Simon Gladwin
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

Mr Peter West
C/O Agent

Mr Henry Mackenzie
Lichfields
Ship Canal House
98 King Street
Manchester
M2 4WU

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/2022/0928**) which was valid on the 25 October 2022 for permission for **Demolition of existing health clinic and construction of a new health centre, access and internal road layout, substation, landscaping and associated works (This may affect the setting of a Listed Building and/or Conservation Area) at Belper Clinic Babington Hospital Derby Road**

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.

Date : 21 September 2023

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

2. The hereby approved development shall be carried out in accordance with the following approved documents and drawings unless otherwise agreed with the local Planning Authority:

- Application Form
- Site Location Plan (Ref. A5057-RCA-00-XX-DR-A-0901 Rev. P4)
- Existing Site Plan (Ref. A5057-RCA-00-XX-DR-A-0902 Rev. P3)
- Demolition Site Plan (Ref. A5057-RCA-00-XX-DR-A-0903 Rev. P6)
- Proposed Site Plan (Ref. A5057-RCA-00-XX-DR-A-0904 Rev. P12)
- Existing Belper Clinic Plans and Elevations (Ref. A5057-RCA-00-01-DR-A-0240 Rev. P3)
- Proposed General Arrangement Lower Ground Floor Plan (Ref. A5057-RCA-00-00-DR-A-0250 Rev.P08)
- Proposed General Arrangement Upper Ground Floor Plan (Ref. A5057-RCA-00-01-DR-A-0251 Rev. P10)
- Proposed General Arrangement First Floor Plan (Ref. A5057-RCA-00-02-DR-A-0252 Rev.P09)
- Proposed General Arrangement Second Floor Plan (Ref. A5057-RCA-03-DR-A-0253 Rev.P09)
- Proposed General Arrangement Elevations Sheet 1 (Ref. A5057-RCA-00-XX-DR-A-0254 Rev. P10)
- Proposed General Arrangement Elevations Sheet 2 (Ref. A5057-RCA-00-XX-DR- A-0255 Rev. P08)
- Proposed General Arrangement Elevations Sheet 3 (Ref. A5057-RCA-00-XX-DR-A-0256 Rev. P09)
- Proposed Roof Plan (Ref. A5057-RCA-00-03-DR-A-0260 Rev. P07)
- Proposed Substation Elevations (Ref. A5057-RCA-00-XX-DR-A-0913 Rev.P1)
- Existing Proposed Substation Access Elevations - (Ref. A5057-RCA-00-XX-DR-A-0911 Rev P1)
- Existing Proposed Site Entrance Boundary Wall Elevations (Ref. A5057-RCA-00 -XX-DR-A-0910 Rev P1)
- Proposed Landscape Plan [Eammon Byrne Landscape Architects] (Ref. 2014-CO-LP-01-01-REV-8)

Reason: For the avoidance of doubt.

Date : 21 September 2023 Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

3. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
   - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
   - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

   Reason: To ensure that any features of archaeological/historic interest are protected and recorded in accordance with policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

4. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (Eastwood & Partners, dated 25 May 2022, ref. 44618-001) and the following mitigation measures it details:
   - Ground floor finished floor levels of the health centre shall be set no lower than 64.5 metres above Ordnance Datum (AOD)
   - The northern main entrance and fire escape routes shall be set no lower than 64.15mAOD
   - The finished floor level of the proposed electricity substation shall be set no lower than 63.89mAOD
   - Compensatory storage shall be provided in accordance with Appendix 10 "Floodplain Compensation Layout" dated 29.06.2020 Drawing number 44618/011 Rev. B and the accompanying table.
   - Flood resilient construction shall be used on the lower ground floor to a height of 63.02mAOD as described on page 18 of the FRA.
   - There should be no ground raising or new structures within the wider site These mitigation measures 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.

   Reasons: To reduce the risk of flooding to the proposed development and future occupants
   - To maintain safe access and egress to the building at all times o To prevent damage by flood water

Date : 21 September 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided
- To reduce property damage and recover more rapidly from a flood event
- To prevent the loss of floodplain storage

5. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report must be submitted to and approved by the Local Planning Authority prior to use of the site commencing.

   Reason: To ensure the development is not at risk of contamination in accordance with saved policy EN18 of the Amber Valley Borough Local Plan 2006.

6. 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. Eastwood and Partners. (May 2022). Flood Risk Assessment Belper Health Centre Development. 44618-001 issue 6.
   b. Eastwood and Partners. (May 2022). Proposed Drainage Strategy. 44618 Rev A. including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
   c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority."

   Reason: 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.

Date : 21 September 2023

Signed

Simon Gladwin
Executive Director (Operations)

7. 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 and to obtain a full understanding of the springs within the site and any associated mitigation requirements.

   Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
   I. into the ground (infiltration);
   II. to a surface water body;
   III. to a surface water sewer, highway drain, or another drainage system;
   IV. to a combined sewer. And to ensure that development will be safe from flood risk including from groundwater and natural springs.

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

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

9. 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

Date : 21 September 2023 Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

10. Prior to the commencement of construction of the new build manufacturer's details of the external materials to the building shall be approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials. Samples shall be provided on site for approval, as required, by the Local Planning Authority. A sample panel of the brickwork/ stonework to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of masonry and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN29; of the Adopted Amber Valley Borough Local Plan 2006.

11. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

    Reason: To ensure the provision of adequate servicing facilities in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

12. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

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

13. Car parking spaces of such size and siting as to be suitable for use by disabled people shall be provided on the site in such positions as may be agreed in writing by the Local Planning Authority. Each disabled parking space shall be provided as agreed and clearly marked on the site.

    Reason: To ensure convenient parking facilities for disabled people using the building in accordance with policies LS4 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 21 September 2023 Signed



Simon Gladwin
Executive Director (Operations)

14. The Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

    Reason: To provide for an adequate standard of highway and access to serve the development in accordance with policy TP1; of the Adopted Amber Valley Borough Local Plan 2006.

15. Notwithstanding the submitted details, before any works commence in the highway on the modified southern access, details of the access shall be submitted for approval by the Local Planning Authority, in consultation with the Highway Authority. Once approved, the work shall be carried out in accordance with the approved scheme. (For the avoidance of doubt, the applicant will be required to enter into a S278 Agreement with the Highway Authority to construct the access.)

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

16. 'Prior to the commencement of enabling works a site-wide Construction Environmental Management Plan (including a Construction Travel Plan) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following matters,
    - Signage for the construction traffic, pedestrians and other users of the site,
    - Controls on the arrival and departure times for the construction vehicles;
    - Piling methods (if employed)
    - Earthworks;
    - Hoardings to the site, including future development plots on adjacent land,
    - Noise limits;
    - Hours of working,
    - Vibration,
    - Control of emissions,
    - Waste management and disposal and material re use,
    - Prevention of mud / debris being deposited on public highway;
    - Materials storage; and hazardous material storage and removal.

    The approved Construction Environmental Management Plan shall be implemented accordingly.

Date : 21 September 2023 Signed

Simon Gladwin
Executive Director (Operations)

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

17. No development shall take place until a demolition and construction environmental method statement which includes measures to control the emission of dust and dirt during construction and from vehicles entering or leaving the site has been submitted to and approved in writing by the local planning authority.

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

18. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed and Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

    Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed and Himalayan balsam are included within this schedule. All invasive species waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

19. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. 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 Amber Valley Borough Local Plan 2006.

Date : 21 September 2023 Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

20. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) has been submitted to, and be approved in writing by, the Local Planning Authority. The plan shall be implemented in full.

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

21. No work shall commence on the site until such time as a scheme for protecting the existing trees on the site during the construction process has been submitted to and approved by the Local Planning Authority and implemented to its satisfaction. Such protection as is agreed shall be maintained during the course of development.

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

22. Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority in accordance with a programme of submission and works to be agreed in writing by the Local planning Authority prior to their use or installation. The works shall be carried out in accordance with the approved details. Large scale details to be at 1:50. 1:20 or 1:5 as appropriate and supplemented with manufacturer's literature where appropriate.

    - External railings, gates, changes to boundary walls, new enclosures/compounds;
    - Steps, external lighting;
    - New external doors and openings;
    - New rainwater goods;
    - A schedule of external decoration;
    - Details of any equipment located external to the buildings and details of external extracts and ventilation grills (locations and types);
    - 1:20 sections through the external walls at window positions showing the relationship between the eaves, wall and window openings, soffit overhangs, structural posts;
    - Details of windows, external doors and door openings shall be provided. Details should include proposals for guarding of full height windows and opening lights;
    - Verge details shall be confirmed;
    - Drawings shall be annotated with materials; and,
    - Sections through roof showing relationship of photo voltaic panels.

Date : 21 September 2023 Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

Reason: So that the Local Planning Authority may be satisfied with these details to protect and preserve the setting and historic significance of the listed buildings.

23. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external hard landscaping materials to be used, including paths, paving, ramps, railings, gates and other fixed structures introduced into the ground shall be submitted to and approved in writing in accordance with a programme of submission and works to be agreed in writing by the Local Planning Authority prior to their use. The development shall be carried out using the approved materials.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN29; of the Adopted Amber Valley Borough Local Plan 2006.

24. Prior to their installation, details of all external lighting, including locations wiring runs, and details of luminaires shall be submitted to and approved in writing by the Local Planning Authority. Ambient light levels shall be low particularly around trees. The development shall be carried out in accordance with the approved details.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN29; of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 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.

Date : 21 September 2023

Signed

Simon Gladwin
Executive Director (Operations)

2 A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the
proposed development be required.
G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan
- H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

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

Date : 21 September 2023 Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control;

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

Volume Control

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

Date : 21 September 2023

Signed

Simon Gladwin
Executive Director (Operations)

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

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- K. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included. Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

Date : 21 September 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

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.

3 Pursuant to Section 278 of the Highways Act 1980 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 Development.Implementation@derbyshire.gov.uk . The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

4 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.

5 Site clearance shall be undertaken in a manner by which to safeguard hedgehogs. Any dense vegetation that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes.

6 In regard to condition 19, 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) Use of protective fences, exclusion barriers and warning signs. h) Protection of retained trees and hedgerows during construction activities in line with British Standards BS5837. i) Any excavations shall be covered overnight or have an escape ramp to prevent entrapment of wildlife. j) Chemicals, oils or fuel shall be stored securely. k) All pipework greater than 150 mm shall be blanked off at the end of the day.

Date : 21 September 2023 Signed



Simon Gladwin
Executive Director (Operations)

7 In respect of condition 20, 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 sections 6.4 & 6.4 of the PEA Report (Martin-Udall Associates, June 2022) and section 6.2 of the Badger Surveys & Monitoring Report (Martin-Udall Associates, June 2022). The LBEMP should combine both the ecology and landscape disciplines and shall be 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 including but not limited to:
i) grassland to be sown with a species-rich mix such as 'Flowering Lawn Mixture EL1' from Emorsgate,
ii) proposed native species scrub, tree and species rich hedgerows.
iii) provision of bat and bird boxes installed into new buildings or onto retained trees. These should comprise bird boxes, including universal swift nest boxes in line with British Standard 42021:2022, general-purpose nest boxes and integral bat boxes.
iv) Insect boxes installed at appropriate locations around the site.
b) Aims and objectives of management.
c) Appropriate management methods and practices to achieve aims and objectives.
d) Prescriptions for management actions.
e) Preparation of a work schedule.
f) Details of the body or organization responsible for implementation of the plan.

Photographs of the enhancement features in situ shall be submitted to the LPA to discharge this condition and the features shall be maintained in perpetuity.

Date : 21 September 2023 Signed

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
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
TP1 - Impact on the Transport Network
TP6 - Parking
EN8 - Landscape Features
EN14 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN26 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site
EN31 - Archaeological Interest
ER11 - Quality and design of development

In detail:

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.

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.

Date : 21 September 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.