



South Derbyshire District Council

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Applicant:
St Modwen Developments

Reg. No. 9/2015/0588

Local Government Act 1972
Town and Country Planning Act 1990

GRANT OF PLANNING PERMISSION

In exercise of its powers as the Local Planning Authority under the above Acts and related subordinate legislation, the Council hereby gives notice that your application for **THE ERECTION OF THREE DWELLINGS, GARAGES, OUTBUILDINGS AND OTHER ASSOCIATED WORKS FOR USE AS SHOW HOMES IN CONNECTION WITH RESIDENTIAL DEVELOPMENT ASSOCIATED WITH OUTLINE PLANNING PERMISSIONS 9/2013/1044 ON LAND SOUTH OF THE MEASE PART OF HILTON DEPOT HILTON DERBY** as shown on the deposited plans and described in the application form received 26/06/2015 is hereby GRANTED, subject to the following conditions:

1. The development permitted shall be begun before the expiration of 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. Notwithstanding the submitted details the housetypes shown as plots 1 and 3 on the approved plans shall each be provided with a window at ground floor level which shall overlook their respect driveways, the details of which shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the construction of the relevant part of each respective dwelling. The development shall then be implemented as approved by this condition and the windows retained throughout the lifetime of the development.
Reason: In order to prevent crime.
3. Prior to any of the housetypes hereby approved being occupied as a dwelling, details of the final means of enclosure to be provided for each respective plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented as approved by this condition and boundaries retained throughout the lifetime of the development.
Reason: In order to prevent crime and in the interests of visual amenity.

4. Prior to any other works commencing the new vehicular and pedestrian access shall be created in accordance with the approved plans and once provided these facilities shall be maintained throughout the lifetime of the development free from any impediment to their designated uses.
Reason: In the interests of highway safety.
5. Notwithstanding the approved plans, prior to the vehicular access to the development being first brought into use it shall be provided with 2m x 45° pedestrian intervisibility splays on both sides of the access at the back of the footway, the splay area being maintained throughout the lifetime of the development clear of any object greater than 0.6m in height relative to the adjacent footway level.
Reason: In the interests of highway safety.
6. There shall be no gates or other barriers erected within 5m of the nearside highway boundary and any gates erected on any part of the access shall open inwards.
Reason: In the interests of highway safety.
7. The proposed access shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be installed to prevent the flow of water onto the adjacent highway. Once provided any measures installed shall thereafter be retained throughout the lifetime of the development.
Reason: In the interests of highway safety.
8. Throughout the period of development, vehicle wheel cleaning facilities shall be provided 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 and other extraneous material on the public highway.
Reason: In the interests of highway safety.
9. Before any works relating to the construction of the actual dwellings hereby approved are undertaken space shall be provided for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles. The space shall be 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 period of construction of the development.
Reason: In the interests of highway safety.
10. Notwithstanding the submitted details no development relating to the construction of the actual dwellings hereby approved shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority. These details shall include trees to be retained showing their species, spread and maturity as well as measures for their protection during the course of the construction and hard surfacing materials.
Reason: In the interests of visual amenity.
11. For the purposes of condition 10 above soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant

sizes and proposed numbers/densities where appropriate; and implementation programme.

Reason: In the interests of visual amenity.

12. All hard and soft landscape works approved pursuant to condition 10 above shall be carried out in accordance with the approved details and the timescales agreed in relation to condition 11.

Reason: In the interests of visual amenity.

13. Any tree or shrub which forms part of the approved landscaping scheme pursuant to Condition 10 which within a period of five years from planting fails to become, established, or becomes seriously damaged or diseased, or dies, or for any reason is removed, shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

14. This permission relates to the plans validated by the Local Planning Authority on 26th June 2015, and any variation to the approved drawings may need the approval of the Local Planning Authority.

Reason: For the avoidance of doubt as to what is approved.

15. Notwithstanding the submitted details, no development relating to the construction of the actual dwellings hereby approved shall take place until samples or details of the materials to be used in the construction of its external surfaces, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved samples or details and shall be retained as such throughout the lifetime of the development.

Reason: In the interests of the visual amenity of the area.

16. Notwithstanding the submitted details, no development relating to the construction of the actual dwellings hereby approved shall take place until further details of (a) the windows and doors, (b) the eaves, verges, soffits and fascias, headers and sills, rainwater goods, (d) storm porch canopies and (e) the chimneys including the provision of a chimney to plot 2 hereby permitted, shall be submitted to, and approved in writing by, the Local Planning Authority. These elements shall be provided in accordance with the approved details prior to the first occupation of the relevant dwelling and shall be retained as approved throughout the lifetime of the development.

Reason: In the interests of visual amenity.

17. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order) none of the dwellings hereby permitted shall be provided with gates, fences, walls or other means of enclosure other than those shown on the approved plans or as agreed by condition 3 above, unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over these features in view of the form and layout of the development.

Informatives: You are advised:

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning issues and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

The applicant is advised that following consultation with the Flood Risk Management Team at Derbyshire County Council they advise the following:-

a) SURFACE WATER FLOOD RISK:

Any alteration to the existing impermeable surface area of the development site may exacerbate surface water flood risk, so the introduction of new impermeable surface should be limited where possible.

Where an increase in impermeable area is unavoidable, Derbyshire County Council (DCC) strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development, applying the SuDS management train with an appropriate number of treatment stages. Applicants and planners should consult Table 3.3 of the CIRIA SuDS Manual (C697) to confirm the appropriate number of treatment stages, or contact the EA or the DCC Flood Risk Management Team directly.

Surface water drainage should be designed in line with the non-statutory technical standards for SuDS (March 2015) where reasonably practicable. Specifically, this includes restricting the peak runoff of surface water from the development to greenfield rate for the 1 in 1 and 1 in 100 year rainfall events. For previously developed sites, DCC surface water discharge from the developed site to the receiving waterbody should be as close to the greenfield runoff rate for these events as is reasonably practicable.

Prior to designing the site surface water drainage, a full ground investigation should be implemented to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body or public sewer system, as stipulated by Approved Document H of the Building Regulations 2000. Priority should also be given to providing storage at or near to the ground surface rather than deep below the surface (e.g. in tanks or oversized sewers).

The non-statutory technical standards for SuDS state that the surface water drainage system should be designed to contain all surface water during the 1 in 30 year rainfall event and that flooding is managed safely on site within the development during events up to, including and in excess of the 1 in 100 year rainfall event.

b) PROXIMITY TO LOCAL ORDINARY WATERCOURSES:

DCC do not generally undertake or hold any data relating to modelling on specific ordinary watercourses. The applicant is advised to contact the Environment Agency (EA) that hold modelling data for Main Rivers and some ordinary watercourses which may help to further understand local fluvial flood risk.

Due to the historic mining and mineral extraction operations in Derbyshire, networks of old stone soughs (drainage channels, sometimes known as adits) may exist beneath the ground surface in parts of the County (particularly North East Derbyshire District, High Peak Borough, Derbyshire Dales District and the Peak District National Park area).

The applicant is therefore advised to investigate the potential for hidden watercourses existing on the land prior to any works being undertaken.

c) GROUNDWATER FLOOD RISK:

Development located in areas where the water table is at a shallow depth below the ground surface may be susceptible to groundwater flooding. In such areas, development may lead to groundwater flooding at the development site and in the close vicinity as well as potential land instability, geohazards and groundwater contamination.

Development site drainage should be considered carefully to avoid any increased risks associated with groundwater. DCC would not recommend infiltration as a means of development site surface water disposal in areas where geohazards or ground instability is deemed likely without appropriate analysis of the risks involved. Infiltration of surface water to the ground is also not advised in sensitive groundwater areas without an appropriate SuDS management train.

The applicant is advised that following consultation with Severn Trent Water they have advised that there is a public sewer located within the application site. Public sewers are protected by virtue of the Water Industry Act 1991, as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals who will seek to assist you in finding a solution which protect both the public sewer and the development.

The applicant is advised that following consultation with the County Highway Authority they have advised that pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information and relevant application forms are available via the County Council's website or by emailing ETENetmanadmin@derbyshire.gov.uk or by calling Call Derbyshire on 01629 533190.

The County Highway Authority have also advised that they recommend that the first 5m of the access driveway should not be surfaced with loose material (i.e. unbound chippings, gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the County Highway Authority reserve the right to take any necessary action against the householder.

The applicant is advised that following consultation with the Environment Agency they have advised that it should be noted that in accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 120), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination, not assessed by virtue of this report/project, subsequently become apparent responsibility remains with these parties. They also advise that if during site development any areas of significant contamination are suspected, then the materials should be sampled, tested and suitable remediation carried out in consultation with the Local Planning Authority.

The applicant / developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from our website at www.environment-

agency.gov.uk. This sets out our position on a wide range of activities and developments, including:

- o Storage of pollutants and hazardous substances
- o Solid waste management
- o Discharge of liquid effluents into the ground (including site drainage)
- o Management of groundwater resources
- o Land contamination
- o Ground source heat pumps

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1 - General guide to the prevention of pollution', available from our website.

The Environment Agency also advise the following:

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any above ground oil storage tank(s) should be sited on an impervious base and surrounded by a suitable liquid tight bunded compound. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipe should be directed downwards into the bund. Guidelines are available from the Environment Agency.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one direction, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

During construction works all surface water runoff should be managed to prevent contaminated and/or silty water entering any surface water, including drainage channels. This is so that there is no deterioration in the Water Framework Directive classification of the local water course.

Authorised Officer of the Council

Date: 20/08/2015

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



NOTES

WARNING: This is a planning decision notice. It conveys no approval under any other legislation and does not override or supersede or negate that legislation or the need to comply with restrictive covenants under the 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 highway, including pavement crossing, is to be altered, the Local Highway Authority (01629 580000) should be consulted for its requirements.

APPEALS TO THE SECRETARY OF STATE:

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development 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.

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, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission for a minor commercial application (as defined by Schedule 1A of the Town and Country Planning Development Management Procedure Order 2010 (as amended on 1 October 2013)), if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

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.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development 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.

If as owner of the land you believe that the refusal of permission or approval subject to an unacceptable condition causes the land to become incapable of beneficial use in its existing state and it cannot be made capable of beneficial use by carrying out any development which has, or would be permitted, you may serve on the Council a purchase notice requiring that the Council purchases your interest in the land. (Part VI of the Town and Country Planning Act 1990).

BREACH OF CONDITIONS: Once the permission has been implemented, carrying on the development in breach of any of the conditions imposed on it becomes a prosecutable offence. Therefore you are advised to take careful note of each condition with a view to compliance.

INACCURATE PLANS: If the submitted plans or other information contained in the application referred to in this Notice prove to be inaccurate, the development could be rendered impracticable and any permission granted be made invalid. A further application will be required.

CHANGES IN INTENTION: Any intended variation from the approved plans should be notified to the Council well in advance: a further permission, approval or consent may be necessary. Unauthorised variations may result in enforcement proceedings.

FURTHER INFORMATION: If you have any questions about this notice, please contact Support Services Planning Administration, direct dial (01283) 228706 of the Planning Services Department, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.