boundary of the site, but upper floor windows would be in excess of 21m from existing upper floor windows on properties on Springvale Road, and as such, in respect of the previous permission, concluded that this relationship was acceptable and that residential amenity would not be significantly compromised from overlooking.
- 8.18 Plots 2 to 5 would be orientated toward 68 Springvale close but at a distance of 13m away with a typical boundary treatment of a 1.8m boarded fence there is not considered to be any overriding concern with regard to overlooking.
- 8.19 Plot 11 and 12 would be orientated towards 14 Beresford Close but, given the garden depths proposed and oblique nature of angle between the properties, it is not considered that the amenity of the occupiers would be compromised.
- 8.20 Plot 6 would predominantly be to the rear of 2 Penistone Gardens and no windows are proposed in the pertinent first floor side elevation of this property and a distance of 12m would be retained between the two dwellings.
- 8.21 Having regard to the above, it is considered that the layout as submitted would be acceptable so as to not have a detrimental impact on the amenity of occupiers surrounding the application site through a dominating or overlooking impact.
- 8.22 The proposed rear gardens of the new development would range from between 8m and 11m in depth. In accordance with the Councils Successful Places Interim Planning Guidance a rear garden area of 50sqm, 70sqm and 90sqm would typically be sought for two, three and 4 bedroom properties respectively. Nearly half of the properties fall below the space standards, however taking into account that most of these properties also have front gardens and are only a short walk from a local park (Plots 5, 18-23 back onto

the recreation area) and open countryside it is considered, on balance, that this would be acceptable.

- 8.23 Therefore, having regard to the layout as proposed and its relationship with neighbouring properties it is considered that the impacts on residential amenity, for both the proposed occupiers and those adjacent to it, would be acceptable.

### **Highway Safety Considerations**

- 8.24 Access to the site would be from Springvale Close and the majority of the highway proposed within the application site would be adopted, with the exception of two short sections of private road. Two parking spaces are proposed for each dwelling and some properties are provided with integral garages.
- 8.25 County Council Highways Authority (HA) raised no objection to the layout for 21 dwellings. The applicant has also submitted an updated site accommodation plan, which seeks to address an outstanding matter on the original approval. The HA note that 68 Springvale Close is to be used as a sales office, with the existing residential vehicular access off Springvale Close being utilized for sales office parking. This should be acceptable in principle subject to the property not also being used as a private residential property at the same time as a sales office.
- 8.26 In terms of refuse collection, it is noted that a refuse vehicle will enter the site and use the turning head provided, but will not enter the private drive areas. The Council operates a kerbside collection service so residents on the private drives will have to present their bins at the kerbside. Whilst this may be acceptable for plots 11 and 12, plots 2-5 and 18-23 may require a dedicated refuse presentation point at the kerbside for use on collection days, as such it is considered that the layout will need amending to accommodate 2 presentation points. This can be dealt with by way of condition.

### **Drainage Considerations**

- 8.27 A full drainage scheme has been submitted which illustrates surface water entering the public sewer to the west and foul water exiting the site to the south between plots 6 and 7 onto Springvale Road. Surface water from the site would be limited to 3.5l/sec.
- 8.28 Yorkshire Water and the Lead Local Flood Authority have raised no objection to the proposed drainage scheme, subject to the surface water rate being limited to 3.5l/sec.

### **Ecological Considerations**

- 8.29 A bat and bird box and hedgehog gap plan has been submitted illustrating 7 bat tubes, 3 swift nest boxes and hedgehog gaps to each garden. A number of hedgehog gaps are also included in the outer boundaries of the site.

- 8.30 Derbyshire Wildlife Trust (DWT) note the provision of bird and bat boxes, along with hedgehog gaps. These features are welcomed, however their comments relating to the landscaping scheme above can be addressed by way of an amended landscaping scheme to ensure that the proposal has a net biodiversity gain.

### **Land Contamination and Coal Mining Legacy**

- 8.31 The Councils Environmental Health Officer (EHO) was consulted during the course of the application. Based on the information submitted the EHO recommends a number of conditions be included on any decision.
- 8.32 The Coal Authority was consulted and noted that no evidence of historical mining activity was not encountered within any of the exploratory hole positions. Based on these findings the report authors state that the risk to surface stability of the proposed development from historical mining activities is considered to be negligible. On the basis of the submitted information, the Coal Authority has no objection to the proposal.

### **Other Material Considerations**

- 8.33 During the course of dealing with application 19/00088/DISCON (linked to the previous approval for 23 dwellings) matters relating to conditions 4 (Phase 1 Study), 5 (Remediation scheme), 10 (Employment), 12 (Landscaping), 14 (Surface water), 15 (Foul water), 17 (highway surface water) and 21 (new junction) were considered and approved, however it should be noted that an amended landscaping scheme will be required to take into account the amended layout and comments of DWT. Furthermore details relating to surface, foul, highways surface water, levels, site accommodation and biodiversity enhancement details have been superseded by the details submitted with this application. The submitted plans include details of what materials each property will be constructed from.
- 8.34 Previously required conditions relating to 8 (validation report), 16 (boundary treatments) and 22 (access closure) need to be included in any decision to ensure that details are submitted to and approved by the LPA.
- 8.35 The Councils Housing Enabling Officer confirmed that the developer had been having difficulties finding a social landlord to take on the 4 previously approved on site affordable houses and instead was willing to accept a commuted sum. A commuted sum of £191,952 was requested in lieu of any on-site provision. However, due to the scheme being unviable no financial contributions would be provided.

### **Conclusion**

- 8.36 The application site falls within the Settlement Development Limit for Clay Cross, one of the four most sustainable settlements within the District. Policies within the Adopted and Publication Draft Local Plan, along with guidance within the NPPF support the principle of residential development, which is considered to be sustainable.
- 8.37 The principle of development has also previously been accepted through the granting of permission for 23 dwellings, under reference 18/00273/FL.

- 8.38 The independent viability professional employed to review the submitted viability assessment recommended that the financial contributions be removed from the scheme to provide the best chance of the scheme being fully delivered. In Officers opinion, to retain such contributions would risk the development ceasing and not being completed. Whilst disappointing, given the sustainable location of the site and provision of 21 dwellings, it is not considered good reason to refuse the proposed development.
- 8.39 The layout as proposed would respect the character of the area, which is built to a relatively high density, made up of two-storey dwellings with a mix of house types. Taking into account the amenity of existing and proposed occupiers it is not considered that either would be unduly compromised through an overlooking or dominating impact. Furthermore, adequate parking provision is provided with no detrimental impact on highway safety.
- 8.40 For the reasons above, it is considered that the proposed development would comply with policies GS1, GS5, GS9, NE1, NE7, BE1, H2, H6, H12, T2 and T9 of the adopted Local Plan; policies SS1, SS2, SS7, LC2, LC4, SDC12 and ID1 of the Local Plan (Publication Draft), along with guidance contained in the NPPF.

## 9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Yorkshire Water:</u>	No objections
<u>Refuse Team:</u>	Comments
<u>Derbyshire Wildlife Trust:</u>	Raised comments in relation to ecological matters
<u>DCC Infrastructure:</u>	Comments
<u>Housing Officer:</u>	Comments
<u>Streetscene (Parks):</u>	Comments
<u>LLFA:</u>	No objection in principle
<u>Drainage Engineer:</u>	No comments
<u>NHS:</u>	No comments
<u>Neighbour:</u>	1 objection
<u>Parish Council:</u>	Concern raised
<u>Ward Member:</u>	Request that the application be considered by members of planning committee

## 10.0 RECOMMENDATION

That planning permission is **CONDITIONALLY APPROVED** in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager:-

## **CONDITIONS**

### **Time Limit/Scale of Development**

1. The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
  - 17\_2129\_ LP (Location Plan)
  - 17/2129/(02)001 (House Type A)
  - 17/2129/(02)002 Rev A (House Type B1 & C)
  - 17/2129/(02)003 (House Type D & E)
  - 17/2129/(90)101 Rev C (Existing & Proposed Site Layout – Materials Only)
  - 17/2129/(02)101 Rev F (Existing & Proposed Site Layout)
  - 17/2129/(02)102 Rev B (Proposed Site Layout with Vehicle Tracking)
  - 17/2129/(90)103 Rev B (Contractors Compound/Phasing Plan)
  - FT/12607/F1 (Bat, Bird and Hedgehog Gap Plan)
  - 42371/005 Rev L (Section 104 Layout)
  - 42371/006 Rev F (External Works)
  - 42371/007 Rev D (Plot Drainage)

### **Landscaping and Boundary Treatments**

2. Notwithstanding the submitted details, within 2 months of this decision, 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 native plant species, size and density and planting locations, which takes into account the comments of DWT including new native hedgerow planting, native tree planting, wildflower seeding in green spaces, etc,
  - d) an implementation programme.
3. 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.

4. Notwithstanding the submitted details, within 2 months of this decision, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of that dwelling and shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.

### **Employment**

5. The scheme to enhance and maximise employment and training opportunities during the construction stage and post construction stage hereby approved under planning reference 19/00088/DISCON shall be implemented in full in accordance with the approved timetable.

### **Construction**

6. Works on site and deliveries to the site shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

### **Ecology**

7. The ecological features illustrated on drawing FT/12607/F1, prepared by ECUS Environmental Consultants dated January 2019 shall be implemented in full prior to the occupation of each dwelling and retained as approved for the lifetime of the development.

### **Privacy and Amenity**

8. Prior to the first use of Plot 11 hereby approved, the window shown on the approved plans to the bathroom on the dwellings southern elevation shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The window shall then be retained as such thereafter at all times.

### **Highway Safety**

9. Within 2 months of this decision and notwithstanding the submitted details, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to the completion of the final dwelling and retained as approved for the lifetime of the development.
10. The site accommodation and phasing plan hereby approved by drawing 17/2129/(90)103 Rev B shall be adhered to and retained throughout the construction period.

11. Throughout the period of construction, wheel washing facilities shall be provided and utilised within the site.
12. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
13. The new junction hereby approved under planning reference 19/00088/DISCON shall be laid out, constructed to base level and provided with 2.4m x 160m visibility splays in both directions, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site. For the avoidance of doubt, the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.
14. Within 2 months of this decision, details of how all other means of access into the development site have been permanently closed with a physical barrier shall be submitted to and approved in writing by the Local Planning Authority. These other means of access into the site shall remain permanently closed in perpetuity.
15. The proposed access drive to Springvale Close shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.
16. The new dwellings shall not be occupied until the proposed new estate street between each respective plot and the existing public highway has been laid out in accordance with the approved application drawings to conform to the County Council's design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.
17. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents/visitors/service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
18. Within 2 months of this decision, details for the storage of refuse bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage facilities shall then be implemented in full prior to the completion of the development and retained for the designated purposes at all times thereafter.

## Land Contamination

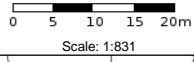
19. The dwellings hereby approved shall not be occupied until:

The remediation works identified in the Remediation Plan submitted with the application as part of the Eastwood & Partners letter report 'Watercress Farm Danesmoor Planning Reference 19/00088/DISCON (Ref: PR/AJK/SAE/42371-004; dated 18th November 2019' shall be undertaken in accordance with the scheme in that report. The remediation works 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) prior to commencing works in connection with the remediation scheme.

20. Upon completion of the remediation works required 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.
21. If during the construction associated with the development hereby approved any suspected areas of contamination are discovered, 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 phased approach for assessing, investigating and managing land contamination contained in good practice guidance.





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