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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/2020/0994**) which was valid on the 2 December 2020 for permission for **Outline Application for up to 14 dwellings including details of access to be agreed and demolition of a dwelling at 129 Peasehill Ripley Derbyshire**

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.

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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 carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Site Location Plan - drawing number UKSD-SA-08-0002 Revision A.00 dated November 2020
   Site Access Plan - drawing number WIE18116-SA-03-001 Rev A02 Site Access dated February 2021
   Vehicle Tracking Plan - drawing number WIE18116-SA-05-001_ Vehicle Tracking dated February 2021
   Demolition Plan - drawing number UKSD-SA-08-0005 Revision A.00 dated November 2020

   Reason: In order to define the permission.

4. No development shall take place until:

   a) 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
   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).

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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 necessary to ensure an appropriate archaeological investigation is secured in accordance with Policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

5. No development shall commence (excluding the demolition of existing structures) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

c) prior to the occupation of the development, or it being taken into beneficial use, a signed statement to confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity and confirming that the site is, or has been made, safe and stable for the approved development, shall be submitted to the Local Planning Authority and approved in writing.

Reason: This is a pre-commencement of development condition to ensure that previous coal works do not pose a risk to the development, as required by Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

6. 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

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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: To ensure acceptable impacts on residential amenity in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. Any application for Approval of Reserved Matters shall be accompanied by an Environmental Noise Assessment which shall be conducted to rate and assess sound from all industrial and manufacturing processes; fixed installations comprising mechanical and electrical plant; and from the loading and unloading of goods and materials in accordance with the methodology in British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

   All noise-sensitive premises identified from the detailed layout shall be protected from associated noise such that the rating level does not exceed the background sound level (an indication that the specific sound source has no more than a low impact, depending on the context). Development shall not commence until details of the noise mitigation measures, necessary to comply with the above, have been submitted to,

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and approved in writing by, the Local Planning Authority. The development shall then be carried out and maintained fully in accordance with the approved details and completed under the supervision of an acoustic engineer, where necessary.

Should the plans alter from those on which the agreed noise assessment is based, a review of the assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before construction commences. A further acoustic report verifying compliance with the above noise levels at agreed representative premises, determined by measurement (and/or calculation where agreed with the Local Planning Authority), shall be submitted to, and approved in writing by, the Local Planning Authority within a period following implementation of the permission agreed with the Local Planning Authority.

Reason: To ensure acceptable impacts on residential amenity in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

8. No development shall commence until:

a) i. A satisfactory ground gas investigation and risk assessment (the "Gas Risk Assessment") carried out in accordance with the most recent version of BS8576 Guidance on investigations for ground gas in order to determine what, if any, ground gas remediation measures may be required has been carried out, submitted and approved in writing by the Local Planning Authority.

ii. A Remediation Method Statement (the "RMS") to address remediation required by the Tanglewood Environmental Limited Phase II Environmental Assessment, dated February 2021 (the "Assessment") and the Gas Risk 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 approved RMS. Any proposed 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 and is derived from a different source and/or of a different type to those already 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.

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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 Environment Agency publication Land contamination: risk management (LCRM).

Reason: This is a pre-commencement of development condition necessary to ensure that adequate information pertaining to risks 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 as required by Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

9. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site has been submitted, in accordance with the principles outlined within:

a. Flood Risk Assessment & Outline Sustainable Drainage Strategy by Roy Lobley Consulting dated February 2021 Reference LC/0660/FRA+OSDS01 Revision 2 and 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.

Reason: This is a pre-commencement of development condition 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 Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

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10. 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. 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.

    In accordance with Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to commencement of the development, the applicant shall submit for approval by the Local Planning Authority details demonstrating 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 Local Planning Authority, 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 Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

12. The attenuation tank shall not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and specifications, and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 fully in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority

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Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable
drainage systems are secured for the future in accordance with Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

    Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 in accordance with Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

14. Any application for the Approval of Reserved Matters shall be accompanied by an Arboricultural Impact Assessment which is specific to the proposed layout.

    Reason: To ensure the development causes no harm to trees, in accordance with policies EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

15. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

    Reason: This is a pre-commencement of development condition necessary in the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006

16. Before any other operations are commenced a new vehicular and pedestrian access shall be created to Peasehill being a minimum of 5.5m in width with a splayed vehicular crossing in accordance with the revised application drawings, laid out,

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constructed with a dropped kerb/edging to demark the highway boundary, and provided with 2.4m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: This is a pre-commencement of development condition necessary in the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

17. The access, the subject of condition 16 above, shall not be taken into use until 2m x 2m x 45º pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

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

18. The proposed private access road to Peasehill shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.

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

19. There shall be no gates or other barriers located across the entire frontage of the vehicular access to the application site or to each dwelling house.

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

20. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed private roads within the development have been submitted to and approved by the local planning authority. The roads 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: This is a pre-commencement of development condition necessary in the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

21. Throughout the period of construction, wheel washing facilities shall be provided within the site.

    Reason: To prevent the deposition of mud and other extraneous materials on the public highway in the interests of highway safety as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

22. Prior to first occupation of any dwelling, a scheme for the provision for electric vehicle charging to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. EV charging points that are agreed shall be provided prior to the occupation of the associated dwellings. Once provided the charging points shall be retained thereafter.

    Reason: To ensure the sustainability of the development in accordance with Section 14 of the NPPF.

23. The reserved matters application shall include an updated Biodiversity Impact Assessment based upon the final design and layout and detailed landscaping plans. The commencement of development, including site clearance, shall not take place until a Biodiversity Offsetting Scheme has been submitted to and approved in writing by the Local Planning Authority such that the development and the Biodiversity Offsetting Scheme jointly deliver a net biodiversity gain of at least 10%.

    Reason: To ensure the final scheme delivers a net gain for biodiversity in accordance with Paragraph 180 of the National Planning Policy Framework.

Notes

Attention is drawn to the attached notes:

1 The Environment Agency advises the following:
Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

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1. Connection to the public sewer

2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)

3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out a assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

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Further advice is available at: https://www.gov.uk/permits-you-need-for-septic-tanks and https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground

2 Advisory Note: Asbestos Containing Materials

The existing dwelling and outbuildings may contain asbestos-containing materials (ACMs), which must be carefully handled during the demolition process. Demolition activities, including the handling of ACMs, are regulated by Derbyshire Building Control Partnership under the Building Regulations and by the Health and Safety Executive (HSE), so further advice should be sought from them.

General advice in relation to the dismantling of a structure containing asbestos or ACMs is to use a registered asbestos removal contractor to ensure that environmental contamination is minimised. Copies of Consignment Notes should be obtained and kept as proof that the materials have been disposed of at a suitably licensed waste facility. More detailed advice on the safe handling and disposal of ACMs can be found on the Borough Council's website at: http://www.ambervalley.gov.uk/environment-and-planning/pollution/asbestos.aspx
If in any doubt, contact Derbyshire Building Control Partnership (0333 880 2000) and the Health & Safety Executive (0300 003 1747) for advice prior to demolition works commencing.

3 The information on the Borough Council's website regarding private burials may explain the difficulty in determining if there has been a burial on the site:

https://www.ambervalley.gov.uk/community/birth-marriages-and-deaths/deaths-burials-and-cemeteries/.

The removal of non-cremated human remains must be conducted in accordance with Section 25 of the Burial Act 1857 by obtaining an exhumation licence from the Ministry of Justice (Coroners, Burial, Cremation and Inquiries Policy Team - www.justice.gov.uk). They also advise that the proper officer for environmental health is notified to provide an opportunity to take any necessary action in the interests of public health. The Commercial Regulation Manager has advised that, for this Authority, this is Public Health England (East Midlands Health Protection Team at Nottingham).

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4 The Lead Local Flood Authority advises the following:

A blockage test is to be undertaken at detail design, this should inform the final layout submitted at reserved matters stage; A 6 metre strip will be left clear for future access to the watercourse; A full CCTV survey will be undertaken at detail design stage and any remedial works required to the culvert will be undertaken.

The information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of
the drainage conditions:

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.
C. 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.
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

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- 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, 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.

J. 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.

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. Note:- If the

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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.
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.

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

5 Condition 15 note:

Guidance within BS5837:2012 recommends a minimum level of detail delivered in support of a planning application includes at least a comprehensive arboricultural impact assessment which is specific to the proposed layout. This should follow the format of BS5837:2012' trees in relation to design , demolition and construction-recommendations' , tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837: 2012) if any works are proposed within the root protection areas.

- 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 trees
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4)
- Root protection areas (RPAs) and construction exclusion zones
- Exclusion zones protective barriers(giving precise locations and specification).
- The position of all new underground services in relation to the RPAs
- Detailed specification and installation method statement for any proposed new structure, hard standing, underground services 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 planting

6 The Highway Authority raises the following:

a). Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the

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undertaking of access works within highway limits is available via the County Council's website

https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx

E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

b). The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

c). Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually
takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

d). 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.

e). 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:

"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 northern boundary of Belper Road, Stanley Common."

f) Any future application for approval of reserved matters will need to demonstrate the site has been designed and laid out in accordance

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with the County Council's Design Guide Delivering Streets and Places which can be accessed at:

https://www.derbyshire.gov.uk/transport-roads/roads-traffic/developmentcontrol/highways-development-control.aspx
and constructed to base level to adoptable standards.

7 The applicant / developer that is advised that in relation to Schedule 3 of the Section 106 Agreement, the required landscape and ecological management plan shall be based on the details of the revised Biodiversity Impact Assessment secured by Condition 23 of this approval notice. The lemp should include:

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 thirty-year period).
g) Details of the body or organization responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures.

The LEMP should 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 should 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.

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;

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LS1 - Sustainability criteria
LS3 - Design
TP1 - Impact on the Transport Network
TP6 - Parking
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN31 - Archaeological Interest
RNE1 - Landscape Character
RNEM1 - Economic and Environmental Development
RNH2 - Other Sites For New Housing Development
H3 - Housing development within settlements
H12 - Design and amenity considerations
LS5 - Section 106 Agreements

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.

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.**