



Applicant:
J Fryer

Ref. No. DMPA/2022/0132
Made valid on: 4 February 2022

DECISION NOTICE

Description and location of proposal: Retrospective application for an amended scheme (previously approved ref DMPA/2020/1241) for the demolition of the existing bungalow and the erection 5 detached bungalows, 2 garages and the associated new access at Clair De Lune, Lucas Lane, Hilton, Derby, DE65 5FL

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 gives notice that permission/consent for the proposal as described above is hereby **Approved subject to the following Conditions:**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 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 permitted shall be carried out in accordance with Drawing No. 101 Rev A, 102 and 103; except for Plot 1 which should be largely developed in accordance with Drawing No. P1 Rev B, as submitted to the Council on 4th February 2022, with the addition of a third parking space to be provided on plot 1 of a similar size, and sited immediately to the east, of the currently proposed parking spaces; 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.

3. The parking and manoeuvring space shall be laid out in accordance with application Drawing 1604/101 rev A and maintained throughout the lifetime of the development free of any impediment to its designated use.

Reason: To ensure adequate parking and turning provision, in the interests of highway safety.

4. There shall be no gates within 5.5m of the highway boundary and any gates shall open inwards only.

Steffan Saunders

Authorised Officer of the Council

Date: 16 December 2022

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

5. Notwithstanding the submitted drawings, a bin collection point shall be provide within private land at the entrance to the shared driveway into the site sufficient to accommodate two bins per dwelling for use on collection day to ensure that bins do not cause an obstruction of the either highway or the access. The bin store shall be provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority before the dwelling is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority, and maintained throughout the lifetime of the development free of any impediment to its designated use.

Reason: To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety, and to ensure appropriate waste/refuse facilities are provided for the occupiers of the development.

6. The windows to all of the habitable rooms on the north and east facades of the proposed development shall be fitted with secondary glazing to a specification of Rw 33dBA or better (or equivalent). The provision of ventilation within these rooms shall be such that the ventilation rates for dwellings specified in Approved Document F of the Building Regulations are capable of being achieved with the windows closed (such as through the use of sound insulated trickle vents). 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, all subsequent replacement of windows to habitable rooms shall achieve at least the same level of noise suppression.

Reason: In the interests of protecting the amenity of the prospective occupiers.

7. Notwithstanding the plans hereby approved, details of the position, appearance and materials of 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 to which they serve 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.

8. 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, the dwelling hereby permitted shall not be enlarged, extended or altered, and no buildings, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected on the site without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the effect upon neighbouring properties.

9. Prior to the first occupation of the dwelling a recharge point for electric vehicles shall be provided. Individual charging points shall be provided with an IP65 rated domestic socket 13amp socket directly wired to the consumer unit with 32 amp cable to an appropriate RCD, located where it can later be changed to a 32amp EVCP. Shared charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. To prepare for increased demand in future years suitable and appropriate cable provision shall be included in the scheme design in accordance with details first submitted to and approved in writing by the Local Planning Authority. Alternative provision to the above specification must be first submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be provided in accordance with the stated criteria and approved details prior to the first occupation or use of the respective premises and shall thereafter be maintained in working order and remain available for use throughout the life of the development.

Reason: In the interests of protecting and enhancing air quality through reducing and minimising emissions from vehicles.

10. The dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan.

You are advised of the following matters:

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.

Changes in intention: any deviation from the approved plans/drawings and/or details should be discussed with the Local Planning Authority in advance. This includes circumstances where the applicant/developer subsequently identifies inaccuracies with the approved documents 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 the 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 consent to cut down, top, lop, uproot or otherwise destroy a tree or trees protected by a tree preservation order, or for a decision on a lawful development certificate for proposed works to a listed building, any appeal must be made within 28 days of the date of this notice;
- if this is a decision on an application for advertisement consent, any appeal must be made within 8 weeks of the date of this notice;
- if this is a decision on an application for householder or minor commercial development (the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015), any appeal must be made within 12 weeks of the date of this notice;
- in all other cases, except for a decision on a lawful development certificate for an existing or proposed use or development, 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. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found online at www.gov.uk/planning-inspectorate.

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.