



Applicant:

Richmond Care Villages Holdings Ltd

Ref. No. 9/2018/1290

Made valid on: 21 December 2018

PLANNING DECISION NOTICE

Description and location of development: the variation of condition 2 of planning permission ref: 9/2016/0898 (relating to erection of 37 care apartments (use class C2) and a village clubhouse (to form an extension to the care retirement village) on land off Maple Drive Aston On Trent Derby

Decision made: In exercise of its powers as the Local Planning Authority under the Town and Country Planning Act 1990 and related subordinate legislation, South Derbyshire District Council hereby confirms that **Permission is Granted** subject to conditions listed below:

1. The development hereby permitted shall be carried out in accordance with the plans and drawings specified in the Drawing Schedule dated 21 November 2016 solely in relation to the 38 dwellings and in relation to the 37 care apartments and clubhouse drawing no's L03, LA1, 2012 Rev A, 2013 Rev A, 2014 Rev A, 2015 Rev A, 2016 Rev B, 2017 Rev A, 2018 Rev A and 2019 Rev A received on the 26th November 2018; unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of sustainable development.

2. Prior to their incorporation in to the buildings on the relevant phase hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

Reason: To safeguard the appearance of the buildings and the locality generally.

3. Prior to their incorporation in to the buildings in the relevant phase hereby approved, details of the eaves, verges, cills and lintels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings to a minimum scale of 1:10. The eaves, verges, cills and lintels shall be constructed in accordance with the approved drawings.

Reason: In the visual interest of the building(s) and local distinctiveness.

4. Prior to their incorporation in to the buildings of the relevant phase hereby approved, details of the door, window frame and fascia colours shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be set out on a drawing/plan where multiple dwellings are proposed. The door, window frame and fascia colours shall be installed in accordance with the approved details.

Reason: In the visual interest of the building(s) and local distinctiveness.

5. Prior to their incorporation in to the buildings of the relevant phase hereby approved, details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be installed.

Reason: In the visual interest of the building(s) and local distinctiveness.

6. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless alternative details are first submitted to and approved in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be submitted to and approved in writing by the Local Planning Authority before being incorporated in any building.

Reason: In the interests of the appearance of the buildings and the character of the area.

7. Gutters and downpipes shall have a black finish.

Reason: In the interests of the appearance of the buildings and the character of the area.

8. Notwithstanding the plans hereby approved, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the respective dwellings /buildings to which they serve is/are first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

9. Pointing of the existing/proposed building(s) shall be carried out using a lime mortar no stronger than a 1:1:6 ratio (cement:lime:yellow sand) unless alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development. The finished joint shall be slightly recessed with a brushed back finish.

Reason: In the visual interest of the building(s), the significance of the heritage asset(s) and the surrounding area.

10. Prior to any pointing commencing, a sample panel of pointed brickwork/stonework no less than 1 sq. m shall be prepared for inspection and approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved sample, with the approved sample retained on site throughout the duration of construction works.

Reason: In the visual interest of the building(s), the significance of the heritage asset(s) and the surrounding area.

11. Prior to the construction of a hard surface, details including patterns, and samples if necessary, of the materials proposed to be used on the surfaces of the footpaths, car parking areas and courtyards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: In the interests of preserving and enhancing the setting of the heritage asset(s) and the visual interest of the site and the surrounding area.

12. No development on the relevant phase, including preparatory works, shall commence until protective fences have been erected around all trees and hedgerows shown to be retained on the approved plans. Such fencing shall conform to best practice as set out in British Standard 5837:2012 (or equivalent document which may update or supersede that Standard) and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The fences shall be retained in situ during the course of ground and construction works, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: In the interests of safeguarding existing habitat and the visual amenities of the area, recognising that initial preparatory works could bring about unacceptable impacts.

13. Prior to the occupation of a dwelling/unit on a relevant phase a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include a timetable for the provision of such planting relative to the occupation of individual dwellings/units on that phase. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in accordance with the approved scheme and timetable; and any plants which within a period of five years (ten years in the case of trees) from the completion of the phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

14. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

15. Prior to the occupation of a dwelling/unit a landscape management plan (LMP) shall be submitted to and approved in writing by the Local Planning Authority. The LMP shall include long-term design objectives, management responsibilities (including contact details and means of informing the Local Planning Authority of any change to those details) and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. Where relevant, the maintenance schedules shall include means to annually review the condition of any hard surfaces, fixed play equipment or furniture, and replace/upgrade those surfaces, equipment and furniture on a rolling programme. The landscape management plan shall be carried out as approved.

Reason: In the interest of the visual setting of the development and the surrounding area over the lifetime of the development, and to ensure appropriate recreation facilities remain available to the public.

16. Before the first occupation of a dwelling on a phase details of a scheme for all external lighting for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved scheme.

Reason: In the interests of the appearance of the area.

17. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, a written scheme to identify and control that contamination shall be submitted to and approved in writing by the Local Planning Authority prior to any further works taking place on the site. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA (or equivalent guidance which may subsequently update or replace it), and appropriate remediation/mitigation proposals. The approved scheme shall be implemented in accordance with the approved remediation/mitigation proposals.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

18. No construction of a building or hard surface shall commence of the relevant phase until a detailed assessment to demonstrate that the proposed destination for surface water, assessed across the site as a whole, accords with the hierarchy in paragraph 80 of the planning practice guidance (or any revision or new guidance that may replace it) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include a full understanding of any springs within the site and any associated mitigation requirements, and demonstrate, with appropriate

evidence, that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- i) into the ground (infiltration);
- ii) to a surface water body;
- iii) to a surface water sewer, highway drain, or another surface water drainage system;
- iv) to a combined sewer.

Reason: To ensure that surface water from the development can be directed towards the most appropriate waterbody in terms of flood risk and practicality, noting that certain works may compromise the ability to subsequently achieve this objective.

19. No construction of a building or hard surface of the relevant, setting of site levels or installation of services/utilities shall take place until a scheme for the drainage of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the approved details prior to the first [occupation/use] of each respective [dwelling/building] served by the foul water drainage system.

Reason: In the interests of minimising the likelihood of flooding incidents and pollution of the environment.

20. Prior to the first occupation of the care apartments hereby approved (Use Class C2), a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the first occupation of that phase, to the Local Planning Authority for approval for a period of five years.

Reason: In the interests of promoting sustainable modes of transport.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order; plots 10, 11, 22, 28, 29, 31, 32, 33, 34 & 38 in phase 2 hereby permitted shall not be altered, enlarged or extended and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the site without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the health and stability of trees in the adjacent woodland.

22. Prior to the first occupation of a dwelling on a phase a landscape and biodiversity enhancement strategy, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved details and measures shall be implemented in accordance with the strategy.

Reason: To ensure that ecological interests are protected and enhanced in accordance with paragraph 118 of the National Planning Policy Framework.

23. Prior to the first occupation of each phase hereby approved, measures to minimise the risk of crime to meet the specific security needs of the relevant phase shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of designing out opportunities for crime and anti-social behaviour.

24. No development of any phase shall take place until details of the finished floor levels of the buildings hereby approved, and of the ground levels of the site relative to adjoining land levels for the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the agreed levels.

Reason: To protect the amenities of adjoining properties and the locality generally, noting that initial groundworks would set the levels for the development.

25. No development of a phase shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority that specifies the provision to be made for dust mitigation measures and the control of noise emanating from the site during the period of construction of the relevant phase of development. The approved measures shall be implemented throughout the construction period of the relevant phase.

Reason: To protect the amenities of nearby residents recognising that initial preparatory works could cause unacceptable impacts.

26. During the period of construction, no ground or construction works shall take place outside the following times: 0730-1900 hours Monday to Friday and 0730-1330 hours on Saturdays.

Reason: To protect the amenities of nearby residents.

27. Before development of a phase is commenced space shall be provided within the site curtilage for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors vehicles for the relevant phase, laid out in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The provision shall be maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason: In the interests of highway safety noting that initial works on site will still require adequate provision of this nature.

28. Throughout the period of ground works and construction within any phase, vehicle wheel cleaning facilities shall be provided on and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason: In the interests of highway safety.

29. No dwelling the subject of the application shall be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the approved drawings. The construction of the estate roads shall conform to the County Council's design guide, be constructed to binder course level, drained and lit in accordance with the County Council's specification for new housing development roads.

Reason: In the interests of highway safety.

30. No dwelling, the subject of the application, shall be occupied until space has been provided within the site in accordance with the approved plans for the parking and manoeuvring of residents, visitors, service and delivery vehicles for the relevant dwelling(s), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

31. Notwithstanding the approved plans, prior to the construction of block 8 revised details of the first floor balcony to apartment 88 to amend this balcony to a bay window shall be submitted and approved in writing by the Local Planning Authority. The bay window shall thereafter be installed in accordance with the approved details.

Reason: In the interests of protecting residential amenity.

You are advised of the following matters:

- Any security measures implemented in compliance with the approved scheme should seek to achieve the 'Secured By Design' accreditation awarded by Derbyshire Constabulary. Written confirmation of those measures should then be provided to the Local Planning Authority.
- Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (Tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
4. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.
7. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).
8. This permission is the subject of a deed of variation to an agreement under Section 106 of the Town and Country Planning Act 1990 in relation to approval reference 9/2016/0898.
9. During construction you are requested to ensure that your or any other contractors' vehicles are parked legally and in a manner that shows consideration to the occupiers of adjacent and nearby properties. Thank you for your co-operation.

In dealing with the application, and further to pre-application advice where that has been given, the Local Planning Authority has positively sought to determine the application in a timely fashion and so promote the delivery of sustainable development in the District. Where practicable, feasible and necessary, and irrespective of the above decision, officers have made proactive attempts to find solutions to identified issues or to improve the quality of the development through negotiation with applicants and/or their nominated representatives, in order to foster the delivery of sustainable development and objectives of the Development Plan.

Conditions: where permission has been granted subject to conditions, you may be required to seek the written approval of details required therein before commencing the development or reaching a certain stage of the development or its use/occupation. If applicable, a formal application to discharge these requirements will be required. Further conditions may control the manner in which the development is carried out and used/occupied. Further information can be found at www.southderbyshire.gov.uk/planning and at www.gov.uk/guidance/use-of-planning-conditions. Failure to adhere to the conditions attached may result in the commencement of enforcement proceedings.

Changes in intention: any deviation from the approved plans and drawings should be discussed with the Local Planning Authority in advance. This includes circumstances where the applicant/developer subsequently identifies inaccuracies with the approved plans and drawings or conflict with other regulatory requirements. A formal application to amend the proposals or secure a revised permission may be necessary. Failure to secure necessary approval may result in the commencement of enforcement proceedings.

Scope of this decision: this is a planning decision notice which, unless expressly applied for and stated in the description of development above, conveys no decision of associated planning consent (such as listed building or advertisement consent); nor does it convey a decision under, or override, supersede or negate, any other legislation or the need to comply with restrictive covenants under Civil Law. In particular the necessary approval under the Building Regulations and the Public Health Acts must be obtained before the carrying out of building works. Where the adopted highway, including verges and pavements, is to be altered, the Local Highway Authority (Derbyshire County Council) should be contacted to establish its requirements.

Right of appeal to the Secretary of State: if you are aggrieved by the decision of your local planning authority to refuse permission or consent for your proposal or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, subject to the following:

- if this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, any appeal must be made within 28 days of the date of this notice;
- if an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your planning application, any appeal must be made within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal, the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015) of the date of this notice, whichever period expires earlier;
- if this is a decision on an application for advertisement consent, any appeal must be made within 6 months of the date of this notice;
- in all other cases, any appeal must be made within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get online at www.gov.uk/planning-inspectorate or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State need not consider an appeal if it seems to them that the Local Planning Authority could not have granted planning permission or consent for the proposal or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

Street naming and numbering: the applicant and/or developer is reminded of the Council's responsibility to issue official addresses for all residential and business premises within South Derbyshire. All new addresses are allocated in line with our street naming and numbering guidance available at www.southderbyshire.gov.uk and you are advised to engage with the Council as soon as possible to enable the issuing of any street and property names/numbers to be created by this development. Any number and/or property name that is associated with identifying individual properties must be displayed in a clear, prominent position that can be read from the roadside. It is the developer's responsibility to erect the appropriate signage once the building(s) is/are ready for occupation. There are two types of the name plate the Council uses: Type A carries the Council's crest, whilst Type B does not. You are advised that the Types are usually expected in the following locations:

- Type A: on classified (A, B and C) roads, at junctions with classified roads, and at the commencement of local distributor roads (roads acting as through routes within developments);
- Type B: intermediate name plates along local distributor roads, on collector roads (roads which run within a development providing access and linking small access roads and access ways), on access roads (roads serving a small number of houses which may also have a surface shared by pedestrians and vehicles), and access ways which have a different name from their access road; all unless at a junction with a classified road (where Type A will be expected instead).

High speed communications: the applicant and/or developer is strongly encouraged, as part of the delivery of any premises on the site, to provide full fibre broadband connections (i.e. from streetside cabinet to the property). Further details of initiatives to support the provision of full fibre connections as part of broadband installation at the site can be obtained from Digital Derbyshire on broadband@derbyshire.gov.uk.

Fire safety in new buildings: The applicant/developer is encouraged to install a sprinkler system in any new premises created on the site in order to reduce the risk of danger from fire to future occupants and property.

Purchase Notices: if permission is refused or granted subject to an unacceptable condition, and the owner of the property claims that the property has consequently become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development/work which has been or would be permitted, the owner may serve on the Council a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Enquiries: Any correspondence or enquiries concerning this decision should be sent to planning@southderbyshire.gov.uk quoting the above reference number.