

Telephone: 01246 231111

**PLANNING DECISION NOTICE TCP1
(CONDITIONAL PERMISSION)**

Mr Alan Yarwood (Roger Yarwood Planning Consultant Ltd.)
Wheatley Cottage
Wheatley Road
Two Dales
Matlock
DE4 2FF



**North East
Derbyshire
District Council**

NOTE: The applicant should note that this permission relates only to the submitted plans. Any deviation from them, however, small, may require further permission and should not be carried out without first finding out from this Council whether a further planning application is required.

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of powers vested in the North East Derbyshire District Council under the above Act and Order, and with reference to the development described on the application and shown on the accompanying plan(s) and drawing(s):-

Application No: 20/00841/FL

Proposal: Change of use to Traveller site with 5 pitches (Departure from Development Plan) (revised plan)

Location: Millholm Plantation Pilsley Road Danesmoor Chesterfield

Applicant: Mr and Mrs Lee

NOTICE IS HEREBY GIVEN that permission for the proposed development is GRANTED subject to the following conditions:-

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Applicant: Mr and Mrs Lee

NOTICE IS HEREBY GIVEN that permission for the proposed development is GRANTED subject to the following conditions:-

Conditions

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise required by any condition contained in this decision notice: Location Plan (undated and unreferenced identifying the site outlined in red and referenced "blue mapping" and appended to this decision notice as Appendix A – for reference (cont'd...))

only and not to be scaled) and a Layout plan (undated and unreferenced identifying 5 plots/ the location of the 5 static caravans, tree planting, fencing, an acoustic fence and hard surfaced areas and appended to this decision notice as Appendix B (and dated RECEIVED 28.04.21) – for reference only and not to be scaled).

- 3 Permission is hereby granted for 5 caravan pitches only, laid out in accordance with the details shown on the drawing appended to this decision notice as Appendix B. Each pitch shall only be used for the stationing and residential use of one static caravan, located as shown on the approved plan, and for the storage of one touring caravan. No residential occupation of any touring caravan is permitted within the site at any time. Twin unit caravans are not permitted.
- 4 Permission is hereby granted for 5 pitches only for the sole use and occupation of travellers as defined in “Planning Policy for Traveller Sites (2015)”. Prior to the first, or any subsequent, occupation of any of the pitches, hereby approved, details of the pitch occupants shall be submitted to and be approved in writing by the Local Planning Authority. The pitch(es) shall then be occupied solely by the person(s) so agreed.
- 5 Prior to their first stationing on the site, hereby approved, the precise details/specifications of any/all caravans to be stationed there shall be submitted to and be approved in writing by the Local Planning Authority. The details/specifications shall include the size, type and design, including the sound insulation specification, of each caravan. Only those caravans so approved shall then be installed/placed on the site and no other caravans shall be located there.
- 6 Notwithstanding any other submitted details, before any above ground works commence, a plan to show the positions, design, materials, height and type of all/any boundary treatments, but including and showing at least details of the acoustic fence shown on the submitted layout plan, to be erected and/or retained on the site, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full before the first occupation of any caravan occupying the site and then be retained/replaced in accordance with the agreed scheme thereafter.

Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no other means of enclosure/boundary treatments shall be erected/constructed/placed on the site without first obtaining planning permission.

- 7 Prior to the first occupation of any caravan on the site, the following shall be submitted to and be approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme.
- 8 All planting, seeding or turfing in the approved scheme of landscaping agreed under the terms of condition 7 above shall be carried out in the first planting and seeding season following the first occupation of any caravan on the site. Any trees or plants which within a period of 5 years from the first occupation of caravans on the fifth pitch, hereby approved, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 9 Prior to the stationing of any caravan on the site, hereby approved, details of the disposal of surface water drainage and any discharge to a public sewer(s) shall be submitted to and be approved in writing by the Local Planning Authority.

If discharge to public sewer is proposed, then the information shall include, but not be limited to:-

- a) evidence to demonstrate that surface water disposal via infiltration or other methods are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer.

The scheme shall then be implemented as approved prior to the first occupation of any caravan on the site and be retained as such thereafter. There shall be no piped discharge of surface water from the site prior to the completion of all approved surface water drainage works.

- 10 Prior to the first occupation of any caravan on the site, a landscape and biodiversity enhancement plan (LBEP), compatible with the details required under the terms of condition 7 above, including a timetable for its implementation and ongoing management, shall be submitted to, and be approved in writing by, the Local Planning Authority. The LBEP should include the following:-

- a) Details of the planting of native broad-leaved tree and shrub species including the numbers for each species and the methods for planting and aftercare.
- b) Details of grassland species enhancement and management/aftercare measures.

The LBEP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved plan shall then be implemented, retained and managed as agreed.

If there is any clearance of shrub, bramble or hedgerow, this should take place between 1st March and 31st August inclusive, unless a survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

- 11 Prior to the commencement of development, detailed designs shall be submitted to and be approved in writing by the Local Planning Authority, for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, and parking and manoeuvring of employees and visitors vehicles. The approved scheme shall then be implemented within 7 days of the development hereby approved commencing and shall be retained free from any impediment to their designated use throughout the construction period of the site.
- 12 No caravans, hereby approved, shall be occupied until space has been laid out within the site in accordance with details first submitted to, and agreed in writing by, the Local Planning Authority, for the parking and manoeuvring of vehicles. The space(s) so provided shall then be maintained free from any impediment to their designated use thereafter and for no other purpose. No other hard surfaced areas shall be laid out/created/provided.

- 13 No caravan, hereby approved, shall be occupied until details for the storage of bins and the collection of waste in relation to the site have been submitted to and been approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the approved facilities retained for the designated purposes at all times thereafter.
- 14 Within 7 days of the development, hereby approved, commencing, a ground gas risk assessment shall be carried out in accordance with BS8485:2015 +A1:2019 and/ or a gas protection scheme shall be developed and submitted for written approval by the Local Planning Authority.

Prior to the first occupation of any caravan, hereby approved, the agreed gas protection scheme, and/or any gas protection measures shall then be carried out as agreed and be retained as such thereafter.
- 15 Prior to the first occupation of any caravan on the site, any made ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out in accordance with a scheme which has been approved in writing by the local planning authority.

Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme, including a timetable for its delivery, shall be prepared and be submitted to the local planning authority for written approval. Prior to the first occupation of any caravan, the agreed remediation scheme shall then be implemented as approved and a verification report submitted to, and be approved in writing by, the local planning Authority, demonstrating that the remediation has been carried out successfully.
- 16 Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 15 above shall be carried out in accordance with a scheme which shall first be submitted to and approved by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of any caravan stationed on that part of the site.
17. In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters in accordance with a scheme previously agreed in writing with the local planning authority, the results of which shall be submitted to and be approved in writing by the local planning authority.
- 18 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development otherwise permitted by Part 5 Class B of the Order shall be erected/constructed/undertaken without first obtaining planning permission.
- 19 The site, hereby permitted, shall be used for residential uses only and not for any trade, business or commercial purposes.
- 20 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site, the subject of this permission.

Reasons for Conditions

- 1 To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2 For clarify and the avoidance of doubt.
- 3 For clarify and the avoidance of doubt, as this is what the application has specifically sought, as twin unit caravans are not considered compatible with the sites countryside location and in the interest of the character and appearance of the site and the surrounding area.
- 4 For clarify and the avoidance of doubt, as this is what the application has specifically sought and in the interest of the character and appearance of the site and the surrounding area.
- 5 For clarify and the avoidance of doubt, in the interest of the character and appearance of the area and to protect the amenity of future occupants of the site.
- 6 For clarify and the avoidance of doubt, as no details are provided, in the interest of the character and appearance of the area and to protect the amenity of future occupants of the site.
- 7 In the interest of the character and appearance of the area and as indicative landscaping only is shown on the submitted plans
- 8 In the interest of the character and appearance of the area
- 9 To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
- 10 In the interest of providing a net biodiversity gain, the character of the area and in the interest of protecting nesting birds.
- 11 In the interest of highway safety
- 12 In the interest of highway safety and providing sufficient on site car parking provision.
- 13 In the interest of highway safety and to provide appropriate waste collection facilities.
- 14 To protect the environment and address any contamination issues, protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
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- 17 To protect the environment and address any contamination issues, protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
- 18 The site is located within a countryside location where the control of any future/further development should be controlled in the interest of protecting the character and appearance of the area
- 19 As this is how the application is described, so for the avoidance of any doubt, and to ensure the site is used sympathetically compatible with its rural and countryside location.

- 20 As the site is for residential use only, for the avoidance of any doubt, and to ensure the site is used sympathetically compatible with its rural and countryside location.

Statement in accordance with The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and Paragraph 38 of the National Planning Policy Framework

In determining this application the Local Planning Authority has worked proactively with the applicant(s) to secure a development that would improve the economic, social and environmental conditions of the area (as appropriate to the specific case). This is in accordance with paragraph 38 of the National Planning Policy Framework.

Note

1. In accordance with the Town & Country Planning (fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 a fee is payable to discharge any condition(s) on this planning permissions. The fees are as follows: £116 for each request to discharge condition(s) where the planning permission relates to any type of development other than a householder proposal. The fee is payable for each individual request made to the Local Planning Authority.
2. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £34/£234 would be required) or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer.
3. You are advised that the Council will not provide refuse recycling and composting bins for the development hereby approved. The developer will be expected to either provide the bins under guidance from the Council or to underwrite the cost of providing the bins and their delivery. If further advice on this issue is needed you should contact the Council's Waste Collection Service on 01246 217610.
4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority.

5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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.
6. The applicant should be aware that the application site is within 200m of the proposed HS2 link and further information is available from the following:
Contact Information: E-mail HS2enquiries@hs2.org.uk. Telephone the Help Desk on 02079444908
Write to High Speed Two (HS2) Ltd
Two Snow Hill
Queensway
Birmingham B4 6GA
7. Network Rail advises as follows:

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water runoff and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorn (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

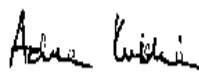
Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

8. The applicant is advised to observe the informative notes contained in the letter from the Lead Local Flood Authority dated 13 November 2020.
9. The applicant is advised that the application site falls within so proximity to land that may be required to construct and/or operate Phase 2b of a high speed rail line from Crewe to Manchester and the West Midlands to Leeds, known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. As a result the application site may be compulsorily purchased. In addition as the HS2 project is not yet at a detailed design stage the applicant is advised to closely follow ongoing progress of the HS2 programme. More information can be found at: <https://www.gov.uk/government/organisations/high-speed-two-limited>.

Dated: 16 December 2021

Signed: 
Authorised Officer of the Council

ATTENTION IS DRAWN TO THE ATTACHED NOTES

Appendix A



OS MasterMap 1250/2500/10000 scale
Tuesday, August 13, 2019, ID: BLJT-00820855
www.planningapplicationmaps.co.uk
1:2500 scale print at A4, Centre: 440876 E, 363312 N
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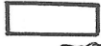

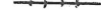


Appendix B

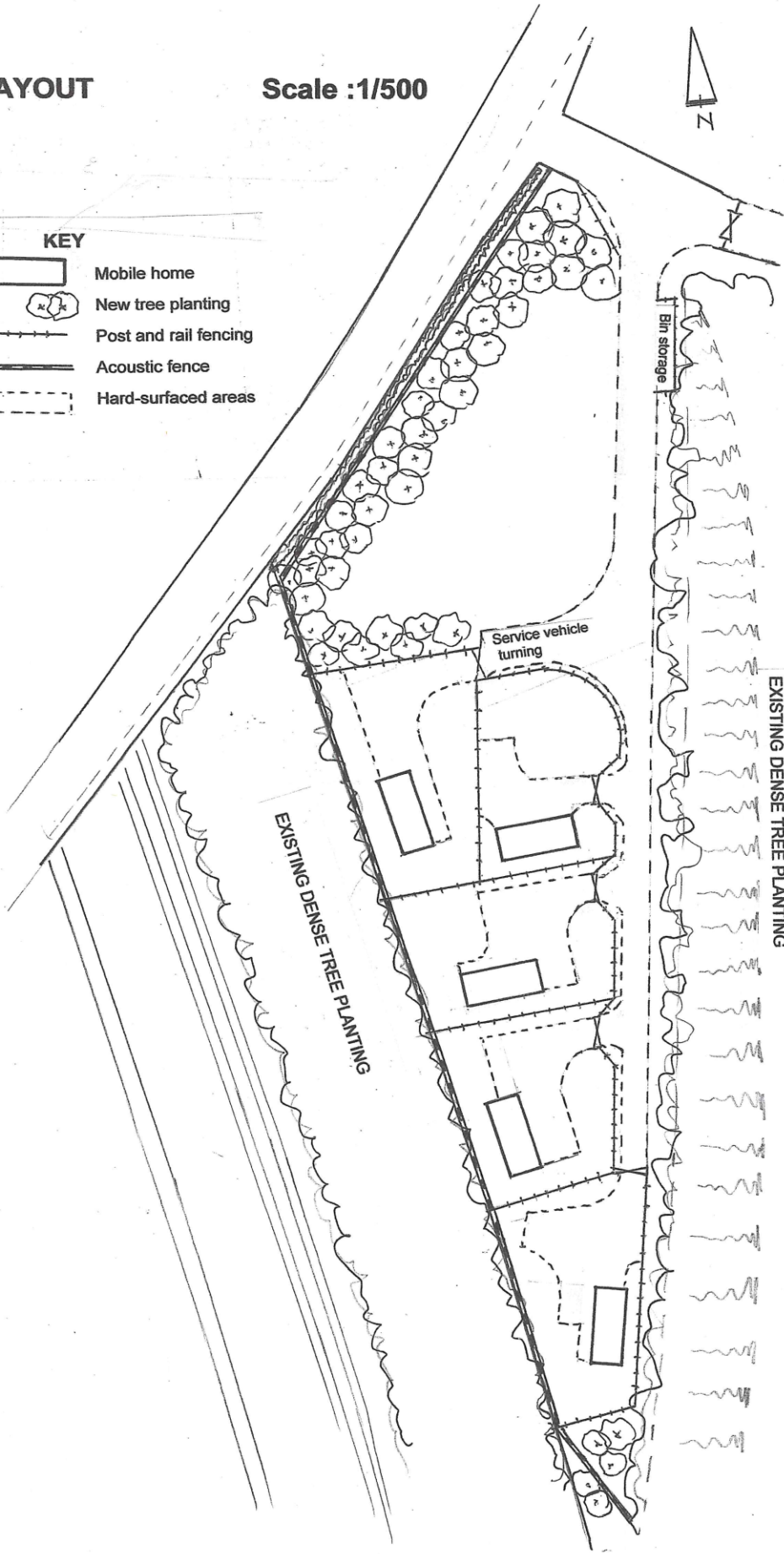
LAYOUT

Scale :1/500



KEY

-  Mobile home
-  New tree planting
-  Post and rail fencing
-  Acoustic fence
-  Hard-surfaced areas



RECEIVED
26 APR 2021

EXISTING DENSE TREE PLANTING

EXISTING DENSE TREE PLANTING

Service vehicle turning

Bin storage