

Telephone: 01246 231111

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

NTR Design _ Build Ltd
Waterside
Derby Road
Swanick
Alfreton
DE55 1AD



**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: 22/00959/FL

Proposal: Demolition of existing building and construction of 3 No. detached two storey 3 bed dwellings (Affecting Public Right of Way)(Amended Plans)

Location: The Flat Oaks Farm Lane Calow Chesterfield

Applicant: Mr Robert Mather

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

Conditions

- 1 The development hereby approved 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 drawing numbers:
 - RL1/09/22Rev C Location and Block Plan
 - RL11/09/22, 25 Degree Rule
 - RL3/08/22, Proposed Ground Floor Plan
 - RL4/09/22 Proposed First Floor Plan
 - RL5/09/22 Rev A Proposed elevations
- Received 11th January 2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.
- 3 Before the occupation of the dwellings hereby approved the following acoustic mitigation as shown on Drawing No RL1/09/22 Location and Block Plan (date stamped 21.11.2022) shall be implemented in full and retained as such throughout the life of the development:
 - Plots 1, 2 and 3 to have triple glazed windows and acoustically treated trickle vent covers

- The east and south (facing) boundaries shall comprise of 2.0m high sound attenuation timber fencing.

4 Before the commencement of the development hereby approved:

a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:

- the likely presence of potentially hazardous materials and substances,
- their likely nature, extent and scale,
- whether or not they originated from the site,
- a conceptual model of pollutant-receptor linkages,
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

5 Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days' notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

6 No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by 5 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of

the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 4b to 5 above and satisfy 6a above.

c) Upon completion of the remediation works required by 5 and 6a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

- 7 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
- 8 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- 9 At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
- 10 The premises, the subjects of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 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, the garages to be provided in connection with the development shall not be used other than for the parking of vehicles.
- 12 Before first occupation of the first dwelling completed on site, details of arrangements for storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.
- 13 Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
 - integrated bat boxes.
 - insect bricks.
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
- 14 Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing

by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

- 15 Notwithstanding any submitted details, before above ground level development starts a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the first dwelling hereby approved and it shall be retained as approved.

Reasons for Conditions

- 1 To comply with section 91 (as amended) of the Town and Country Planning Act 1990.
- 2 For clarity and the avoidance of doubt.
- 3 To protect the aural amenity of future occupiers of the dwellings in accordance with policy SDC13 of the North East Derbyshire Local Plan
- 4 To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.
- 5 To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.
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- 7 In the interest of satisfactory and sustainable drainage.
- 8 To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network
- 9 To ensure Highway Safety and in accordance with policy ID3 of the North East Derbyshire Local Plan
- 10 To ensure Highway Safety and in accordance with policy ID3 of the North East Derbyshire Local Plan
- 11 To ensure sufficient parking is provided on site to maintain highway safety and in the interests of the character an appearance of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan
- 12 To ensure sufficient space for the storage of bins is provided on site to maintain highway safety and in the interests of the character an appearance of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan
- 13 To provide biodiversity net gain in accordance with policy SDC4 and the NPPF
- 14 In the interests of the appearance of the area and to protect the amenity of neighbouring users and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.

- 15 In the interests of the appearance of the area and to safeguard the privacy and amenity of neighbours and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.

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


Note

1. 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 £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.
2. 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.

3. Right Of Way
The application site is affected by a public Right of Way, Footpath No 12 Calow on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that: -
 - The granting of planning permission is not consent to divert or obstruct a public right of way
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 - Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
 - To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

Dated: 31.01.2023


Signed:.....
Authorised Officer of the Council

ATTENTION IS DRAWN TO THE ATTACHED NOTES