S Gladwin
Chief Executive
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 Limited
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/2021/0611**) which was valid on the 1 June 2021 for permission for **Residential development for 109 dwellings and associated works at Former Exchange Sidings Bridge Street 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 Hereby Approved development shall be carried out in accordance with the following approved documents and drawings:

   Application Form
   Ecology
   Noise
   Site plans

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DBL/PL/01	Existing Site Plan
DBL/PL/02A	Site Location Plan
DBL/PL/03J	Site Layout Plan
DBL/PL/04A	Site Plan (South)
DBL/PL/05	Diagrammatic Sections
DBL/PL/06A	Boundary Treatments & Hard Landscaping
DBL/PL/07	Construction Access & Site Accommodation Plan

House type plans

BAY(AS)bk/01A	Bayton (bungalow)
HAL(AS)bk/01B	Halford
LUD(AS)bk/01A	Ludlow
PEM(AS)bk/01A	Pemberton
PER(AS)bk/01B	Pershore (bungalow)
RAD(AS)bk/01A	Radnor
ROS(AS)bk/01A	Rossendale

Reason: To define the terms of this permission and for the avoidance of doubt.

3. No works shall take place, including any demolition, site clearance or ground works, until a Construction Method Statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Local Planning Authority.

The method statement shall include, but not be limited to: -

(i) Construction traffic routes, including provision for access to the site
(ii) Entrance/exit from the site for visitors/contractors/deliveries
(iii) Location of directional signage within the site
(iv) Siting of temporary containers
(iv) Parking for contractors, site operatives and visitors
(v) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction
(vi) Temporary roads/areas of hard standing
(vii) Schedule for large vehicles delivering/exporting materials to and from site
(ix) Storage of materials and large/heavy vehicles/machinery on site
(x) Measures to control noise and dust
(xi) Details of street sweeping/street cleansing/mechanical wheel wash facilities
(xii) Details for the recycling/disposing of waste resulting from demolition and construction works

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(xiii) Hours of working
(xiv) Phasing of works including start/finish dates

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: These details are needed prior to the commencement of development in order to ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers during construction in accordance with saved policy TP1 of the Amber Valley Borough Local Plan.

4. Except for site clearance and remediation, no development shall commence until full engineering, drainage, street lighting and construction details of the roads proposed for adoption have been submitted to and approved in writing by the Council as local planning authority. The approved scheme shall be completed in accordance with the approved details before the development is occupied/brought into use.

   Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with saved policy TP1 of the Amber Valley Borough Local Plan.

5. The carriageways of the proposed estate roads shall be constructed in accordance with the Condition (4) above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway.

   Reason: In the interests of highway safety and to safeguard the highway infrastructure in accordance with saved policy TP1 of the Amber Valley Borough Local Plan.

6. No dwelling hereby permitted shall be occupied until the full Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, have been submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall

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then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In the interests of sustainability in accordance with saved policy TP1 of the Amber Valley Borough Local Plan.

7. The parking spaces indicated on the approved plans shall be provided for the use of residents, occupiers and visitors of this development only and shall not be sold, leased or hired out to any third party.

   Reason: To ensure that appropriate provision for parking vehicles is made and maintained, thereby avoiding hazards caused by indiscriminate on street parking.

8. 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. ASC (May 2021). Flood Risk Assessment & Drainage Strategy Report. W146/FRA and Severn Trent Water (12 August 2022). Notice of Approval. 1044475 (7161932) CW, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority."

   Reason: 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

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

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

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

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

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

    Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.

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.

13. The hereby approved development shall be carried out in accordance with eh External Material Schedule dated 19/05/2022 unless otherwise agreed in writing with the Local Planning Authority.

    Reason: in the interest of visual amenity in accordance with saved policy LS3 of the Amber Valley Borough Local Plan 2006.

14. The hereby approved development shall be undertaken in strict compliance with the requirements contained within the Geomatters Remedial Method Statement, dated

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March 2022, ref: GML21126/3/0 ('the 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.

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.

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.

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.

All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the Environment Agency publication Land contamination: risk management (LCRM).

Reason: To ensure contamination is mitigated in accordance with saved policy in accordance with saved policy EN18 of the Amber Valley Borough local Plan 2006.

15. No development above ground level shall commence until;
a) 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 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: 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 183 and 184 of the National Planning Policy Framework

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16. 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: 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 183 and 184 of the National Planning Policy Framework

17. 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.

    Reason: In the interest of ecology in accordance with saved policy EN12 of the Amber valley Borough Local Plan 2006.

18. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

    Reason: In the interest of ecology in accordance with saved policy EN12 of the Amber valley Borough Local Plan 2006.

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 CEMP (Biodiversity) shall include the following.
    a) Risk assessment of potentially damaging construction activities.
    b) Identification of "biodiversity protection zones".

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c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species during construction.
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) A plan for control of non-native invasive species.
f) The times during construction when specialist ecologists need to be present on site to oversee works.
g) Responsible persons and lines of communication.
h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
i) 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 the interest of ecology in accordance with saved policy EN12 of the Amber valley Borough Local Plan 2006.

20. A Biodiversity Enhancement and Management Plan (BEMP) 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 BEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the Biodiversity Mitigation Strategy (Heanor off-setting site RammSanderson Ecology Ltd August 2023) and the submitted Biodiversity Metric (RammSanderson Ecology Ltd 5th May 2023) and as shown on the baseline and proposed visualisation maps prepared by RammSanderson Ecology April 2023. The BEMP 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) An updated copy of the Biodiversity Metric and the Proposed Habitat Plan to account for any changes as necessary including grassland enhancements.
b) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric.
c) Methods to be employed to create and / or enhance habitats.
d) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
e) Appropriate management methods and practices to achieve aims and objectives.
f) Prescriptions for management actions.
g) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
h) Details of the body or organization responsible for implementation of the plan.

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i) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 13, 16, 20, 25 and 30 years.
j) The submission of monitoring reports for habitats against the target conditions in the Biodiversity metric to be submitted to the Council at the intervals specified under (i)
k) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The BEMP 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 will be implemented in accordance with the approved details.

Reason: In the interest of ecology in accordance with saved policy EN12 of the Amber valley Borough Local Plan 2006.

21. A Biodiversity Enhancement and Management Plan (BEMP) 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 BEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the submitted Biodiversity Metric (RammSanderson May 2023) and EcIA RammSanderson Ecology November 2022. The BEMP 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, as per the approved biodiversity metric.
b) Methods to be employed to create and / or enhance habitats
c) Universal nest boxes (integrated swift brick) at ratio of 1 per dwelling, in line with British Standard 42021:2022.
d) Integrated and/or external bat boxes x 10
e) Log piles and hibernacula x 3
f) Insect nest boxes x 10
g) Fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
h) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
i) Appropriate management methods and practices to achieve aims and objectives.
j) Prescriptions for management actions.

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k) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
l) Details of the body or organization responsible for implementation of the plan.
m) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 13, 16, 20, 25 and 30 years.
n) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
o) Detailed specifications for open water habitats to provide biodiversity benefits.
p) Requirement for a statement of compliance upon completion of planting and enhancement works.
The BEMP 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 will be implemented in accordance with the approved details.

Reason: In the interest of ecology in accordance with saved policy EN12 of the Amber valley Borough Local Plan 2006.

22. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

    Reason: In the interest of ecology in accordance with saved policy EN12 of the Amber valley Borough Local Plan 2006.

23. All dwellings/plots on the site shall be protected from rail traffic noise in accordance with the advice in the 'Noise Impact Assessment' (ref. NIA/9690/21/9672/v2/Dean St, Langley Mill, Environmental Noise Solutions Limited, 29 June 2022), or any subsequent agreed amendments to it, such that the following noise levels are not exceeded:
    a) 55dB LAeq,16 hour (free field) in outdoor living areas between 07:00 and 23:00 hours;
    b) 35dB LAeq,16 hour inside living rooms and bedrooms between 07:00 and 23:00 hours;
    c) 40dB LAeq,16 hour inside dining rooms/areas between 07:00 and 23:00 hours; and

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d) 30dB LAeq,8 hour, and an LAmax of 45dB more than ten times a night, in bedrooms between 23:00 and 07:00 hours.

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

Should the proposals for the site layout, levels, building design or 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 construction of any amended buildings commences.

A further acoustic report verifying compliance with the above noise levels at agreed representative premises, determined by measurement (and/or calculation where agreed with the Local Planning Authority), shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of any of the dwellings.

The developer shall notify prospective occupants of the dwellings of the standard of sound insulation installed and, where necessary, of the need to keep windows closed and use the alternative ventilation provided to obtain its full benefit.

Reason: To ensure the development is protected from noise sources in accordance with saved policy EN16 of the Amber Valley Borough Local Plan 2006.

24. The hereby approved development shall be protected from rail traffic vibration and shall be completed in accordance with BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - Vibration sources other than blasting'. Prior to occupation of any dwelling, verification that the requirements of BS 6472-1:2008 and the associated targets have been provided shall be submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure rail vibration is mitigated in accordance with saved policy in accordance with saved policy EN16 of the Amber Valley Borough local Plan 2006.

25. Before commencing construction of plots 24-41, 1-3 and 106-109 (as shown on 'Site Layout Plan' - DBL/PL/03, revision H), an environmental noise assessment shall be conducted to rate and assess sound from nearby industrial and commercial operations in accordance with the methodology in British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

    Those plots/dwellings 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:A1:2019) shall be protected from that noise such that, when assessed in accordance with British Standard 4142:2014:A1:2019, the rating level does not exceed

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the background sound level (an indication of the specific sound source having a low impact, depending on the context).
Construction of these dwellings shall not begin 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.
The acoustic report required by condition 23 shall include verification of compliance with the above at agreed representative premises before occupation of any of these dwellings.

Reason: To ensure the development is protected from noise sources in accordance with saved policy EN16 of the Amber Valley Borough Local Plan 2006.

26. All site preparation, demolition and construction activities shall comply with the following:
    a) Operating hours:
    a) No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;
    b) Noise and vibration:
    c) All activities shall comply with the guidance in British Standard BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise' (Section 8 and Annex B) and Part 2: Vibration' (Section 8);
    d) Dust/Particulate emissions:
    e) 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. Internal haul roads shall be hard-surfaced and regularly swept, at least once daily, and cleaned by mechanical road sweepers with an adequate filtration system and water supply to minimise the impact of dust/mud on sensitive receptors on- and off-site: under no circumstances shall a sweeper be operated dry, without an adequate water supply;
    e) Waste:
    f) No unwanted materials shall be disposed of on site by burning;
    f) Lighting:

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g) Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

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

27. Prior to first occupation of any dwelling, the dwellings hereby approved shall have provision for electric vehicle charging in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Once provided the charging points shall be retained thereafter.

Reason: In the interests of sustainability in accordance with saved policies, LS1, TP6, EN35, H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The developer shall be liable for the cost of making good any incidental damage to the highway network including street furniture, structures, the highway verge and carriageway surfaces.

2 It is an offence to carry out any works within the public highway without permission of the Highway Authority. Permission under the Town and Country Planning Act 1990 should not be construed as approval to the highway engineering details necessary for inclusion in an agreement under S38 of the Highways Act 1980. Any roadworks included in the application that are to be considered for adoption as maintainable highway will require a S38 agreement. For further information please contact by email development.implementation@derbyshire.gov.uk

3 Any adjustment, re-siting and / or protection of any statutory undertaker's apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the applicant's own expense.

4 Care should be taken when determining locations of new trees/shrubs, they should be located a sufficient distance away from the highway boundary as to not affect the integrity of the boundary structure, they should also be located in areas so that when fully grown the canopy of the tree does not overhang highway land, planting proposals must be to the written approval of the Local Planning Authority, in consultation with The Highway Authority.

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5 The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority.

6 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. 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.
H. 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

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demonstrate how the 30 year + 35% climate change and 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. 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.

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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.

I. 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.

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

K. 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.

Date : 14 May 2024

Signed



Simon Gladwin
Chief Executive

7 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.

8 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.

9 For condition 11, the attenuation pond shall be in accordance with CIRIA SuDS manual C753 and an associated management and maintenance plan.

10 In regard to condition 23, It is essential that the developer understands the recommendations in the approved noise impact assessment and the importance of following its advice to protect the living conditions of the proposed dwellings, 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 dwellings should be aware of the standard of sound insulation installed and, where necessary, of the need to keep windows and doors closed, using the alternative ventilation and cooling provided, to obtain its full benefit.
Certification should be provided that an Overheating Risk Assessment has been conducted in accordance with 'TM59 Design methodology for the assessment of overheating risk in homes' (CIBSE, May 2017) and that the risk of overheating is not regarded as being unacceptable. For homes where temperature control is provided largely by mechanical means, the CIBSE fixed temperature test must be followed.

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

Date : 14 May 2024

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Chief Executive

LS5 - Section 106 Agreements
H10 - Urban affordable housing
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN8 - Landscape Features
EN9 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN17 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
LC1 - Provision of outdoor playing space

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 : 14 May 2024

Signed

Simon Gladwin
Chief Executive

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.