



South Derbyshire District Council

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Applicant:

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B77 4DS

Reg. No. 9/2013/1040

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 **OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR DEVELOPMENT OF UP TO 100 DWELLINGS, PUBLIC OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS AT LAND AT SK2731 3037 WILLINGTON ROAD ETWALL DERBY** as shown on the deposited plans and described in the application form received 10/01/2014 is hereby GRANTED, subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the access, layout, scale, appearance and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced in that phase. Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and the development shall be carried out as approved.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. The reserved matters submitted in accordance with condition 2 and details submitted in accordance with any other condition of this planning permission shall accord with the principles outlined in the housing elements of the concept Masterplan for the development contained within the Design and Access Statement dated December

2013, as amended by the revised Illustrative Layout plan ref: EMS.2287.102.E, received by the Local Planning Authority on 3rd July 2014.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

4. No development shall take place until full details of both hard and soft landscape works for the development 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 and hedgerows to be retained showing their species, spread and maturity; proposed finished ground levels or contours; finished floor levels of the dwellings, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

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

5. The soft landscape works referred to in condition 4 above 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 the appearance of the area.

6. All hard and soft landscape works shall be carried out in accordance with the approved details and finished not later than the first planting season following completion of the relevant phase of the development unless an alternative timescale has been agreed in connection with condition 5 above.

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

7. A landscape management plan, including phasing and implementation strategy, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submission in accordance with conditions 2 and 4. The landscape management plan shall be implemented as approved.

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

8. Any tree or shrub which forms part of the approved landscaping scheme 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 the appearance of the area.

9. No site clearance works or development of a phase shall take place until there has been submitted to the Local Planning Authority for their written approval a scheme showing the type, height and position of protective fencing to be erected around each

tree or hedgerow to be retained in that phase. The scheme shall comply with BS5837:2005. No site clearance works or development of any phase shall be commenced in the vicinity of the protected tree or hedgerow until such a scheme is approved in writing by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree or hedgerow within the protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- (i) There shall be no changes in ground levels;
- (ii) No material or plant shall be stored;
- (iii) No buildings or temporary buildings shall be erected or stationed;
- (iv) No materials or waste shall be burnt within 20 metres of any retained tree or hedgerow;
- (v) No drain runs or other trenches shall be dug or otherwise created without the prior written consent of the Local Planning Authority.

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

10. No development shall take place until details of the materials proposed to be used on the surfaces of the roads, footpaths, car parking areas and any courtyards along with samples of the materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing with the Local Planning Authority.

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

11. No development shall take place until a detailed scheme for the boundary treatment of the each element of the development, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as approved before the respective building(s) or land use is/are first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area, to prevent crime and disorder and to protect the amenity of residents.

12. No operations shall be commenced until a temporary access for construction purposes has been constructed to Wellington Road, laid out in accordance with a detailed design that has first submitted to and approved in writing by the Local Planning Authority. The access shall have a minimum width of 5.5m, 6m radii and be provided with visibility sightlines commensurate with actual vehicle speeds indicated by a speed survey, measured from a distance of 2.4m back from and measured along the nearside carriageway edge, the area forward of which shall be cleared and maintained throughout the construction period clear of any obstruction exceeding 600mm in height relative to road level.

Reason: In the interests of highway safety.

13. No development shall take place until a Construction Management Plan or Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the constructions 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, hours of operation, method of prevention of debris being carried onto the highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for turning vehicles. 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.

14. Prior to the first occupation of any dwelling, the Willington Road carriageway shall be widened to 5.5m from a point where the existing carriageway to the north west measures 5.5m along the entire frontage of the site and a 2m wide footway on the south western side extending from the existing footway located to the north west of the site, laid out, constructed, drained and lit in accordance with Derbyshire County Council's specification for adopted highways, all in accordance with a scheme first submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

15. Prior to the first occupation of any dwelling, the new estate street junction shall be formed to Willington Road. The access shall have a minimum width of 5.5m, 2 x 2m footways, 6m radii and visibility sightlines of 2.4m x 59m. The area forward of the sightlines shall be level, form part of the new street, constructed as footway, and not part of any plot or other sub-division of the site. The access shall be laid out, constructed to base level, drained and lit in accordance with Derbyshire County Council's specification for adopted roads.

Reason: In the interests of highway safety.

16. The gradient of any of the accesses shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.

Reason: In the interests of highway safety.

17. Notwithstanding the submitted drawings, the internal layout of the site shall accord with the Highway Authority's Policy Document "6C's Design Guide" and national guidance laid out in Manual for Streets.

Reason: In the interests of highway safety.

18. No dwelling hereby approved shall be occupied until the proposed new estate street between each respective plot and the existing public highway has been laid out in accordance with the approved application drawings to conform to the County Council's design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.

Reason: In the interests of highway safety.

19. Notwithstanding the submitted Transport Assessment, and unless otherwise agreed in writing, space shall be provided within the site for the parking of two vehicles per dwelling, laid out in accordance with a scheme first submitted and approved in writing by the local Planning Authority and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

20. Any garage relied upon as an enclosed parking space in connection with condition 15 above, shall measure at least 6.0m x 3.0m.

Reason: In the interests of highway safety.

21. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: In the interests of highway safety.

22. Bin stores shall be provided within private land at the entrance to shared private accesses to prevent refuse bins and collection vehicles standing on the new estate street for longer than necessary causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate and shall be retained thereafter free from any impediment to their designated use.

Reason: In the interests of highway safety.

23. The plans and particulars submitted at reserved matters stage shall include a swept path diagram demonstrate that emergency and service vehicles can adequately enter/ manoeuvre within the site and leave in a forward gear.

Reason: In the interests of highway safety.

24. Prior to or concurrent with the submission of the Reserved Matters application, and notwithstanding the submitted details, a Travel Plan, comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets.

Reason: In the interests of highway safety.

25.a) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the Local Planning Authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of Section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.

b) Prior to occupation of the development (or parts thereof) an independent verification report must be submitted, which meets the requirements given in Box 2 of Section 3.1

of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

c) In the event that it is proposed to import soil onto site in connection with the development, this should be done to comply with the specifications given in Box 3 of Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

d) If required by the conceptual site model, no development shall take place until monitoring at the site for the presence of ground gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: In the interests of protecting human health.

26. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented to the satisfaction of the LPA.

Reason: In the interests of protecting human health.

27. Before the development is commenced details of measures to be provided for enhancing features for wildlife as recommended in pages 14 to 20 (incl.) of the Ecological Appraisal dated December 2013, as well as for the provision of bat roosts opportunities and bird boxes to be located within the site or within the structure of any of the buildings hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and the measures shall thereafter be retained in those positions throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that measures to encourage wildlife habitat creation within the site are provided.

28. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- a restricted surface water discharge from the site equivalent to Q_{bar} for all events up to the 1 in 100 year event;
- that surface water run-off from the site can be attenuated on-site up to the critical 1 in a 100 year flood event, including an allowance for climate change, through the submission of drainage calculations;

- design details of the proposed detention basin, including cross-sections and plans; and
- details of how the scheme shall be appropriately maintained and managed after completion.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to ensure future maintenance of the drainage system.

29. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the historic interests within the site are suitably recorded.

30. No development shall take place until a scheme for the provision of foul sewerage for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation. The scheme shall be implemented as approved and in accordance with the timetable.

Reason: In the interests of pollution control.

31. During the period of construction no construction work shall take place outside the following times: 0800 - 1900 hours Monday to Friday and 0800 - 1330 hours on Saturdays and at any time on Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residents.

32. Before the development is commenced details of the play equipment to be provided within the public open space along with any means of enclosure, ancillary benches, bins, hard surfaces or similar facilities, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The approved

scheme shall be implemented as approved and shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that measures to encourage wildlife habitat creation within the site are provided.

33. Within 12 months of the commencement of the operation of the approved surface water drainage scheme, it shall be certified as completed in accordance with the approved drawings/documents by a Chartered Surveyor or Chartered Engineer.

Reason: In the interests of flood protection.

Informatives:

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 issues/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. The applicant is advised that following consultation with Severn Trent Water, they advise that there is a public sewer located within the application site. Public sewers have statutory protection 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 and they will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
3. The applicant is advised that following consultation with the Council's Environmental Protection Officer, he advises that the above phased risk assessment referred to in condition 25 should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A.

The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance.

For further assistance in complying with planning conditions and other legal requirements applicants should consult "*Developing Land within Derbyshire – Guidance on submitting applications for land that may be contaminated*". This document has been produced by local authorities in Derbyshire to assist developers, and is available from

http://www.south-derbys.gov.uk/environment/pollution/contaminated_land/default.asp.

Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the Environmental Protection Officer (Contaminated Land) in the Environmental Health Department:

thomas.gunton@south-derbys.gov.uk

Further guidance can be obtained from the following:

- a) CLR 11: Model Procedures for the Management of Contaminated Land
- b) CLR guidance notes on Soil Guideline Values, DEFRA and EA
- c) Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
- d) Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
- e) Guidance for the Safe Development of Housing on Land Affected by Contamination Environment Agency. ISBN 0113101775.

4. The applicant is advised that, notwithstanding the details contained in the Masterplan, the reserved matters application must seek to improve the indicative layout in terms of the relationship between the existing properties adjacent to the site and the proposed new dwellings.

5. The applicant is advised to investigate the provision of broadband services for future residents as part of the development, in conjunction with service providers.

6. The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.

7. The applicant is advised that following consultation with the Derby and Derbyshire Development Control Archaeologist, he advises that he will be responsible for monitoring the conditioned work on behalf of the Local Planning Authority, and the applicant/agent should contact him in the first instance for advice on the production of the written scheme of investigation (WSI) required by condition 29. His contact details are:

Steve Baker MA MifA, Derby and Derbyshire Development Control Archaeologist, Economy, Transport and Environment, Derbyshire County Council, Shand House, Dale Road South, Matlock, Derbyshire DE4 3RY (Tel: 01629 539773).

8. The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the Authority is satisfied that the development will not give rise to significant environmental effects.

Authorised Officer of the Council

Date: 01/04/2015

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.