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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2021/0085**) which was valid on the 8 February 2021 for permission for **Construction of 2 new industrial units (use class E(g)/B2/B8) split across 2 buildings with associated service yards, car park, ground works and landscaping at Land At Access 26 Business Park Enterprise Way 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 set out below and the conditions within this decision notice:

   - Site Plan as Proposed drawing no. 19103-C4P-AV-ZZ-DR-A-0500 Rev P13;
   - Unit 1 - Elevations as Proposed drawing no. 19103-C4P-V1-ZZ-DR-A-2100 Rev 6;
   - Unit 1 - GA Plan as Proposed - Level 00 drawing no. 19103-C4P-V1-00-DR-A-2000 Rev P6;

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- Unit 1 - GA Plan as Proposed - Level 1 drawing no. 19103-C4P-V2-01-DR-A-2001 Rev P6;
- Unit 2 - Elevations as Proposed - drawing no. 19103-C4P-V2-ZZ-DR-A210 Rev 5;
- Unit 2 - GA Plan as Proposed - Level 00 drawing no. 19103-C4P-V2-00-DR-A-2000 Rev P6;
- Unit 2 - GA Plan as Proposed - Level 1 drawing no. 19103-C4P-V2-01-DR-A-2001 Rev P6;

- Flood Risk Assessment dated 16/04/2021;
- Transport Assessment dated March 2020;
- Biodiversity Net Gain Assessment prepared by Collington Winter Environmental October 2022;
- Biodiversity Metric 3.1 (18.05.2022);

Reason: In order to define the permission.

3. The premises the subject of the application shall not be taken into use until on-site parking, including cycle parking, turning and manoeuvring has been provided in accordance with the application drawings and maintained thereafter free from any impediment to its designated use.

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

4. The development shall be carried out in accordance with the submitted flood risk assessment (ref T/2277/FRA, dated 16th April 2020, by Tier Consult and the following mitigation measure it details:

   - Finished floor levels shall be set no lower than 59.25 metres above Ordnance Datum (AOD) as detailed within Section 7.2.

   This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

   Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

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5. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

   Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with EN16 of the Adopted Local Plan 2006.

6. a) No development shall commence until:

   i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
   ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
   iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.

   b) The development shall be undertaken in strict compliance with the requirements contained within the 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.

   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.

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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: The undertaking of a site investigation prior to the commencement of development is 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. In order to ensure the safety of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

7. No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past 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.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This pre-commencement condition is required to ensure that effective remedial or mitigating measures are taken to treat, control or contain unstable land in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 183 and 184 of the National Planning Policy Framework.

8. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall 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.

Reason: To ensure that effective remedial or mitigating measures have been undertaken to treat, control or contain unstable land in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 183 and 184 of the National Planning Policy Framework.

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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. Tier Consult. 02/09/2022. Flood Risk Assessment. Rev 1.1 T/2277/FRA. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team

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

   have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed plan.

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

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. The development shall be carried out in accordance with the agreed plan.

    Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

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

    Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent

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land/properties or occupied properties within the development in accordance with saved Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must 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 saved Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

13. No work shall commence on the footings of the hereby approved development until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

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

14. Prior to the hereby approved development being brought into use, full details of the proposed treatment of the boundary(ies) of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

    Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

15. Prior to the commencement of works (including clearance of grassland, refugia piles, scrub or groundworks) a Reptile Method Statement shall be submitted to and approved in writing by the Local Planning Authority to safeguard grass snake (along with any other reptiles encountered). This shall include reasonable avoidance measures, seasonal timings and instructions in the event animals are discovered. The

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agreed Method Statement shall be implemented in full, and a short statement of compliance submitted at the end of site clearance works.

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.

16. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the
following:

a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

17. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the Biodiversity Net Gain Assessment prepared by Collington Winter Environmental October 2022 and the accompanying Biodiversity Metric 3.1. The LBEMP should combine both the ecology and landscape disciplines and shall be

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suitable to provide to the management body responsible for the site. It shall include the following:

a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
c) Appropriate management methods and practices to achieve aims and objectives.
d) Prescriptions for management actions.
e) Preparation of a management work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
f) Details of the body or organization responsible for implementation of the plan.
g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
i) Detailed habitat enhancements for wildlife including a reptile hibernacula,
k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the
approved details.

Reason: In accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

18. Prior to installation a detailed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. All works shall be fully implemented in accordance with the approved scheme prior to installation.

    Reason: To ensure that the development does not appear as an unduly prominent feature in the area, in the interests of amenity and ecology in accordance with saved policies EN13 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

19. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants

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

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with saved policies LS3 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

20. The hereby approved development shall be carried out with the materials shown on the following approved plans:

    - Unit 1 - Elevations as Proposed drawing no. 19103-C4P-V1-ZZ-DR-A-2100 Rev 6; and,
    - Unit 2 - Elevations as Proposed - drawing no. 19103-C4P-V2-ZZ-DR-A210 Rev 5.

    Reason: For the avoidance of doubt and to ensure the satisfactory appearance of the completed development in accordance with saved policies LS3 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

21. Once the end-users have been identified, and prior to occupation of the units, the environmental noise assessment ('Assessment of noise impact of proposed industrial units', ref: ARR/PPN/C/3141.01, ADC Acoustics, 27.03.2020) shall be reviewed to rate and assess sound from all industrial and manufacturing processes; from fixed installations comprising mechanical and electrical plant; from the loading and unloading of goods and materials; and from mobile plant and vehicles on the site, in accordance with the methodology in British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.
    All noise-sensitive receptors shall be protected from associated noise such that the rating level does not exceed the background sound level (an indication of the specific sound source having a low impact, depending on the context) at their location.
    The units shall not be occupied until details of the noise mitigation measures, necessary to comply with the above, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained 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.

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If required by the Local Planning Authority following occupation, an assessment of noise emissions in-situ shall be submitted to, and approved in writing by, the Local Planning Authority to confirm that the noise emission limits are being met.

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

22. Tonal (high-pitched) reversing alarm systems shall not be used outside the buildings, or with the building doors open, between 08:00 and 18:00hrs.

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

23. No permanent external lighting shall be installed until the following information has been submitted to, and approved in writing by, the Local Planning Authority. All works shall be fully implemented in accordance with the approved scheme before its use commences, and maintained as such:
    a) A site plan showing the proposed locations and mounting heights of all external luminaires;
    b) Full details, including pictures, of all external luminaires to be installed;
    c) A site plan plotting predicted horizontal and vertical illuminance levels (in lux) across the site boundaries and at the nearest light-sensitive dwellings around the new installation (including existing light trespass);
    d) The tilt angle of all external luminaires; the proposals for addressing glare (e.g. appropriate height; bulb type; minimal aiming angles; use of a cowl/hood/shield/integral louvres); and the incorporation of a 'dark skies friendly' fitting with an Upward Light Ratio (ULR) of 0% to limit sky glow and minimise visual intrusion in the open landscape;
    e) Operating times, including the use of timers or passive infra-red detectors.

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

24. 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

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works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;
b) Noise and vibration:
All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.
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;
d) Waste:
No unwanted materials shall be disposed of on site by burning;
e) Lighting:
Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

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

Notes

Attention is drawn to the attached notes:

1 The applicant/developer should contact the Canal & River Trust's Utilities Team if they wish to investigate the feasibility of discharging surfacing water from the development to the Erewash Canal. Please be advised that the Trust is not a land drainage authority and such discharges are not granted as of right; where they are granted, they will usually be subject to completion of a commercial agreement. Please contact Chris Lee, Regional Utilities Surveyor, at chris.lee@canalrivertrust.org.uk or on 07771 717371 for advice in the first instance.

2 The Environment Agency advise the applicant of the following:

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
- excavated materials that are recovered via a treatment operation can be re-used onsite providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution

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- treated materials can be transferred between sites as part of a hub and cluster project.
- some naturally occurring clean material can be transferred directly between sites.

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:
- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

3 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

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

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

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

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.

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

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

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

G. The applicant should provide a flood evacuation plan which outlines:

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

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

I. Surface water drainage plans should include the following:
Rainwater
pipes, gullies and drainage channels including cover levels.
Inspection chambers, manholes and silt traps including cover and invert levels.
Pipe sizes, pipe materials, gradients and flow directions and pipe numbers.
Soakaways, including size and material.
Typical inspection chamber / soakaway / silt trap and SW attenuation details.
Site ground levels and finished floor levels.

J. On Site Surface Water Management;

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

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The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development (to be agreed with the LLFA).

Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed.

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

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

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

Volume Control
For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event

For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

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

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

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

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

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

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:
Ground percolation tests to BRE 365.
Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
Volume design calculations to 1 in 100 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.
Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
Drawing details including sizes and material.
Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

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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 No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

(Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist
to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present).

6 With regards to condition 17, Derbyshire Wildlife Trust state that it is important that the urban trees to be planted do fall within the medium class as defined by metric 3.1.

7 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

8 Severn Trent Water advise that for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Date : 6 April 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

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
LS3 - Design
ER4 - Industrial and storage development
ER11 - Quality and design of development
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
TP1 - Impact on the Transport Network
TP6 - Parking

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.

Date : 6 April 2023

Signed

Simon Gladwin
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.