



**Julian Townsend**  
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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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2019/0634**) which was valid on the 20 June 2019 for permission for **Outline application for - Residential development of up to 200 dwellings with associated community open space and access from Birchwood Lane at Nether Farm Land Off Birchwood Lane Somercotes**

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. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Date : 5 January 2022

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A handwritten signature in black ink, appearing to read 'Julian Townsend', written over a light blue horizontal line.

Julian Townsend  
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2. The approval of the Borough Council shall be obtained prior to the commencement of any development in respect of the appearance, landscaping, layout and scale of the buildings.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development shall be undertaken in accordance with the following unless superseded by a condition listed below:

Planning application form;

Location Plan (red line boundary plan) 214-P-001

Chave Planning Supporting Planning Statement June 2019 Report Reference: 1123.R01.2

Transport Assessment May 2017 mode transport planning

Travel Plan May 2017 mode transport planning

Proposed site access J32-2911-010

Proposed Site Access Incorporating Clowes Roundabout, Birchwood Lane J32-2911-020

Proposed ghost island Layout Birchwood Lane/Clover Nook Road - Visibility Drawing J32-2911-PS-102

Proposed Site Access Swept Path Analysis J32-2911-001

Swept Path Analysis - Queueing Capacity Analysis J32-2911-PS-103

Ivy House PHASE I ASSESSMENT April 2017

Ivy House PHASE II GEO-ENVIRONMENTAL ASSESSMENT December 2018

Ivy House PHASE II SUPPLEMENTARY GROUND INVESTIGATION May 2019

Flood Risk Assessment RSE\_860-02-V2 Issue Date: May 2017

Ramm Sanderson Preliminary Ecological Appraisal Report (PEAR) RSE\_2210\_01\_V1 Issue Date: May 2019

Redmore environmental Air Quality Assessment Reference: 1653-1r2 Date: 8th May 2019

Redmore environment Noise Assessment Reference: 1653r2 Date: 26th May 2017

Archaeological Desk-Based Assessment May 2017

Ivy House Coal Mining Risk Assessment May 2017

Contour Geophysics Geophysical Survey

Tree Survey (Interim Report) RSE\_860-01-V1 Issue Date: April 2017

**Reason:** To define the terms of the permission.

Date : 5 January 2022

Signed



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4. Before any other operations are commenced, a new estate street junction shall be formed to Birchwood Lane in accordance with the application drawings, laid out, constructed to base level and provided with visibility splays of 2.4m x 43m in accordance with figure J32-2911-010 rev E, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

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

5. No development shall take place until construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This is a pre commencement of development condition, required in the interests of highway safety, as required by policy TP1 of the Amber Valley Borough Local Plan 2006.

6. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with the Condition above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

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

7. All junctions within the development shall be provided with 2.4m x 43m visibility splays the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

Date : 5 January 2022

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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. The dwellings, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these shall remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

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

9. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

**Reason:** This is a pre commencement of development condition, required in the interests of highway safety, as required by policies EN15 and TP1 of the Amber Valley Borough Local Plan 2006.

10. No more than 100 of the dwellings hereby approved shall be occupied before the works shown on drawing J32-2911-PS-103 Rev B, submitted with this application, have been completed in accordance with the drawing and have been confirmed in writing as complete by or on behalf of the local planning authority, unless alternative arrangements have been approved in writing by the local planning authority.

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

11. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

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

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

**Reason:** This is a pre-commencement of development condition to ensure the site is appropriately investigated and recorded in accordance with saved policy EN30 of the Amber Valley Borough Local Plan 2006.

12. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a. 'Land at Nether Farm Somercotes Flood Risk Assessment' (Ramm Sanderson, May 2017) 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),have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

**Reason:** To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

13. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

**Reason:** To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

14. Prior to commencement of the development, the applicant shall submit for approval to the local planning authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

**Reason:** To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

15. Due to the size of this development a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)



the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

16. a) No development shall commence until:
- i. The approved development site has been subjected to further investigations to further refine the conceptual site model and assess potential risks from contamination (the "Assessment") has been carried out.
  - ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
  - iii. A Revised Remediation Method Statement (the "revised RMS") to address any additional or amended remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.
- b) The development shall be undertaken in strict compliance with the requirements contained within the Ivy House Remediation Method Statement, dated September 2019, ref: IV.81.17, and any revised RMS. Any further revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.
- c) If during development works, any contamination is encountered which was not previously identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.
- d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.
- e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.
- f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the Environment Agency publication Land contamination: risk management (LCRM).

**Reason:** The undertaking of a site investigation prior to the commencement of development is necessary to ensure that adequate information pertaining to risks

Date : 5 January 2022

Signed



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Executive Director (Operations)

arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with paragraphs 184 and 185 of the National Planning Policy Framework.

17. No development shall commence until the application site has been subjected to:
- a) The submission of a scheme of intrusive site investigations for the mine entries have been approved in writing by the Local Planning Authority;
  - b) The submission of a scheme of intrusive site investigations for the shallow coal workings have been approved in writing by the Local Planning Authority;
  - c) The undertaking of both of those schemes of intrusive site investigations;
  - d) As part of the reserved matters application the submission and approval in writing by the Local Planning Authority of a report of findings arising from both of the intrusive site investigations;
  - e) As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
  - f) As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval in writing by the Local Planning Authority;
  - g) As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval in writing by the Local Planning Authority.

Prior to the commencement of development the remedial works identified shall be implemented in full accordance with the approved scheme.

**Reason:** This is a pre-commencement of development condition to ensure the site is appropriately remediated against coal mining risk as required by policy EN18 of the Amber Valley Borough Local Plan 2006.

18. All noise-sensitive premises shall be protected from industrial and commercial noise sources existing in the area immediately prior to the development commencing such that an assessment carried out in accordance with British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' does not exceed a difference of +4dB (likely to be an indication of an 'adverse impact', depending on context) to occur at any of the noise-sensitive premises.

Development shall not begin until the individual noise-sensitive premises have been identified and details of the noise mitigation measures necessary to comply with the

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)



above have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and maintained, in accordance with the approved details.

A further acoustic report verifying compliance with the above shall be submitted to, and approved in writing by, the Local Planning Authority before the occupation of any of the new noise-sensitive premises.

**Reason:** In the interests of protecting residential amenity in accordance with saved policy EN16 of the adopted Amber Valley Borough Local Plan 2006.

19. All noise-sensitive premises shall be protected from road traffic noise in accordance with the advice in the 'Noise Assessment' (Ref:1653r2, JPM Acoustics for Redmore Environmental, 26 May 2017), or any subsequent agreed amendments, such that the following noise levels are not exceeded:
- an LAeq,16hr of 50dB (free field) in the outdoor living areas between 07:00 and 23:00 hours;
  - an LAeq,16hr of 35dB inside the living rooms and bedrooms between 07:00 and 23:00 hours;
  - an LAeq,16hr of 40dB inside the dining rooms/areas between 07:00 and 23:00 hours;
  - an LAeq,8hr of 30dB and an LMax,fast of 45dB inside the bedrooms between 23:00 and 07:00 hours.

Development shall not begin until the details of the site layout and noise mitigation measures necessary to comply with the above have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and maintained, in accordance with the approved details. Any acoustic barriers shall be maintained to the standard of the approved specification.

A further acoustic report verifying compliance with the above shall be submitted to, and approved in writing by, the Local Planning Authority before the occupation of any of the new noise-sensitive premises and within a period following implementation of the permission agreed with the Local Planning Authority with respect to existing dwellings.

**Reason:** In the interests of protecting residential amenity in accordance with saved policy EN16 of the adopted Amber Valley Borough Local Plan 2006.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

**Reason:** In the interests of protecting residential amenity given the potential for site preparation and construction activities to adversely impact on the residential amenity of existing dwellings in accordance with saved policy EN16 of the adopted Amber Valley Borough Local Plan 2006.

20. All site preparation, demolition and construction activities shall comply with the following:

a. Operating hours:

No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;

b. Noise and vibration:

All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.

A health and safety risk management system shall be designed and implemented to eliminate or minimise reversing and the use of high-pitched reversing alarms, for example, use of broadband reversing alarms - see Health and Safety Executive (HSE) guidance at:

<https://www.hse.gov.uk/workplacetransport/information/reversing.htm>;

c. Dust/Particulate emissions:

No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. The on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;

d. Waste: No unwanted materials shall be disposed of on site by burning;

e. Lighting: Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

**Reason:** In the interests of protecting residential amenity and highway safety in accordance with saved policies EN16 and TP1 of the Amber Valley Borough Local Plan 2006.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

21. No development shall take place (including preparatory ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones"
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to include consideration of lighting) (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to safeguard protected and/or priority habitats and species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts and in order to secure an overall biodiversity gain in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a fifteen-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

The LEMP 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 plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** In order to safeguard protected and/or priority habitats and species in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

23. The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include a full and detailed scheme for ecological mitigation and enhancement across the site based upon the ecological appraisal previously submitted. The scheme shall include (but not exclusively relate to) the mitigation and enhancement measures outlined in sections 5 and 6 of the Preliminary Ecological Appraisal report reference RSE\_2210\_01\_V1 issued May 2019. The scheme shall include a timetable for implementation relative to the completion of the dwellings hereby approved. Thereafter the approved ecological mitigation and enhancement scheme shall be implemented in full in accordance with the approved timetable and be retained as such thereafter.

**Reason:** To ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

24. No trees on the site at the date of this permission shall be felled, topped, lopped, uprooted or destroyed, without the prior written consent of the Local Planning Authority. Any trees removed without such consent or diseased, shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

**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 EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

25. On submission of any reserved matters application an updated and full arboricultural report shall be submitted for approval in the format of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' to support the application. This should include an up to date Arboricultural Impact Assessment, tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837:2012). application.

This report should include:

- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in an appropriate schedule (as per BS5837:2012 sections 4.4 - 4.6)
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
- Clear specifications for all proposed management works to retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4) and including an assessment of the potential impacts to surrounding ASNW (as per NE & FC Standing Advice)
- Root protection areas (RPA) and construction exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
- Method statements for all other construction operations which impact on trees.
- Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
- Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

**Reason:** To prevent unnecessary damage to existing trees in accordance with policy EN9 of the Adopted Amber Valley Borough Local Plan 2006 and to ensure the appropriate pattern and composition of trees, woodlands and field boundaries in accordance with policy EN7 of the Adopted Amber Valley Borough Local Plan 2006.

## Notes

Date : 5 January 2022

Signed



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**Attention is drawn to the attached notes:**

- 1 The applicant is reminded of the terms of the Section 106 Agreement which relates to this site.
- 2 Further to condition no. 11 Sarah Whiteley (DCC Archaeologist) will be responsible for monitoring the conditioned work on behalf of the local planning authority, and the applicant/agent should contact him in the first instance for advice on the production of the written scheme of investigation. It is strongly recommended that the developer commissions the archaeological recording scheme soon after any grant of outline permission. It is vital that sufficient time is allowed to complete all the required phases of recording prior to the commencement of any ground preparation or building of the scheme.  
Sarah Whiteley  
Development Control Archaeologist  
Conservation, Heritage & Design  
Economy, Transport & Communities  
Derbyshire County Council, Shand House, Dale Road South, Matlock, Derbyshire, DE4 3RY  
T: 01629 53977 E: [sarah.whiteley@derbyshire.gov.uk](mailto:sarah.whiteley@derbyshire.gov.uk)
- 3 The applicant is advised that Derbyshire County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

Advisory/Informative Notes (It should be noted, that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

A. 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.

B. 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](mailto:Flood.Team@derbyshire.gov.uk).

Date : 5 January 2022

Signed



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Executive Director (Operations)



C. No part of the proposed development shall be constructed within 3-8m 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.

D. 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.

E. 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.

F. 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.

G. 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

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.

I. 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 and flow directions and pipe numbers.

Soakaways, including size and material.

Typical inspection chamber / soakaway / silt trap and SW attenuation details.

Site ground levels and finished floor levels.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

#### J. On Site Surface Water Management;

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (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 + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development (to be agreed with the LLFA).

Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, 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 1 in 1 year rainfall event and the 1 in 100 year 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.

##### Volume Control

For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour 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 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable

Date : 5 January 2022

Signed



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Executive Director (Operations)

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 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.

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 in 100 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

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.

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

- 4 Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)).

Further to condition 15 SWT advise that Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

- 5 The applicant is strongly urged to consider any appropriate measures/features, such as EV charging points, to mitigate climate change, having regard to paragraphs 148-154 of the National Planning Policy Framework (NPPF) and to reflect Amber Valley Borough Council's declaration of a Climate Emergency, and to incorporate those measures/features into the development. Please contact the case officer who will be able to advise further.
- 6 The applicant is advised to incorporate the provision of 32mm water riser in the hereby approved development in the interests of safety for future occupiers or users of the building.
- 7 Currently access to the internet is mainly through the national telephone network infrastructure. Broadband service quality varies across Derbyshire and access to

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

superfast broadband speeds in the County is limited. Improvement to broadband connectivity is identified as a key priority in the County Council's Council Plan 2014 - 2017. The County Council aims to broaden Derbyshire's economic base and improve economic performance and broadband plays an essential role.

The Digital Derbyshire programme is providing access to high speed broadband services for residential and business users. The roll-out applies to existing households and businesses. This is supported by Part R of the Building Regulations which took effect on 1st January 2017 which requires that new buildings and buildings subject to major renovation works accommodate the physical infrastructure required to connect to high speed electronic communication networks.

The County Council encourages the developer to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable.

More information on how to incorporate broadband services as part of the design of new development is available by following the link below:

<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>

- 8 Dwellings should be provided within their site curtilage for parking (including cycle parking).
- 9 The Highway Authority advises of the following:
  - i. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email - [es.devconprocess@derbyshire.gov.uk](mailto:es.devconprocess@derbyshire.gov.uk) . The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

- ii. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.
- iii. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
- iv. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Traffic Management - [Highways.hub@derbyshire.gov.uk](mailto:Highways.hub@derbyshire.gov.uk)
- v. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- vi. Car parking provision should be made on the basis of (a maximum ratio of 1 parking space plus 1 space per 2 units for visitors per 1 bedroom dwelling, 2 spaces per unit for 2-3 bedroom dwellings and 3 spaces per unit, of which no more than 2 shall be in line, for a 4/4+ bedroom dwelling respectively). Each parking bay should measure 2.4m x 4.8m with adequate space behind each space for manoeuvring.
- vii. Effective monitoring is an essential requirement of a successful Travel Plan. The Highway Authority recommends the use of the STARS For Travel plan toolkit: <https://www.starsfor.org>, although other monitoring methods are available. Use of this system ensures a consistency of quality and puts in place

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)



a straightforward system for subsequent updating and monitoring. Fees are levied for the use of this system. Contact: [sustainable.travel@derbyshire.gov.uk](mailto:sustainable.travel@derbyshire.gov.uk) for more details.

10 The Principal Pollution Officer advises of the following:

**Industrial/Commercial noise**

Following visits to Birchwood Equestrian Centre and Shady Farm, no significant noise sources were audible, so the NIA reports that no further assessment is needed; similarly, although 'mechanical operations, reversing alarms and other site noise' were audible at 100m from the Forterra site, none were audible 311m away on the application site. The main noise source at Birchwood Motor Company was found to be vehicle repairs/MoT and a radio in the workshop at the rear. The nearest proposed dwelling would be only around 15m from the workshop, so noise could be an issue: although paragraph 5.2.16 calculates an acceptable BS 4142 assessment, the sound characteristics have been incorrectly applied (the BS does not allow the penalties for tonality and intermittency to both be applied). Given that the variability of noise from the garage is difficult to assess, it would be sensible to relocate the nearest dwellings further from this area and/or install acoustic fencing, as suggested in paragraph 5.2.17.

**Reasons for 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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

**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.

Whilst the approval of this application would represent a departure from the Local Plan, the other material considerations are significant and in this instance outweigh the presumption against residential development on greenfield land and provide justification to support the proposal. Despite being a greenfield site the development is acceptable in terms of scale

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

and character, makes efficient use of the land, a satisfactory access to the highway can be provided, there is a limited impact on the amenity of the area and there is no significant adverse impact on landscape features. The development will also contribute to meeting the overall housing requirement in the Borough.

Date : 5 January 2022

Signed



Julian Townsend  
Executive Director (Operations)

## 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](mailto:plantprotection@cadentgas.com). Alternatively you can register on [www.beforeyoudig.nationalgrid.com](http://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](http://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 or extinguishment of the right of way has been made and confirmed.