Julian Townsend
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Wheeldon Brothers Ltd
Wheeldon House
Prime Parkway
Derby
DE1 3QB

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2019/0229**) which was valid on the 7 March 2019 for permission for **Demolition of buildings and erection of 93 dwellings including access, infrastructure, sustainable drainage and biodiversity enhancement (This is a departure from the Local Plan) at Land North Of Hall Road Hall Road Langley Mill**

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

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following plans and as set out in conditions:

   Amended site layout plan HAL/PL/03 Rev C received 14.04.2020

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

House types:
Ashford received 11.03.2020
Finden received 09.03.2020
Redfern received 07.03.2019
Penryn received 07.03.2019
Milton received 07.03.2019
Middleton received 07.03.2019
Maple received 07.03.2019
Kingsford received 07.03.2019
Highbury received 07.03.2019
Fairfield received 07.03.2019
Astbury received 07.03.2019
Alton received 07.03.2019
Alderwood received 07.03.2019
Amended planning statement received 23.03.2020
Vehicle tracking plan 18108-RRL-20-XX-DR-D-5006 received 09.03.2020
Substation plan EKV0015 received 07.03.2019
Noise impact assessment received 07.03.2019
Flood Risk Assessment Parts 1 and 2 received 07.03.2019
Design and Access Statement received 07.03.2019
Geomatters Phase 1 (received 07.03.2019) and Phase II (received 01.05.2019 Geo environmental assessment
Arboricultural Impact Assessment statement and tree protection plan received 07.03.2019
Travel Plan received 07.03.2019
Transport assessment received 07.03.2019
Radon Report received 11.03.2019
Ecological appraisal received 07.03.2019

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

3. Prior to the commencement of development there shall be:
The undertaking of an appropriate scheme of intrusive site investigations (subject to agreement with the Coal Authority's Permitting Team);
The submission of a report of findings arising from the intrusive site investigations;
The submission of a detailed scheme of remedial works for approval; and
Implementation of those remedial works.

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

All to be agreed in writing with the local Planning Authority. works shall be completed on site in accordance with the agreed details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

4. Any requirement for piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

   Reason: Piling or any other foundation using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels water pollution.

5. No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the local planning authority, which shall only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

   Reason: To protect the water environment and comply with the National Planning Policy Framework Part 14 and 15.

6. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

1. A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors -potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including
Planning Board - 29 June 2020 Page 38 of 85
those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment and comply and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 170 of the National Planning Policy Framework. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178)

7. Prior to any part of the permitted development being occupied a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

   Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

9. 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. Hall Road Langley Mill, Flood Risk Assessment & Drainage Strategy, (February 2019, Revision P18-108, by RLRE) including any subsequent amendments or updates to those documents as approved by the Lead Local Flood Authority,

   b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015) or as amended 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.

10. 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

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

from the site will be avoided during the construction phase. The development shall be undertaken in accordance with the approved details

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 Local Plan.

11. No development, other than demolition shall commence until:
a) The application site has been subjected to detailed investigations to further refine the assessment of the potential risks and inform a remediation strategy, and a report has been submitted and approved in writing by the Local Planning Authority;
b) A Remediation Method Statement (RMS) to address any remediation required (including a plan for how the remediation methods will be verified), has been submitted and approved in writing by the Local Planning Authority;
c) Following fulfilment of a & b above, the Local Planning Authority may agree in writing to development commencing if doing so would not deplete the effectiveness of the Remediation Method Statement;
d) The development should be undertaken in strict compliance with the recommendations contained within the submitted and accepted RMS. Any revisions to the RMS should be submitted and approved in writing by the Local Planning Authority prior to any changes in methods; (unless immediate implementation of the new method is necessary to avoid or reduce environmental damage; in such circumstances an account of the event and any impact on the RMS should be submitted to and approved in writing by the Local Planning Authority)
e) 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 a revised RMS shall be submitted to and approved in writing by the Local Planning Authority;
f) If during development work site contamination is found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed RMS;
Planning Board - 29 June 2020 Page 40 of 85
g) A Verification Report in accordance with the RMS shall be submitted to and approved in writing by the Local Planning Authority

Reason: This pre-commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with the advice contained in the National Planning Policy Framework and in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

12. If any part of the site is to be raised or filled using materials brought from outside the application site, the developer shall provide documentary evidence that all such materials are free from levels of contamination that would be in excess of current appropriate standards. In the event that no such evidence is available, the materials must be subjected to adequate chemical or other testing to demonstrate that the materials are suitable for their intended final use. All documentary evidence and/or sampling methodology and testing results shall be submitted to and agreed in writing by the Local Planning Authority prior to any material being brought onto site. No such materials shall be imported without prior approval.

    Reason: This condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with the advice contained in the National Planning Policy Framework and in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

13. Before the development hereby permitted commences, a Demolition and Construction Dust Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority which specifies the provisions to be made for the control of dust arising from demolition and construction works. All such works shall be fully implemented in accordance with the approved scheme.

    Reason: This condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development, in accordance with the advice contained in the National Planning Policy Framework and in accordance with saved policies H12, EN16 and EN18 of the Adopted Amber Valley Borough Local Plan 2006.

14. No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
    (a) a risk assessment of potentially damaging construction activities;
    (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);
    (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

(d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);
Planning Board - 29 June 2020 Page 41 of 85
(e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);
(f) responsible persons and lines of communication; and
(g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

15. Prior to the first use of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.
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, including mitigation and enhancement for species identified on site
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 twenty-year period);
g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation; and
h) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.
The approved plan shall be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and to improve the biodiversity of the local area

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

16. No development, including preparatory works, shall commence until a Reasonable Avoidance Measures Method Statement for amphibians and reptiles, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Reasonable Avoidance Measures Method Statement.

    Reason: This is a pre-commencement condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

17. The development shall be carried out in accordance with the measures detailed in section 6.3.3 vi of the Ecological Appraisal prepared by RammSanderson dated February 2019 to avoid harm to bats

    Reason: This is a pre-commencement condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

18. No development, including preparatory works, shall commence until a walkover badger survey has been undertaken by a suitably qualified ecologist to ensure that there have been no setts created within the site since the date of the badger survey provided in support of the application. The results of this survey work and the scope and timing of any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing, with the mitigation measures implemented and retained in accordance with the approved timetable.

    Reason: This is a pre-commencement condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

19. Prior to any construction works above foundation level, a scheme of biodiversity enhancement (namely the incorporation of bat roost and bird nesting features within the development and native planting within the landscaping in line with the recommendations in section 6.4 of the Ecological Appraisal prepared by RammSanderson dated February 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and retained thereafter.

    Reason: To improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

20. All plots shall be protected from road traffic noise and industrial/commercial noise in accordance with the advice in the 'Initial Noise Overview' by Noise & Vibration Consultants Ltd. (Ref: R18.0505/DRK, 09 May 2018), or any subsequent agreed amendments to it, such that the following noise levels are not exceeded:

    - an LAeq,16hr of 57dB (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 LAmax, fast of 45dB inside the bedrooms between 23:00 and 07:00 hours.;

    - Those plots where industrial and/or commercial noise is 'dominant' (i.e. where the impact would be rated as adverse or greater (subject to context) under BS 4142:2014) shall be protected from that noise such that an assessment carried out in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound' does not exceed a difference of +4dB (exceedance of which would indicate an 'adverse impact', depending on context).

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

The plots requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of those measures, shall be identified and agreed with the Local Planning Authority prior to any construction commencing on site.

The development shall be carried out, and maintained, in accordance with the approved details and the noise mitigation measures completed under the supervision of an acoustic engineer. In buildings where windows must be closed to achieve the above levels, adequate acoustically treated ventilation and cooling must be provided.

Details of the design, construction and location of any acoustic barriers that form part of the scheme must be submitted to, and approved in writing by, the Local Planning Authority before any of the noise-sensitive plots agreed with the Local Planning Authority are occupied and shall be maintained to the standard of the original specification.

A further acoustic report verifying compliance with the above noise levels at agreed representative plots, 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 before occupation of any of the acoustically treated plots.

Should the proposals for the site layout, levels or building design/construction alter from that on which the agreed assessment is based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before implementation.

Reason: This condition is required in the interests of safeguarding future residents from adjacent potential causes of noise, in accordance with the advice contained in the National Planning Policy Framework and in accordance with saved policies H12, EN16 of the Adopted Amber Valley Borough Local Plan 2006.

21. All demolition and construction activities shall comply with the following:
a. Operating hours:

No demolition or construction 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;

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

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'. Wherever possible, all vehicles shall use broadband reversing alarms in preference to high-pitched tonal alarms to minimise noise nuisance to residents;

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 [with operation triggered only by motion detectors].

Reason: This condition is required in the interests of safeguarding existing residents through the constriction process, in accordance with the advice contained in the National Planning Policy Framework and in accordance with saved policies H12, EN16 of the Adopted Amber Valley Borough Local Plan 2006.

22. a) Prior to construction work above ground being commenced, details of any hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include i. means of enclosure; ii. car parking layouts; iii. other vehicle and pedestrian access and circulation areas; iv. hard surfacing materials; v. minor artefacts and structures (e.g. street furniture, storage units, signs, lighting etc);
b) Prior to occupation/first use of the development hereby permitted all hard landscaping shall be carried out and completed in accordance with the approved details.

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policies LS3, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

23. a) Prior to any part of the development hereby permitted is occupied/brought into use, a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include: i. long term design objectives; ii. management responsibilities; and iii. maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

    b) For a period of not less than 5 years following the first occupation of the final dwelling/unit hereby permitted, the approved Landscape Management Plan shall be adhered to in full unless otherwise agreed in writing by 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 policies LS3, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

24. a) Prior to construction work above ground being commenced, details of any soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: i. planting plans; ii. written specifications (including cultivation and other operations associated with tree/plant and grass establishment); and iii. schedules of trees/plants, including those to be retained along with their method of protection, noting species, sizes and proposed numbers/densities where appropriate.

    b) Before the end of the first planting season following first occupation of any part of the development hereby permitted all soft landscaping shall be carried out and completed in accordance with the approved soft landscaping details.

    c) Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

    Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policies LS3, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

25. Prior to the commencement of works above the slab level of the first dwelling plans shall be submitted demonstrating additional windows to the side elevations of plots; 4, 8, 11, 12, 15, 16, 23, 68, 71, 89 and 93. The agreed details shall be fully implemented on site and retained as such thereafter.

    Reason: To ensure appropriate natural surveillance of the site in order to minimise the potential for crime in accordance with policy LS2 of the Adopted Local Plan.

26. a) Prior to works on the hereby approved building(s)and land being commenced a scheme detailing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to on and off site datum point and their relationship to existing neighbouring buildings and land shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.
    b) Prior to any building hereby permitted being occupied/brought into use, the finished floor levels of the building(s) and any changes to the land levels of the development shall be constructed and completed in accordance with the approved details.

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

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no windows (other than those approved by this permission) shall be formed on the elevation(s) of plots 5, 6, 65, 84, 85, 86 and 93 of the hereby approved development without the prior written approval of the Local Planning Authority.

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

28. a) Prior to the development hereby permitted being occupied/brought into use the upper floor landing window to plot 85 shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product.

    b) Once installed the glazing shall be retained as such thereafter.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

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

29. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposed development, windows and doors, including garage doors, porches, eaves and verge details, external pipework and meter boxes. The development shall be completed in accordance with the agreed details.

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

30. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

    a. Parking of vehicles of site operatives and visitors
    b. routes for construction traffic
    c. hours of operation
    d. method of prevention of debris being carried onto highway
    e. pedestrian and cyclist protection
    f. proposed temporary traffic restrictions
    g. arrangements for turning vehicles
    h. Roadside hoarding and construction access arrangements

    Reason: To minimise the impacts of the development upon highway safety on accordance with policy TP1 of the Adopted Local Plan.

31. Prior to any works exceeding demolition and site clearance, construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage and tactile crossings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

    Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

32. Before any other operations are commenced a temporary access for construction purposes shall be formed to the public highway (Cromford Road) in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

    Reason: To ensure an appropriate development in the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan

33. Prior to the first occupation of any dwelling on the site the permanent estate street junction to Cromford Road shall be laid out in accordance with the application details, laid out a minimum of 5.5m wide 6m junction radii with associated tactile paving) and constructed to adoptable specification. The new access point shall be provided with minimum 2.4m x 54m visibility sightlines in each direction, measured up to 1m into the nearside carriageway at the extremity of the splay, the area in advance of the sightlines being levelled, constructed as footway/ verge and not being included in any plot or other sub-division of the site.

    Reason: To ensure an appropriate development in the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan.

34. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction (2.4m x 17m in the case of shared surface streets) and associated tactile paving, measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.

    Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

35. The estate streets shall be provided with 25m forward visibility sightlines around the inside of bends in the street alignment (17m in the case of shared surface streets), or other such dimension as may be agreed in writing with the Local Planning Authority; the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third party land.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

36. Individual driveways shall be provided with 2.4m x 25m visibility splays in each direction to the new estate street (17m in the case of shared surface streets), or other such dimension as may be agreed with the Local Planning Authority, measured to the nearside carriageway channel level; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high (750mm in the case of vegetation) relative to the nearside carriageway channel level.

    Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

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

    Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

38. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking of residents and visitors vehicles associated with that dwelling, together with secure cycle parking, all to be laid out in accordance with the approved drawings and constructed as may be agreed in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

    Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

39. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

    Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

40. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as ancillary to the residential occupation of the property and shall not be used for or converted to living accommodation without the grant of further specific planning permission from the Local Planning Authority.

    Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

41. The premises, the subject of the application, shall not be occupied until adequate bin storage and a bin dwell area for use on refuse collection days has been provided as per the application drawings clear of the public highway, within the site curtilage clear of all accesses, parking and turning provision and retained thereafter free from impediment to designated use.

    Reason: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

42. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the adjoining highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

    Reason: To prevent run off onto the highway in the interests of highway safety in accordance with policy TP1 of the Adopted Local Plan.

43. 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: To ensure an appropriate development in the interests of highway safety on accordance with policy TP1 of the Adopted Local Plan.

44. No dwelling shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

Reason: To minimise vehicle travel in the interests of reducing the impacts on air quality and climate change in accordance with policy TP1 of the Adopted Local Plan and paragraph 8 of the NPPF.

Notes
Attention is drawn to the attached notes:

1 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.

2 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 partially on a greenfield site, the development is acceptable in terms of scale 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 whilst also redeveloping the brownfield area of the site bringing forward benefits in terms of the appearance of the area. The development will also contribute to meeting the overall housing requirement in the Borough.

3 The applicant is reminded of the terms of the Section 106 Agreement which relates to this site.

4 Advisory note to condition 4: Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:
http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

5 Advisory Note to condition 22: The developer's attention is drawn to the advice under the headings 'Design Principles' and 'Conclusions' in the initial risk assessment and analysis by Noise & Vibration Consultants Ltd. (Ref: R18.0505/DRK, 09 May 2018) to ensure good acoustic design in meeting the noise limits in the planning condition. It is essential that the developer understands the recommendations in the approved assessments and the importance of following their advice to protect the residential amenity of the proposed dwellings and gardens, as well as ensuring that unreasonable restrictions are not placed on existing businesses and facilities as a result of the development. Prospective occupants of the acoustically treated plots should be aware of the noise mitigation installed and, where necessary, of the need to keep windows and doors closed (using the alternative ventilation and cooling provided), and ensure its maintenance, to obtain the full benefit.
In relation to the impact of noise from the existing industrial/commercial units immediately outside the application boundary, the 'Initial Noise Overview' by Noise & Vibration Consultants Ltd. (Ref: R18.0505/DRK, 09 May 2018) states that: 'Once the development design and layout is defined in more detail we can investigate noise levels to the south adjacent to Hall Road and provide some predicted noise levels at specific plots and provide a more detailed assessment'. As the report is dated May 2018 and the latest 'Proposed Site Plan' is dated February 2019, it appears that the layout was not available when the acoustic report was written.

6 Advisory note to condition 24: Where any gardens meet open fields it is anticipated that a form of wire fencing and hedging will be provided to assimilate the development with the countryside surrounding the site (the rear of plots 16 to 23, 30 to 35 and if possible and depending on the wider landscaping of the land to the east, to the side of plots 38, 50, 68 and 71). This shall also include appropriate gating to the elongated routes to the rear of the terraced properties with lockable community gates.

7 Advisory note to condition 13: Buildings occupying the southern part of the site may contain asbestos containing materials (ACM). The ACM will need to be identified, removed and appropriately disposed of prior to demolition, so as to minimise release of fibres and contamination of site soils and other materials

8 Advisory note to condition 21: The developer shall notify prospective occupants of any acoustically treated plots of the noise mitigation installed and, where necessary, of the need to keep windows and doors closed (using the alternative ventilation and cooling provided), and ensure its maintenance, to obtain the full benefit.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

9 Advisory note to condition 10: 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.

10 The Institute of Air Quality Management (IAQM) Land-Use Planning and Development Control: Planning for Air Quality, includes good practice principles which should be applied to all developments.
These include:

- The provision of at least 1 Electric Vehicle (EV) "rapid charge" point per 10 residential dwellings and/or 1000m2 of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
- Where development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or freeticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety
- All gas-fired boilers to meet a minimum standard of <40 mgNOx/kWh.
- The provision of solar panels

The developer is strongly encouraged to meet these requirements.

11 EA Informatives:
Severn Trent Water should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.
From a flood risk perspective, the development falls within our flood risk standing advice (FRSA) which can be found on the Flood risk assessment: standing advice pages of the GOV.uk website. It is for the Local Planning Authority to ensure planning submissions adhere to this advice.
The Lead Local Flood Authority, in this instance Derbyshire County Council, should be consulted on the proposals their requirements regarding the disposal of surface water arising from the development.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

Land Contamination: Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:
http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf We recommend that the developer undertakes any further works in line with the guidance provided within 'CLR11 Model Procedures', 'Guiding Principles for Land Contamination' and 'Groundwater Protection: Principles and Practice' which are available on our website at the following addresses: https://www.gov.uk/government/collections/land-contamination-technical-guidance.
Waste to be reused on site Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to our: Position statement on the Definition of Waste: Development Industry Code of Practice and; website at https://www.gov.uk/government/organisations/environment-agency for further guidance. Waste to be taken off site Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to our website at https://www.gov.uk/government/organisations/environment-agency for more information.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

ADVICE TO APPLICANT: Historic Sources of Contamination Based on the provided information historic potential sources of contamination have been identified on the site including in the south of the subject site several potentially contaminating activities have been identified including potentially infilled sunken service pits, an industrial estate from the 1960s to the present day with car repair facilities, coal merchant, haulage company, builder's yard, breakers yard, metal processing, cabin manufacturing, a diesel bowser and pump. Drums, containers, oil waste and fly tipping were identified in the southwest of the site. Coal seams which may have been worked have been identified at the site. An off-site historic landfill is shown extending onto and along the eastern portion of the subject site and industrial waste and domestic refuse has been confirmed to be present in previous site investigations. Potential presence of slag waste materials from an adjacent historic steel works are also likely to be present. In the south of the subject site several potentially contaminating activities have been identified including potentially infilled sunken service pits, an industrial estate from the 1960s to the present day with car repair facilities, coal merchant, haulage company, builder's yard, breakers yard, metal processing, cabin manufacturing, a diesel bowser and pump. Fly tipping has been identified in the southwest of the site. Potential presence of slag waste materials from an adjacent historic steel works. An off-site historic landfill (H.Poundalls) is shown extending onto the eastern portion of the subject site and industrial waste and domestic refuse has been confirmed to be present in previous site investigations. A second off-site landfill (Cornfield Meadows) containing inert, construction and industrial waste is shown approximately 15m east of the on-site industrial units. We consider these features are potential sources of contamination to controlled waters. Site Setting and Controlled Waters The site is situated in an area with an alluvium drift geology (Secondary A aquifer) shown on geological mapping, The solid geology comprised Pennine Middle Coal Measures (Secondary A aquifer) which are considered to be sensitive controlled waters receptors, The River Erewash is located 143m east of the site. Therefore the main receptors of concern with respect to controlled waters are likely to be the Secondary A aquifers and the River Erewash.
Risk to Surface water receptors: The information provided does not fully characterise the site and provide enough information on the potential hydro-geological interactions and regimes on the site. No sampling of the deep groundwater, the off-site outfall, the Millwood Brook or off-site surface water ponds has been undertaken.
Therefore, consideration should be given to undertaking a complete range of analysis for the contaminants associated with the industry profile as part of the additional work to be undertaken on the site. Further Investigation We note that the March 2018 report recommended a Phase 2 site investigation and generic quantitative risk assessment be undertaken for the site. Although this report is likely to have been completed for the site, we have not been provided with a copy for review and we request that we are re-consulted when this report is submitted to the LPA so we can provide comments

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

protective of controlled waters and an appropriate remediation strategy formulated for the site.

12 DCC Policy and Monitoring Footnote:
The County Council requests that an advisory note be attached to any planning permission that 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

13 Lead Local Flood Authority Footnote:
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 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.

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

G. 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.

H. 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.

I. 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 100yr 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 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event

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 highway.

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

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

14 Advise for the play area:
The equipped play area shall be installed with a minimum provision of the following equipment in accordance with the SPD -

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

A three-tower junior multi-play unit with a slide
A 2.4m high two seat junior swing bay with flat seats and anti-wrap bearings
One junior active play unit e.g. large cantilever swing
One three tower toddler multi-play unit with slide
A 2.4m high two seat toddler swing bay with cradle seats and anti-wrap bearings
Two spring animals of robust construction
A toddler roundabout or other dynamic toddler item

15 Highway Authority informatives:
No development should be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
Advisory note to condition 33: For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
a. 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 Economy, Transport and Environment at County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer Mr Kevin Barton).
b. 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.
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.

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

d. 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. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.

e. 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. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

f. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Strategic Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).

g. 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.

h. Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

i. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more

Date : 8 September 2020 Signed



Julian Townsend
Executive Director (Operations)

than 11 days require a three-month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

j. Effective monitoring is an essential requirement of a successful Travel Plan. The Highway Authority recommends the use of the STARS ForTravel 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 a straightforward system for subsequent updating and monitoring. Fees are levied for the use of this system.
Contact: sustainable.travel@derbyshire.gov.uk for more details.

Reasons for Granting Permission

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

LS1 - Sustainability criteria
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
LS5 - Section 106 Agreements
ER9 - Provision for small firms
ER10 - Relocation of businesses
H3 - Housing development within settlements
H10 - Urban affordable housing
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk

Date : 8 September 2020 Signed

Julian Townsend
Executive Director (Operations)

EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
LC1 - Provision of outdoor playing space
LC2 - Childrens Play Areas

Date : 8 September 2020

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. 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.**

pe