



South Derbyshire District Council

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2 Centro Place
Pride Park
Derby
DE24 8RF

Applicant:
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Derby
DE24 8RF

Ref. No. 9/2016/1250

Local Government Act 1972
Town and Country Planning Act 1990

APPROVAL OF RESERVED MATTERS

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 seeking **ERECTION OF 290 DWELLINGS, CREATION OF OPEN SPACE, DRAINAGE WORKS, FORMATION OF ACCESS AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING - APPROVAL OF RESERVED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE UNDER OUTLINE PERMISSION REF: 9/2014/0562 AT LAND AT SK3036 1005 HACKWOOD FARM OFF RADBOURNE LANE MICKLEOVER** made valid on 6 December 2016, is hereby GRANTED, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
16-813 HF/LOC/03 - Red Line Location Plan
HF/0L/01 Rev. A - Overall Layout
HF-DL-SDDC-01 Rev. D - Detailed Layout Plan Sheet 1 of 2
HF-DL-SDDC-02-2 Rev. D - Detailed Layout Plan Sheet 1 of 2
P16-1141_01E - Public Open Space Landscape Strategy
P16-1141_02 - Residential Development Landscape Character Areas
81316 HF/CPL/01 Rev E - Cycle Path Layout
81316/ HF/MAT/01 Rev. D - Materials Layout

House Type Packs:

House Type Pack 1 - Avenue
House Type Pack 2 - Rural Edge
House Type Pack 3 - Streets
House Type Pack 4 - Green Corridor
House Type Pack 5 - Hackwood Mews
House Type Pack 6 - Village Green

Housetypes:

331801-HF; 331801-HF-RC; 456801-HF; 456801-HF-R; 518801-HF; 519801-HF;
520801-HF; LTH3802-HFM; 331801-HF-RC-BAY; 322;

HF/AHP/02 Rev. A - SDDC Affordable Housing Plan

Road Typologies Plan SDDC

6B Drainage Strategy Sheet 1 of 2

7B Drainage Strategy Sheet 2 of 2

For the avoidance of doubt and notwithstanding the submitted details and the contents of the plans listed above, this permission does give approval in respect of details which relate to conditions 3 (materials); 4 (off-site buffer to the west); 14 (Habitat Creation & Management Plan); 22 (Landscape Management Plan); 25 (boundaries); 26 (hard surface materials); 27 (finished floor levels); 28 (POS details); and 31 (buffer to southern boundary) which will need to be subject to separate applications to discharge the respective condition in place on outline planning permission ref: 9/2014/0564.

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

2. The palette of external materials to be used in the development and which must be submitted in connection with condition 3 of the outline planning permission ref: 9/2014/0562, shall be in general accordance with the Materials Layout drawing no. 81316/ HF/MAT/01 Rev. D submitted in support of the application.

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

3. Notwithstanding the approved plans/drawings, no development involving the construction of a road, footpath, parking court or driveway shall take place until the details of the materials proposed to be used on the respective surface have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out using the approved materials and shall be maintained in the respective material throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the locality generally and in the interests of design legibility.

4. The Public Open Space Landscape Strategy shown on Drawing No. P16-1141_01E shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner, and any trees or plants which, within a period of five years from the date of such landscaping works, 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 visual amenity of the area.

5. Notwithstanding the approved drawings/plans and submitted details, prior to the first occupation of a dwelling details of on plot landscaping along with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented in accordance with the details approved.

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

6. Notwithstanding approved drawings/plans and submitted details, gutters and downpipes shall have a black finish.

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

7. On or before completion of the development, the proposed cycle routes through the site and linkages with existing cycle routes and public highways outside the application site, as shown on 81316 HF/CPL/01 Rev E - Cycle Path Layout shall be implemented and made available for use by the public, unless an alternative timetable for implementation of specific routes is agreed in writing by the Local Planning Authority.

Reason: In the interests of creating a sustainable development.

8. Notwithstanding the approved drawings/plans and submitted details, no development involving the construction of a dwelling shall commence until revised or additional details, including samples and/or drawings where necessary, of the following materials/features have been submitted to and approved in writing by the Local Planning Authority:

- a. colour of fascia boards and mortar for verges;
- b. eaves/verges/string/dentil course/window reveal details; and
- c. utility cupboard colours (both wall and ground mounted);

For the avoidance of doubt, no fascia boards shall be placed over corbelling and there shall be no use of cloaking tiles/dry verges. The dwellings shall be constructed and thereafter maintained in accordance with the approved details.

Reason: To ensure a good standard of design in the interest of the appearance and character of the area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), there shall be no alteration to any wall which forms the principal elevation or side elevation of any dwellinghouse and faces towards a highway or public open space and there shall be no alterations to any roof of any dwellinghouse which forms the principal or side elevation of the dwellinghouse and faces towards a highway or public open space.

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

10. No development involving the construction of the external wall of a dwelling shall commence until details showing the areas of the site which will form part of either individual plots, part of the public highway, part of the drainage infrastructure, part of the public open space or any other land not forming any of those typologies but which will be passed over to a Management Company, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved by this condition and retained for those designated uses throughout the lifetime of the development.

Reason: To ensure that all areas of the development are appropriately maintained in the interests of visual amenity.

11. 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, no further boundary treatments (unless they demarcate boundaries between private rear gardens) shall be erected other than any walls, fences or other means of enclosure fences which will ultimately be approved by way of condition 25 of the outline planning permission reference 9/2014/0562.

Reason: In the interests of overall design and in order to maintain the character of green and public spaces as secured under the plans hereby approved.

12. No development shall take place on the site until a Tree and Hedgerow Protection Plan has been submitted to and approved in writing by the Local Planning Authority showing the location of retained trees and hedgerows as well as the position and specification of tree and hedgerow protection measures. The approved tree and hedgerow protection measures shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Within the protected areas there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes.

Reason: To protect the retained trees and hedgerows from damage during construction and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

13. Prior to the occupation of any dwellings hereby permitted the car parking spaces, vehicular access and turning areas for the respective dwelling shown on the approved plans shall be provided. All such areas shall then be retained for their intended use thereafter.

Reason: In the interest of highway safety.

14. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall provide for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking of vehicles for site operatives and visitors, routes for construction traffic and measures for ensuring the highway network is kept clean and mud or extraneous material prevented from being deposited on the public highway. 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.

15. Unless alternative details are first submitted to and approved in writing by the Local Planning Authority, vehicular accesses to dwellings shall not be taken into use until they have been provided with 2m x 2m x 45° pedestrian intervisibility splays on either side at the back of the footway, the splay area being retained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

Reason: In the interest of highway safety.

16. No gates shall be erected within 5m of the highway boundary and any gates elsewhere shall open inwards only.

Reason: In the interest of highway safety.

17. Unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the proposed accesses shall be no steeper than 1 in 20 for the first 5m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be retained in perpetuity free from any impediment to their designated use.

Reason: In the interest of highway safety.

18. Prior to occupation of any dwellings served by a private drive, details of household waste bin collection points to serve those properties including their locations, the materials for their construction as well as a timetable for their provision, shall be submitted to, and approved in writing by, the Local Planning Authority and the works shall then be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interest of highway safety.

You are advised:

- 1) 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 objections and technical issues and suggesting amendments to improve the quality of the proposal. 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.
- 2) Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
- 3) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or 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 Authority reserves the right to take any necessary action against the landowner.
- 4) 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 gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 5) 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.
- 6) Highway surface water should be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. 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 soakaways for highway surface water is generally not sanctioned.
- 7) 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 (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- 8) Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Director of Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).
- 9) 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.
- 10) Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written agreement of the County Council as Highway Authority.
- 11) You are advised that there should be no vertical deflection provided at the transition points between differing carriageway surfaces , no vertical traffic calming features , a minimum corridor width of 7.5m for all adoptable and that trees and grassed verges within the highway will command a commuted sum for future maintenance. Tree root containment details will be required for approval by the Highway Authority.

Authorised Officer of the Council

Date: 8 September 2017

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.

PURCHASE NOTICES: 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 as a further permission, approval or consent may be necessary. Unauthorised variations may result in enforcement proceedings.

Any correspondence or enquiries concerning this notice should be addressed to Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, DE11 0AH or by e-mail to planning@south-derbys.gov.uk.

Right of appeal to the Secretary of State against the Local Planning Authority's decision

- 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 the Town and Country Planning Development Management Procedure Order 2015), you must make your appeal 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.gov.uk/government/organisations/planning-inspectorate .
- 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.
- 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.