

09/10/2007

Item 1.4**Reg. No.** 9/2007/0823/M**Applicant:**

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 Edward Nurseries Ltd
 Scropton Road
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 Derbyshire
 DE65 5PN

Agent:

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Proposal: Outline application (all matters except means of access to be reserved) for the residential development of Land To The Rear Of 33 59 Court Street Woodville Swadlincote

Ward: Woodville

Valid Date: 13/07/2007

Reason for committee determination

This is a major application where more than 2 letters of objection have been received and a request for additional funding from Councillor Taylor has been rejected by the applicants.


Site Description

The land lies to the rear of properties on Court Street. It would be accessed via a route between Nos 43 and 49 Court Street. Whilst the dwellings either side of the access are detached there is a mix of terrace, semi-detached and detached dwellings along the length of Court Street. To the north of the site is an area of playing fields, to the east is an open area associated with 80 Bernard Street, to the west is an access track in the ownership of another party. The land in the vicinity of the site is designated as Urban Woodland. The land rises from Court Street to a high point on the boundary with the playing fields. The rear gardens to the dwellings on Court Street have a minimum depth of 25 metres. Accordingly, the proposed dwellings would be a minimum of 25 metres from the rear of the existing dwellings.

Proposal

This is an outline application with all matters, except access, reserved for subsequent approval. A draft layout supports the application and shows some 14 dwellings either terraces of three or semi-detached. An existing storage building in the south west corner of the site would be removed.



 <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</p>		Date Plotted 1/10/2007	NORTH ↑
	9/2007/0823/M Land rear of 43 Court Street Woodville	Plot centred at 431106 319327	Scale 1:1500
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Applicants' supporting information

The applicants state that access is now to a standard that would allow for the development of the site for the number of dwellings now proposed. The two-storey dwellings would be more in keeping with the area than the bungalows that were previously permitted on the site. A more intensive development would be more in keeping with the current Government advice. The access to the site has been the subject of consultation with the County Highway Authority and it is considered that the proposal would not compromise highway safety. Ample parking provision would be made within the site.

A plan clarifying the access arrangements has been received.

Planning History

In the 1990's there were a couple of applications for structures associated with the use of the land as a plant nursery. In 2002 outline planning permission for residential development was refused. However, in 2003 outline planning permission was granted for residential development of the site. A subsequent application for approval of reserved matters for the erection of 5 bungalows was granted. This permission remains extant; albeit that the original outline permission has now expired.

There is an existing planning permission for the erection of 4 dwellings on the land associated with 80 Bernard Street.

Responses to Consultations

In addition to the normally requested contributions for schools, health and open space Councillor Taylor has requested that the developers be asked to provide monies for traffic calming in the locality because the roads are used as a rat run for traffic seeking to avoid the Clock Island roundabout.

The County Highway Authority has no objection to the amended drawing subject to the imposition of conditions.

Derbyshire County Education Authority has confirmed that it would require a contribution towards education provision.

The Leisure Services Manager has confirmed that contributions are required for the provision of recreation and open space facilities. He would wish to be assured that pedestrian access to the recreation ground is maintained and would want to comment when the detailed application is submitted.

The Environmental Protection Manager has no objection to the principle of the development but would request hours of operation during construction be limited to reduce the risk of disturbance to the occupiers of the dwellings on Court Street; this to include potential control of heavy plant to the site. The Environmental Protection Manager would also wish to ensure that dust levels are controlled along with advice to restrict the burning of material on the site during development.

The site lies in the vicinity of a contaminated land site and proper investigation of these issues should be controlled through the imposition of conditions.

Responses to Publicity

Four letters have been received objecting to the development for the following reasons:

The access to the site should be solely from the access way on Court Street. – *No access is proposed from other land.*

- a) The road is very narrow and motorists do not slow down for the access; the road is already very busy; there is a concern about the boundary treatment
- b) The new road would be on a slope and icy roads would be a hazard for motorists and pedestrians
- c) The houses would be at a higher level than the existing dwellings and would overlook the adjacent houses causing a lack of privacy.
- d) The site should be developed with bungalows to attract a more mature person to the development.
- e) There is a lack of visibility for drivers of vehicles emerging from the site; there would be three accesses within 50 metres of each other.

Development Plan Policies

The relevant policies are:

RSS8: Policies 1, 2, 4,
Joint Structure Plan: Housing Policy 17,
Local Plan: Housing Policy 4

Planning Considerations

The main issues central to the determination of this application are:

- The Development Plan
- The scale of the development
- Access to the site
- Construction issues
- Affordable Housing
- National Forest Planting
- Section 106 issues

Planning Assessment

The site lies within the urban core of Swadlincote. As such its development for housing is acceptable in principle subject to access and environmental impact. The site has planning permission for the erection of five bungalows so the principle of residential development has been established on the land.

The land is not of any great amenity value although it abuts a playing field. The provision of housing on the land could improve the passive security for the playing field. The site is clearly capable of accommodating the 14 dwellings whilst maintaining the minimum separation distances to the dwellings on Court Street. The land is at a higher

level than the houses on Court Street and an allowance has been built into the assessment to take account of the difference in levels.

The houses would be seen in the context of the existing properties and would be of a scale and character that is in keeping with the surrounding area being a mixture of town and semi-detached dwellings.

Objectors have raised concern about the access to the site and its suitability in terms of highway safety. The County Highway Authority has been consulted about the application and subject to the access being provided in accordance with the submitted details then it is satisfied that the access from Court Street is adequate to service the development. In these circumstances withholding permission on highway safety grounds would be difficult to justify.

The Environmental Protection Manager has no objection to the principle of the development but is concerned that uncontrolled building operations would cause disturbance to the occupiers of the houses on Court Street. Whilst the hours of operation, including the delivery of plant to the site, can be controlled by condition the enforcement of dust and fires is more problematic in that the event would be over before officers could observe any potential breach of condition. In this respect an informative advising the applicants to control such events is recommended.

The site in size or number of proposed dwellings does not trigger affordable housing provision or National Forest Planting but in order to ensure the site is not developed for more than 15 dwellings (when the affordable housing requirement would be triggered) a condition limiting the development to 14 dwellings is recommended. Thus a developer would only be able to erect 14 houses as a reserved matters application, if more are proposed, then a fresh planning application and a new undertaking would be required, thus the affordable housing provision would be secured. The site is less than 0.5ha so does not attract National Forest planting.

In accordance with the protocol, the local members have been consulted about the development. One has responded and asked for consideration of additional funding from the site to allow for traffic calming measures to be implemented in the area. The use of the roads in the area as a means of bypassing the clock garage junction is cited as a reason to seek the funding.

The applicants have responded to the request and whilst content to make contributions to health, education and open space, in the absence of a request from the County Highway Authority for such measures to be provided, do not consider that the provision of monies for these works can be justified.

The matter has been raised with the Highway Authority who have no records of requests for traffic calming or accident statistics that would warrant traffic calming measures in the surrounding area as a result of this application.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

Subject to the receipt of a signed undertaking relating to contributions towards health, education, and open space provision, **GRANT** permission subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

2. Approval of the details of the layout, scale, appearance, access and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing . 7:8:07 received under cover of your letter dated 8 August 2007

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

4. This permission authorises the erection of no more than 14 dwellings on the application site.

Reason: The application seeks permission for 14 dwellings, any additional dwellings erected on the site would trigger the need for affordable housing and the Local Planning Authority seeks to retain control over the level of development to ensure the proper provision of affordable housing in the locality should more than 14 dwellings be proposed on the site.

5. Before any other works to commence the construction of dwellings on the land are commenced, the new junction to Court Street shall be formed in accordance with the details shown on the amended plan received by the Authority on 16 August 2007 (subject to the detailed design being approved under Section 278 of the Highways Act). The access shall be formed to base course level prior to the commencement of works to construct the dwellings and shall be completed to wearing course level prior to the occupation of the last of the dwellings on the site.

Reason: In the interests of highway safety.

6. 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 IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

7. 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) No development shall take place until monitoring at the site for the presence of <GROUND/LANDFILL> 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: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

8. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The details shall include measures for the disposal of highway surface water to a positive gravity fed system discharging to an outfall in a public sewer, highway drain or water course. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control.

9. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

10. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

11. No part of the development shall be carried out until precise details and samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

12. No construction operations nor the deliveries of plant, equipment and materials to or from the site shall be outside the hours of 0730 to 1800 on Monday to Friday 0800 to 1300 on Saturday and not at any time on Sundays, Bank or Public Holidays.

Reason: in the light of the close proximity of the site to other dwellings the Local Planning Authority wishes to ensure that construction of the dwellings does not prejudice the enjoyment by neighbouring occupiers of their properties outside reasonable working hours.

13. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been approved in writing by the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

Informatives:

Further to condition 4 above. The Local Planning Authority has a trigger point of 15 dwellings or more for a site to provide affordable homes. Accordingly the level of housing specified in the application is granted planning permission and should a subsequent developer decide to apply for more dwellings a further outline application or a full planning application will be necessary to ensure that the requisite level of affordable housing is provided on the site.

This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990.

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is thus responsible for determining whether land is suitable for a particular development or can be made so by remedial action. In particular, the developer should carry out an adequate investigation to inform a risk assessment to determine:

- whether the land in question is already affected by contamination through source - pathway - receptor pollutant linkages and how those linkages are represented in a conceptual model;
- whether the development proposed will create new linkages, e.g. new pathways by which existing contaminants might reach existing or proposed receptors and whether it will introduce new vulnerable receptors; and
- what action is needed to break those linkages and avoid new ones, deal with any unacceptable risks and enable safe development and future occupancy of the site and neighbouring land.

A potential developer will need to satisfy the local authority that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development. In doing so, a developer should be aware that actions or omissions on his part could lead to liability being incurred under Part IIA, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway or, when it is implemented, under the Environmental Liability Directive (2004/35/EC). Where an agreed remediation scheme includes future monitoring and maintenance schemes, arrangements will need to be made to ensure that any subsequent owner is fully aware of these requirements and assumes ongoing responsibilities that run with the land.

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. 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 referenced in footnotes 1-4, to the relevant conditions attached to this permission.

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 www.south-derbys.gov.uk/Environment/Pollution/LandPollution/contaminatedlandguide.htm

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 pollution control officer (contaminated land) in the environmental health department: dan.calverley@south-derbys.gov.uk.

That mining records are available for inspection by prior arrangement with The Coal Authority, Mining Reports, 200 Lichfield Lane, Mansfield, Nottingham, NG18 4RG, (Tel. 0845 762 6848).

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000 and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.

In developing the site the developers should be aware of the close proximity of the site to existing dwellings and for the period construction seek to minimise the generation of dust and the burning of materials. Should such operations result in complaints to the

Council, the developer and/or landowner may be subject of investigations of Statutory Nuisance under the provisions of the Environmental Protection Act.
In submitting details required by Condition 2 above provision shall be made to provide pedestrian access from the site to the playing fields to the north of the application site.

09/10/2007

Item 1.5**Reg. No.** 9/2007/0892/F

Applicant:
J M H Developments (Derby)
Stanton Hill
Stanton by Bridge
Derby
DE73 7NF

Agent:
N Astle
24 The City
Woodville
Swadlincote
Derbyshire
DE11 7DH

Proposal: Demolition of existing dwelling the erection of seven new dwellings with associated garaging and parking together with the rebuilding of the front boundary wall at 50 Commerce Street Melbourne Derby

Ward: Melbourne

Valid Date: 27/07/2007

Reason for committee determination

The application is brought to Committee at the request of Councillor Hewlett.

Site Description

The site contains a large detached Edwardian dwelling, one of a group of three in the otherwise largely terraced street. There is a boundary wall to the street frontage with trees and shrubs around the boundaries. Other trees, mainly fruit trees, within the site have recently been felled. A public right of way passes along the north boundary, separating the site from the Spinney Hill estate.


Proposal

The application proposes to replace the existing house with two blocks of housing. The frontage development, containing three dwellings, would face the street and is designed to resemble a single large house. The rear block of four dwellings would be lower and narrower, set at right angles to the frontage. A garage block is also proposed towards the north boundary. Access to all dwellings would be by way of a private drive. Parking would be provided on the basis of two spaces per dwelling (including garages).

Applicants' supporting information

The supporting Design and Access Statement concludes that:



 <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</p>		Date Plotted 1/10/2007	NORTH ↑
	9/2007/0892/F 50 Commerce Street Melbourne	Plot centred at 438127 325481	Scale 1:1250
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- The frontage dwelling would reflect the character of a single Victorian Villa, whereas the rear block would resemble a traditional modest mews building.
- The development would be framed by existing vegetation.
- Materials would match those of adjoining traditional buildings.
- The front wall, which is in poor condition, would be rebuilt to accommodate the visibility splay to the access.

A Bat Survey concludes that the existing building is unlikely to support a bat roost or be of significant value to bats.

Responses to Consultations

The Highway Authority and Severn Trent Water limited have no objection in principle.

English Nature confirms that there is no evidence that bats are likely to be adversely affected but recommends a condition to provide safeguards during development.

The PCT seeks £444 per dwelling to address healthcare needs arising as a consequence of the development.

The Education Authority seeks a contribution of £9231 to address needs at the local primary school arising as a consequence of the development.

Melbourne Civic Society objects as follows:

- a) Redevelopment of this particular Victorian dwelling is reluctantly accepted but the proposed seven dwellings represent over-intensive development. The parking proposed for the frontage properties is inadequate and would result in parking on the street, obstruction to emergency vehicles and parking on the pavement, exacerbating the existing situation. The scheme should be redesigned, reducing the number of dwellings and increasing off-street parking.
- b) The design is out of keeping with the area. Instead there should be a scheme of sustainable zero-carbon homes designed by an architect of proven flair, using modern materials to create a new development that will enhance the street scene and be a model for any other such schemes.

Responses to Publicity

23 letters have been received objecting in the following terms:

- a) The existing house is of historic character and should not be demolished.
- b) The proposal would be over development and out of keeping with the character of the area.
- c) There would be overlooking and loss of light and privacy to adjoining dwellings.
- d) The access and parking would be inadequate and lead to exacerbation of existing traffic congestion on streets in the vicinity of the site, obstruction to vehicles (including service and emergency vehicles) and highway safety issues.
- e) A number of mature trees have been destroyed, resulting in a loss of character and beauty.
- f) The need for housing here is questioned. The site would better be used as a local amenity.

- g) Vehicles using the driveway, adjacent to the neighbouring property, would cause noise disturbance.
- h) The site is a habitat for bats and other wildlife.
- i) Building work would cause noise and disruption.
- j) Vehicular access to existing properties should be secured.
- k) The sewerage system may be inadequate.
- l) There would be loss of green space and surface water drainage capacity.
- m) The right of way to the rear of the site should be stopped up as it attracts anti-social activity.
- n) There would be a burden on local services and facilities, particularly cumulatively as large plots are re-developed.

Development Plan Policies

The relevant policies are:

RSS8: Policy 3

Local Plan: Housing Policies 5 & 11

Planning Considerations

The main issues central to the determination of this application are:

- The principle.
- Scale and character.
- Residential amenity.
- Highway safety and parking.
- Drainage.
- Infrastructure.

Planning Assessment

The site lies within a village that has a good range of local facilities and access to means of transport other than the private car. The site is previously used land. Therefore, in principle, the development accords with policy objectives for the location of new housing development.

The frontage block would mimic a traditional villa. It would be of similar scale to the existing property and the two adjacent large properties. The rear range would be subordinate in scale, screened from Commerce Street by the frontage units. Existing screen walling and vegetation would filter views from the right of way at the rear. The scheme provides for the re-building of a substantial brick wall at the street frontage, albeit aligned along the visibility splay rather than the back edge of the footway as existing. A condition would preclude breaches of the wall to form individual accesses in the future. As such the development would be in keeping with the scale and character of its surroundings, subject to conditional control over the detail finishes.

The proposal complies with supplementary planning guidance and the impact on neighbours in terms of the proximity of the buildings and their windows would be acceptable. A condition removing permitted development rights for extensions would enable the Local Planning Authority to retain control in this regard, bearing in mind the particular layout proposed. The access drive would run alongside the boundary of the

site with Monaville. Subject to a condition requiring an acoustic screen fence, as shown on the submitted drawing, the effect would not be unreasonable.

On the advice of the Highway Authority the proposals would not bring about demonstrably harmful conditions in the highway. The amount of parking proposed on site is appropriate, at 2 spaces per dwelling.

There is no evidence that the sewerage and drainage systems would be unable to cope with the development.

Contributions towards healthcare (£3108), education (£9321) and open space (£17136) would be secured via Section 106 of the Town and Country Planning Act 1990.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the applicant entering into an agreement with the Council, or providing a unilateral undertaking, under Section 106 of the Town and Country Planning Act 1990 to secure contributions towards healthcare, education and open space (as detailed in the report) and subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. NA/JHCSM/1b and NA/JHCSM/2A received 26 September 2007.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the existing building and the locality generally.
4. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges and external joinery shall be constructed in accordance with the approved drawings.
Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

5. External joinery, including fascias and bargeboards shall be to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.
Reason: In the interests of the appearance of the buildings and the character of the area.
6. A sample panel of pointed brickwork/stonework 1 metre square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing. The works shall be carried out in accordance with the approved sample.
Reason: In the interests of the appearance of the buildings and the locality generally.
7. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.
Reason: In the interests of the appearance of the building(s) and the character of the area.
8. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.
Reason: In the interests of the appearance of the building(s), and the character of the area.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings hereby permitted shall be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.
Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no vehicular access, other than as shown on the submitted drawing No. NA/JHCSM/1b shall be formed to Commerce Street.
Reason: To maintain the integrity of the boundary wall in the interest of preserving the character of the area.
11. The boundary wall at the site frontage shall be constructed in accordance with the submitted drawing NA/JHCSM/3, and subject to the submission of materials in accordance with Condition 3 above, before the development is first occupied.
Reason: In the interests of the appearance of the area.
12. Before the development is first occupied an acoustic screen fence shall be erected along the south-eastern boundary of the site in accordance with details and specifications that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the occupiers of the adjoining property from undue traffic noise.

13. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development 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 appearance of the area.

15. Unless as may otherwise be agreed in writing with the Local Planning Authority works to the roof of the existing dwelling shall be carried out before 1 May 2008, and the tiles around the SW corner shall be stripped by hand.

Reason: To ensure that any bats present in the building are not harmed.

16. 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 IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

17. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control.

18. Before any other operations are commenced (excluding demolition and site clearance) space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

19. Prior to the first use of the development hereby permitted, the land in advance of the sight lines and pedestrian intervisibility splays shown on the submitted

drawing NA/JHCSM/1b shall be cleared and thereafter retained free of all obstructions to visibility over a height of 600mm above the adjoining carriageway level.

Reason: In the interests of highway safety.

20. Prior the first occupation of the development the areas shown on the submitted drawing NA/JHCSM/1b for the acces, parking and manoeuvring of vehicles shall be laid out in accordance with drawing and thereafter those areas shall remain unobstructed for their designated use.

Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.

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

Reason: In the interests of highway safety.

Informatives:

To note the attached comments of Natural England.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000 and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.