

1.0 Reason for Report

1.1 Councilor Dale has requested that the Application is determined by the Planning Committee to give members an opportunity to review and consider the concerns around:

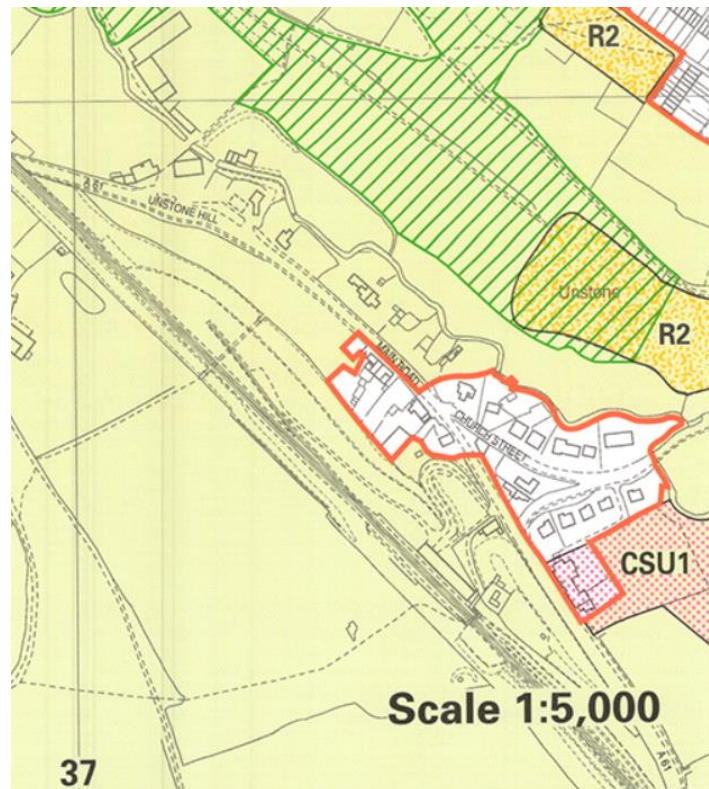
- Impact on the green belt
- Density of the development and impact on parking (particularly when considered alongside the existing approval for 8 x 1-bed flats within the existing Pub building)
- Impact on pre-existing flooding issues at this location.

1.2 The application has attracted 3 objections in relation to development within the Green Belt, flood risk, and insufficient parking provision.

1.3 The Planning Committee is required to determine the application.

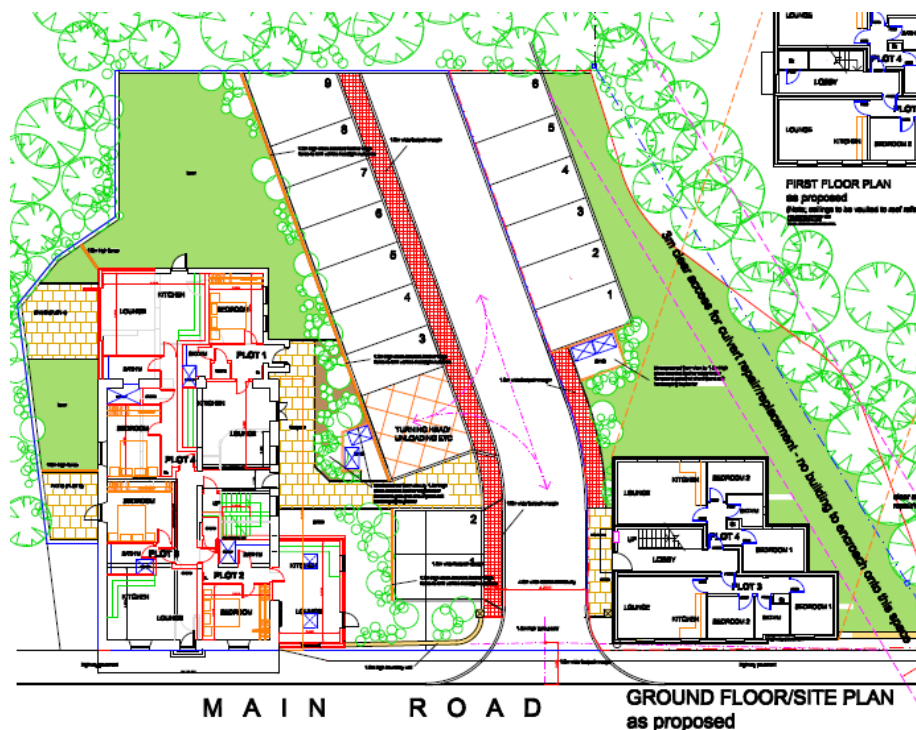
2.0 Proposal and Background

2.1 The application site relates to the former Fleur De Lys Hotel site, fronting Main Road (B6057). The building is situated within the Settlement Development Limits for Unstone whereas the car parking area lies outside of the Settlement Development Limits (SDL) and within the Green Belt.



Extract from Adopted Local Plan showing SDL

- 2.2 The former public house is vacant, and has an extant planning permission for the change of use to residential with associated parking to the rear. It is to comprise of 8no. one bedroom flats, and includes an increase in the ridge height of 1.8 metres.
- 2.3 This application is seeking full planning permission to build a two storey building comprising 4no. two bed flats to the northwest of the existing building on the former car parking area.
- 2.4 The flats will be offered as Affordable Housing and discussions are still taking place with the Registered Providers. Interest has been shown but discussions are to commence once planning permission is granted.
- 2.5 The area to the rear of the site will be retained for parking to serve future residents of the converted pub and proposed flats. Access will be taken directly from Main Road.
- 2.6 There will be a total of 15no. parking spaces to the rear of the site with 9no. allocated to the conversion of the former pub for 8no.one bed apartments and 6no. allocated to serve the 4no. two bed flats.
- 2.7 To the northwest of the site is land in the ownership of Derbyshire County Council (DCC). There is also a culverted land drain which is maintained by DCC that runs along the boundary to Main Road.
- 2.8 To the southwest of the site is the elevated railway line. The boundary contains mature trees of considerable height.
- 2.9 Amendments have been submitted during the determination to address land ownership issues, reducing the width of the building to increase separation distance from the culvert and increase parking provision from 5no. to 6no. spaces.



- 2.10 No EIA Screening Directive has been sought from the Applicant. The Development does not fall within the requirements to screen the development for EIA Development.

3.0 Relevant Planning History

- 3.1 NED/06/00522/FL - Redevelopment of site by the construction of 6no. single bedroom apartments and 3 two bedroom two storey town houses and associated car parking. Conditionally approved. The permission was renewed in 2009 and again in 2012.
- 3.2 NED/15/01085/FL - Demolition of the vacant public house and the redevelopment of the site with 7no. dwellings. Conditionally Approved. Two of the dwellings would have been on the footprint of the former pub and be available on the open market. The other five dwellings were said to be affordable dwellings and would have been built on the former car parking site within the Green Belt and outside of the SDL. The dwellings would have been two storeys in scale positioned along the back edge of the highway with a block of two set at the back of the site. Weight was given to the provision of affordable housing and considered acceptable to depart from the Development Plan in terms of building within the Green Belt. The permission has expired.
- 3.3 NED/19/00113/FL - Application for the increase in ridge height by 1.8 metres of the former public house and conversion to 8no. one bed residential apartments. Access is taken from Main Road and parking is to be provided to the rear of the site. The area to the northwest was retained with no identified use. Conditionally Approved. This consent is extant.

4.0 Consultation Responses

- 4.1 **Unstone Parish Council** have not commented on the scheme.
- 4.2 The **Coal Authority** have advised that the site area lies outside of the coal risk area and therefore do not object.
- 4.3 The **Housing Officer** has commented that there is definitely a need for affordable housing of all types in the Dronfield/Unstone area and the 4 x 2 bedroom flats proposed in this development would make a useful contribution. Details on tenure have been requested and it is suggested that they should be available as affordable rental. Discussions with Registered Providers are still on going and no further information has been provided.
- 4.4 The **Highways Authority** have no objection to the use of the access as approved under 19/00113/FL and have requested conditions to secure the

improvements. An amended plan has been submitted to address comments in relation to land ownership which has been accepted. Comments have been received in relation to the number of parking spaces. The proposal falls short for two bedroom properties as two parking spaces would be usually be requested. This is discussed further in section 7.

- 4.5 **Environment Health** have raised no objection to the proposal and have requested conditions to ensure that any potential contamination is suitably mitigated. As the development site is located in close proximity to a railway line and there are façade openings to habitable rooms including bedrooms on the rear elevation, Environment Health have recommend conditions to safeguard residents from potential noise impacts. Given that no supporting information was submitted the condition to safeguard from contamination or noise impacts the requested conditions are considered necessary.
- 4.6 The **Lead Local Flood Authority** Initially raised an objection as the development would have been within the 3 metre buffer zone for the culvert. Following a revised plan now showing a 3 metre buffer retained the LLFA have removed the objection. This is discussed further at section 7 of the report.
- 4.7 **Derbyshire County Council** raised land ownership issues. Part of land owned by DCC was included in the application red line. This has since been amended and no further correspondence has been received.

5.0 Representations

- 5.1 One **Ward Council** (Cllr. Dale) has commented on the application and cited the following considerations in relation to the proposal: Impact on the green belt; Density of the development and impact on parking (particularly when considered alongside the existing approval for 8x 1-bed flats within the existing Pub building); and Impact on pre-existing flooding issues at this location.
- 5.2 The application was publicised by way of neighbour letters and the display of a site notice. There have been three letters of objection received from interested parties and these can be summarised as follows:
- 5.3 Flood Risk
- There is a land drain and sump in the top corner of the pub car park which is the responsibility of DCC. Access is required to maintain it to prevent flooding which has been experienced in the past.
 - Flooding occurred from September 2019 through to mid-November.
- 5.4 Over Development

- The proposal falls beyond the built footprint of the original building.
- This development, when taken with the plan to provide eight apartments on the site of the former public house, will mean that the whole site is overdeveloped.

5.5 Green Belt

- New build development is inappropriate development in the Green Belt and contrary to Policies.
- The retained land is Green Belt and any development will set a precedent for further inappropriate development.
- Part of the car park is in the Green Belt, which should be protected from this type of development.

5.6 Outside of the Settlement Development Limits

- The building would fall outside of the SDL and is contrary to Policy.

5.7 Impact upon Highway Safety

- Insufficient parking for the whole development of the site.
- The proposed scheme would cause a reduction in visibility onto the highway between buildings at what is already a dangerous exit point.
- The provision of only five parking spaces for a development of four two bedroomed flats seems to me to be woefully inadequate.

5.8 The subject matters raised are addressed in the assessment below. .

6.0 **Relevant Policy and Strategic Context**

6.1 The Development Plan comprises **The North East Derbyshire Local Plan**
The policies applicable to the development are as follows:

GS1 Sustainable Development

GS2 Green Belt.

GS6 New Development in the Countryside

BE1 General Design Principles

H3 New Housing Outside Settlement Development Limits

H9 Affordable Housing: Exception Sites in Rural Areas

H12 Design and Layout of New Housing

NE9 Development and Flood Risk

CSU4 Surface and Foul Water Drainage

T2 Highway Access and New Development.

T9 Car Parking Provision

6.2 Other relevant policy documents include the Successful Places Interim Design Guide

- 6.3 The Emerging Local Plan (2014-2034) (eLP) is also relevant to this application. The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is anticipated that the Plan will be adopted in early 2021. .
- 6.4 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.

- 6.5 The most relevant Policies are considered to be:

SS1: Sustainable Development
SS9: Development in the Countryside
SS10: North East Derbyshire Green Belt
LC3: Exception Sites for Affordable Housing
SDC11: Flood Risk and Drainage
SDC12: High Quality Design and Place making
ID3: Sustainable Travel

National Planning Policy Framework

- 6.6 The revised National Planning Policy Framework was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 and 2018. At the heart of the NPPF is a presumption in favour of sustainable development with chapters 5 (delivering a sufficient supply of homes), 12 (achieving well-designed places) and 13 (protecting green belt land) considered to be particularly pertinent.
- 6.7 For the avoidance of any doubt, the application site is not affected by a Neighbourhood Plan.

7.0 Planning Issues

7.1 Green Belt Considerations

- 7.2 It is stated in Paragraph 133 of the National Planning Policy Framework (NPPF) that the government attaches great importance to Green Belts.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 7.3 Paragraph 134 of the NPPF sets out that Green Belt serves the following purposes; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.4 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. That being said, Paragraphs 145 and 146 of the NPPF identify a number of defined exceptions to inappropriate development in the Green Belt which includes limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.5 Local Policy (2005) GS2 and eLP Policy SS10 are particularly relevant to this proposal as they seek to prevent development within the Green Belt unless very special circumstances exist. There are some exceptions to the policy however new build development is not one. Change of use of land is permitted provided they maintain the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 7.6 LP (2005) Policy GS2 predates the advice provided in the Framework and other than referring to the replacement of existing dwellings it is silent on the redevelopment of previously developed sites. Consequently the weight that can be attached to this policy is considered to be limited.
- 7.7 ELP Policy SS10 is more in line with the framework and allows for limited affordable housing for local community needs in accordance with eLP Policy LC3; and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the current use.
- 7.8 The site has a long history of gaining planning permission for the redevelopment, as yet, none have come forward. In its present condition the site does not contribute positively to the area and it has been accepted that the principle of redevelopment is acceptable. However building in the

Green Belt has typically been accepted as a departure to the Development Plan (2005) as it was to promote Affordable Housing in the District.

- 7.9 The proposal seeks to construct a two storey block of flats consisting of 4 no. two bedroom units. The flats will be available as affordable Housing and discussions are in place with Registered Providers. A condition is included to secure the affordable housing.
- 7.10 It is accepted that the proposal is not in accordance with the Local Plan 2005 Policy GS2 however the emerging local plan Policies SS10 and LC3 due to their consistency with the framework can be given weight and the proposal therefore is policy compliant with the eLP and the NPPF and can in principle be supported.
- 7.11 The application site is currently made up of hard standing to support its former use as a patrons' car park and is considered to meet the definition within the annex of the NPPF for previously developed land. Whilst the principle of redevelopment can be accepted, the impact upon openness is still a consideration of significant importance.
- 7.12 The two storey building is to be positioned side on to the former public house to be converted and will command a roadside frontage.
- 7.13 The access to the rear of the site would be between the two buildings which will frame the entrance. The scale and massing of the proposal is less than the existing building and is in a location which has been accepted for residential development (2006, 2009 & 2012) for roadside frontage terrace dwellings.
- 7.14 It is considered that the proposed block of flats, due to the scale and massing would not cause substantial harm to the openness of the Green Belt.

Outside of the Settlement Development Limits

- 7.15 The representations received have all cited that the development is outside of the Settlement Development Limits and therefore contrary to the Local Plan policies.
- 7.16 The proposal is seeking to provide affordable housing and LP (2005) Policies H3, H9 and H12 are applicable. These policies support affordable housing schemes where there is a proven need. The Councils' Housing Strategy Officer has been consulted and has confirmed that there is definite need for affordable housing of all types in the Dronfield/Unstone area and the 4 x 2 bedroom flats proposed in this development would make a useful contribution.

- 7.17 It is considered that the proposal is compliant with the aims and objectives of providing affordable housing subject to meeting other policy objectives relating to impact upon the character of the area, residential amenity and highway safety.

Impact upon the Countryside/Character of the Area

- 7.18 The application site whilst outside of the settlement development limits for Unstone, is a Brownfield site associated with the former commercial use and comprises of hard standing to facilitate the car park use.
- 7.19 The development is constrained by the railway to the southwest that sits in an elevated position with mature trees along the boundary, the B6057 to the northeast and the existing two storey building sitting to the southeast. The land to the northwest is in a different ownership and the presence of the land drain is a further constraint. The boundary trees limit views when approach from the northwest.
- 7.20 The site does not represent an open countryside location and development would not encroach any further outside of the present boundaries. Therefore, the proposal is not considered to represent a prominent intrusion into the countryside (GS6) and the development is supported by other policies in the Local Plan as referred to above.
- 7.21 LP (2005) Policy BE1 seeks to ensure that development is of a density, scale, massing, height and layout, and use materials that respect the character and appearance of the surrounding area. Objectors have cited that the scheme represents an over development of the site, in particular when considered against the conversion scheme approved (19/0113/FL).
- 7.22 The site is considered of a sufficient size to accommodate the two proposals for apartments/flats without having a detrimental impact upon the general character of the area. The buildings are positioned to the front of the site with the car parking and communal amenity areas to the rear. Unlike dwelling houses there is no requirement to meet the amenity land requirements stipulated in the Successful Places Design Guidance.
- 7.23 The proposed building is fronting the main road and would define the entry into Unstone when approaching from the north. The proposed building has a similar width of the principle elevation as the former pub however its bulk is wider than the older host building. The wider gable ends results in a greater expanse of roof and whilst the host building's height is to increase the roof pitch will be different.
- 7.24 The gap between the buildings will be approximately 15 metres, framing the entrance into the site and sets the two buildings apart and therefore the change in roof pitch would not be detrimental.

- 7.25 The principle elevation of the proposed building contains windows, equally proportioned on the front elevation. Similar to the arrangement on the proposed conversion of the host building. Entrance into the flats will be taken from the side gable. The building will be constructed from a timber frame and have a rendered finish. It will have a slate roof covering to match the host building which is also rendered. Whilst the proportions and layout of the proposed flats are different to the conversion proposal it is not considered that there would be a detrimental impact upon the general character of the site.

Impact upon Neighbouring Properties

- 7.26 The nearest dwelling is opposite the site. The Willows is on the northern boundary of the highway. To the southeast, beyond the existing building is Hawthorne House, this is a two storey dwelling sitting along a similar building line to the former public house.
- 7.27 There have been no objections submitted in relation to any potential impact upon existing residents and no issues raised by past planning applications for housing development.
- 7.28 The relationship of the proposal with the existing residents is considered acceptable and therefore comply with the Local Plan Policy H12 and eLP Policy SDC12.
- 7.29 The Council's design guide Successful Places set out guidance on separation distances between habitable rooms. It advises that the minimum separation distances should be applied reasonably having regard to the particular site conditions and context. Where dwellings are not back to back the separation distance can be reduced from the guidance of 21 metres to 12 metres.
- 7.30 The relationship between the proposed block of flats and that proposed by the conversion of the former public house is considered to meet the stipulations of the design guidance. The windows on the proposed gable end would serve the stairwell and would overlook the parking spaces along the side gable of the conversion.

Drainage/Flood Risk

- 7.31 The site is not within the Environment Agency's flood risk areas and is shown as Flood Zone 1, which has the lowest probability of flood risk. The objectors have highlighted that there have been past flooding issues as a result of poor maintenance of the culverted land drain that runs alongside the site boundary. It is also commented that access to the drain is from the former car park area. Matters relating to access across third party land remains a civil matter however the Applicant has left an access point through the site.

- 7.32 The application has not triggered a consultation with the Environment Agency however the Lead Local Flood Authority has been consulted. Their primary concern was that the building would have been within 3 metres of the culvert which they objected to. The building has been amended with the width reduced to ensure that the 3 metre buffer margin is provided. This has satisfied the requirements from the LLFA who have removed their objection.
- 7.33 It is acknowledged that the developer cannot be made accountable or required to put right existing or known flooding issues but has a duty to ensure that over the lifetime of the proposal that they will not add to flooding problems in the area. Local Plan (2005) Policy CSU4 seeks to ensure that adequate drainage of surface water and foul water is incorporated into development proposals. Derbyshire County's flood team have not objected to the proposal and a drainage strategy can be secured by condition.
- 7.34 Officers consider that in view of the above, and subject to the necessary conditions the development would be acceptable from a drainage perspective.

Access and Parking

- 7.35 It is proposed to utilise the access as approved for the conversion of the former public house. No changes are proposed to the access and the Highways Authority have no objection to the use of the access to serve the proposed block of flats. Local Plan (2005) Policy T2 is considered to be met.
- 7.36 The objectors have raised objections based on the number of parking spaces available. The proposal is seeking to provide 4no. two bedroom flats with parking provided to the rear of the building. Four spaces would be allocated to future flat occupiers and two unallocated.
- 7.37 The Highways Authority have commented on the proposed parking provision and have stated that it would be usual to request two parking spaces per two bed unit giving a total of 8no. parking spaces. The proposal is providing 6no. spaces giving a deficit of 2no. spaces. This is consistent with the parking provision provided for the conversion of the former public house with 8no. one bedroom flats where 9no. parking spaces are to be provided which the Highways Authority accepted.
- 7.38 Local Plan (2005) policy T9 seeks to ensure an appropriate level of parking is made available in relation to the quantum of development. Contained within Annex 4 of the policy it stipulates that 1.5no. parking

space is required for a two bedroom dwelling. The proposal is therefore compliant with the Local Plan.

- 7.39 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Outside of the site on street parking is restricted therefore the development would not result in obstruction of the highway.

Trees

- 7.40 The site boundary trees are to be retained and would not be impacted by the construction of the building. The hard standing areas are to be removed and seeded to provide a green amenity land for the future occupiers. A condition can be imposed to ensure that the tree roots are protected.

8.0 Summary and Conclusion

- 8.1 The proposal has been considered against the requirements of the Development Plan and found to be compliant as an affordable housing scheme, where there is an identified need for all types of affordable housing in the Unstone/Dronfield area.
- 8.2 The proposal makes best use of a brownfield site and completes the redevelopment of the former commercial use for affordable housing..
- 8.3 It is considered that the impact upon the openness of the Green Belt is neutral given the extent of dereliction and made up land. The redevelopment of the site is not considered to be inappropriate development and its positioning outside of the Settlement Development Limit would not harm the character of the area.
- 8.4 It is considered that the proposal for redevelopment of the car parking area provides an acceptable development and would be read in association with the proposed residential use of the site. The design is reflective of the proposed conversion and would not appear as an incongruous addition to the street scene and there would be no greater impact upon highway safety. Accordingly the application is recommended for approval subject to conditions relating to contamination, noise mitigation and securing the Affordable Housing provision.
- 8.5 Human Rights have been considered in the assessment of the application

9.0 Recommendation

9.1 GRANT Full Planning Permission subject to the following conditions.

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

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall be carried out in accordance with the amended plans drawing numbers J1858-03C and the amended Site Location Plan submitted on the 15 January 2020.

Reason: For the Avoidance of doubt

3. Prior to commencement of the development a scheme for the provision of affordable housing, as approved, shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in full accordance with approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework, or any future guidance or policy that replaces it. The scheme shall include:
 - i. The tenure.
 - ii. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no RP involved);
 - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: The site is located within the Green Belt and where market housing would be inappropriate development, in accordance with policies GS2 and H9 of the North East Derbyshire Local Plan.

4. The materials shall be in accordance with the details stipulated within the application.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

5. 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 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 interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

6. Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:

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

REASON: In the interests of the appearance of the areas and in accordance with policies GS1, BE1 and H12 of the North East Derbyshire Local Plan

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

REASON: In the interests of the appearance of the areas and in accordance with policies GS1, BE1 and H12 of the North East Derbyshire Local Plan

8. Before development commences a scheme for the disposal of surface water and foul sewage 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 prevent flood risk and in accordance with Policy CSU4 of the North East Derbyshire Local Plan.

9. 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 GS1, H12 and T2 of the North East Derbyshire Local Plan

10. Prior to occupation of the first dwelling, the proposed vehicular access to Main Road shall be formed in accordance with the application drawing and provided with a 2.4m parallel visibility sightline across the entire site frontage of the development controlled by the applicant fronting Main Road, the area in advance of this line being kept clear of any obstructions greater than 1m in height (0.6m in the case of vegetation) relative to the nearside carriageway channel level for the life of the development.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

11. Within 28 days of the new access, the subject of Condition 11 above, being formed any existing access to Main Road shall be permanently closed and the existing vehicular crossover(s) reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

12. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. These facilities, once provided, shall be retained free from any impediment to their designated use for the life of the development.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

13. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

14. The proposed access to Main Road shall be no steeper than 1:20 for the first 10m from the nearside highway boundary and 1:12 thereafter.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan.

15. Before the commencement of the development hereby approved:

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

- the likely presence of potentially hazardous materials and substances,
- 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, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

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

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

16. 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) 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.

17. The dwellings hereby approved shall not be occupied until:
- a) The approved remediation works required by 16 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 above.
 - c) Upon completion of the remediation works 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.

18. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall be designed following the completion

of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The approved scheme shall be implemented in full and retained thereafter.

REASON: To protect the aural amenity of future occupiers of the dwellings.