Julian Townsend
Executive Director (Operations)
Development Management

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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/0993**) which was valid on the 22 October 2020 for permission for **Reserved matters application for appearance, Landscaping, Layout, Scale following the approval of AVA/2018/0899 (This is a Departure from the Local Plan) at Land Off Wessington Lane Wessington Lane South Wingfield**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   Reason: To comply with the requirements of 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. The development hereby permitted shall be carried out in accordance with the following list of approved plans and documents and any conditions attached to the approval:

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Site location plan

Proposed Site layout plan - 2017-526-03 Rev O

House type Ash (render) (stepped) - proposed floor plans and elevations 2017-0526-11A

House type Beech (brick) - proposed floor plans and elevations 2017-526-10A

House type Cedar (brick) - proposed elevations and floor plans - drawing 2017-526-15A

House type Cherry (brick) (stepped) - proposed elevations and floor plans - drawing 017-526-13B

House type Cherry (stone) (stepped) - proposed elevations and floor plans - drawing 2017-526-14B

House type Chestnut (brick) - proposed elevations and floor plans - drawing 2017-0526-20B

House type Chestnut (stone) - proposed elevations and floor plans - drawing 2017-526-21B

House type Chestnut (brick) (Georgian) - proposed elevations and floor plans - drawing 2017-526-26A

House type Hornbeam (brick) - proposed elevations and floor plans - drawing 2017-0526-17B

House type Hornbeam (render) - proposed elevations and floor plans - drawing 2017-0526-18B

House type Maple (brick) - proposed elevations and floor plans - drawing 2017-0526-16B

House type Oak (brick) - proposed elevations and floor plans - drawing 2017-0526-22B

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House type Oak (stone) - proposed elevations and floor plans - drawing 2017-0526-23B

House type Hazel (Brick) - proposed elevations and floor plans - drawing 2017-526-19A

Garages single and double - floor plan and elevation - drawing - 2017-526-24A

Garages Twin - floor plan and elevation - drawing - 2017-526-25A

Site Boundary Details - walls - drawing 2017-520-06

Site Boundary Details - Fences - drawing 2017-520-05A

Willow weave panel - drawing 2017-526-07

Land designation plan - drawing number 2017-526-08

Soft Landscape proposals - drawing GL1407 01 Rev D

Landscape and ecological management plan (GL1407) Revision C dated 20/04/2021 by Golby and Luck

Proposed levels - WLSW-BSP-ZZ-ZZ-DR-C-0210 Revision P09

Tree protection plan 04 Rev 02 April 2021

Arboricultural Impact Assessment and Method Statement by RJ Tree Services April 2021

Reason: To define the permission and for the avoidance of doubt.

3. Notwithstanding the details submitted with this application, prior to the commencement of development on the site, comprehensive details of a permanent surface water drainage solution for the site shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a detailed design and associated management and maintenance plan of the surface water drainage for the site. The approved surface water drainage system shall be implemented in accordance with the approved detailed design, prior to the first occupation of any dwelling on the site.

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Reason: To ensure that the proposed development can appropriately manage surface water runoff within the development without increasing on-site or off-site flood risk.

4. The dwellings, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawings.

   Reason: In the interests of highway safety in accordance with Saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

5. The dwellings, the subject 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 service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: To ensure that appropriate parking is provided in the site to ensure there is no impact upon the highway network in accordance with Saved policy TP6 of the Adopted Amber Valley Borough Local Plan 2006

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) the garage accommodation / parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

   Reason: To ensure that appropriate parking is provided in the site to ensure there is no impact upon the highway network in accordance with Saved policy TP6 of the Adopted Amber Valley Borough Local Plan 2006

7. Prior to the occupation of the first dwelling, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. Details to be submitted shall include signage and demarcation to reflect its private status and any covenants/restrictions to prevent future adoption being sought. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

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Reason: In the interests of highway safety in accordance with saved policies H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. Before the end of the first planting season following occupation/first use of any part of the development hereby permitted all soft landscaping shall be carried out and completed in accordance with the specified soft landscaping details. 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: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with Saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

9. The hereby approved development shall be commenced only within the tree protection barrier area identified on drawing number 2017-526-09 and in full accordance with the tree protection measures identified. Following any development undertaken within the identified tree protection barrier on this drawing and prior to any further development commencing, the approved measures for the protection of trees and hedgerows to be retained, as set out on the Tree Protection Plan drawing number 04 Rev 02, shall be implemented in full in accordance with the approved details. Such protection shall be maintained for the duration of the construction period.

   Reason: The trees and hedges in question are considered to be features of significance in this location. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A of Part 1 of Schedule 2 (the enlargement, improvement or other alteration of a dwellinghouse,) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the character and visual amenities of the locality in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

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11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class B or C of Part 1 of Schedule 2 (dormer windows, roof ljghts) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the amenities of residential occupiers in accordance with saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class E of Part 1 of Schedule 2 (curtilage buildings) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the character and visual amenities of the locality in accordance with saved policy LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. Prior to the commencement of works on the construction of the hereby approved dwellings, details of the proposed materials and finishes to be used for the external elevations, roof and hard landscaping, including full details of service equipment, flues, terminals etc shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

14. Prior to works on the retaining walls hereby permitted being commenced a sample of the walling material(s) and finishes to be used in the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

15. Prior to construction work above ground being commenced, details of any hard landscaping works, including hard surfacing materials, shall be submitted to and

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approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

16. Prior to the dwellings on plots 6 and 20 hereby permitted being first occupied/brought into use the first floor window on the western facing elevation on plot 6 and first floor windows on the south eastern facing elevation of plot 20 shall be installed with obscure glazing The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The applicant's attention is drawn to the planning conditions and associated Sect 106 agreement of outline planning permission AVA/2018/0899.

2 The applicant is advised that with regard to the discharge of Condition 3, the design, management and maintenance of the surface water drainage of the site, regard should be given to the principles outlined within:

a. 'Proposed Residential Development Wessington Lane, South Wingfield Flood Risk Assessment Version 0.4' (November 2018, Julia Williams) and 'Wessington Lane, South Wingfield Appendices to FRA v0.4 Rev A' including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015)

3 The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

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4 Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

5 No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy

6 The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

7 The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

8 The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

9 The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

10 H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

11 Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.

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- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

12 On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).

- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.

- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

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Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.

- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.

- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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13 K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

14 All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

15 The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

16 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.

17 It is recommended that the following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:

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The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts upon the boundary of Wessington Lane, South Wingfield.

18 The applicant is advised that to discharge condition 7 the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

LS2 - Community Safety
LS3 - Design
H5 - Housing development outside settlements
TP1 - Impact on the Transport Network
TP6 - Parking
EN1 - Countryside
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

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The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000)
   www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**