

LET7251

PUBLIC  
Form TCP 3

DERBYSHIRE COUNTY COUNCIL

TO: Derbyshire County Council  
c/o Glancy Nicholls Architects  
The Engine Room  
2 Newhall Square  
Birmingham  
B3 1RU

County Hall  
Matlock  
Derbyshire  
DE4 3AG

8.223.19

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Council under the above Act and all related Acts, Orders and Regulations, and with reference to your application Code No CD8/0719/29 received on the 9 July 2019 for permission **for a 40 bed care home, 66 extra care apartments and 18 extra care bungalows. The site will also reinstate and improve the existing grass sports pitch to provide additional amenities for the local community at the former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston** 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 compliance with the following conditions:**

**Commencement**

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

**Reason:** The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Notice of the proposed date for commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

**Form of the development**

- 3) Except as may otherwise be required for compliance with other

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conditions to which this permission is subject, the development under this permission shall take place in accordance with the details contained in the 1APP form dated 2 July 2019, Design and Access Statement dated 21 June 2019, Geo Insight report reference EM6- 527738-79776, Transport Assessment dated June 2019, Cover Letter dated 28 June 2019, Air Quality Assessment dated June 2019, Arboricultural Impact Assessment dated 28 June 2019 reference 19- 0490, Bennerley Tree Schedule reference 18-2875, Extended Phase 1 Survey Report ref 18-2776 dated 25/02/19 Revision 1, Flood Risk Assessment and Drainage Strategy reference CWA-18-286 dated May 2019 Revision B, Environmental Noise Impact Assessment Reference IMP5716-1 dated March 2019, Travel Plan, Report on Desk Study dated 10 April 2019, Residential/Dwelling Units – Supplementary Information Template, letters dated 8 August 2019, 09 September 2019 and 22 November 2019, Desk Based Site Summary for Reptiles dated 20 December 2019, Landscape Strategy Document Reference BEN-ALA-OO-XX\_RP-0001 S2 P03 dated 26 June 2019 and the following plans:

- Drawing no. 18003-GNA-81-XX-A-3000 entitled 'Building Sections'.
- Drawing no. CWA-18-286-540 entitled 'Exceedance Flow Route', Revision P2.
- Drawing no. 18003-GNA-XX-OO-DR-A-1001 entitled 'Existing Site Plan'.
- Drawing no. CWA-18-286-SK002 entitled 'Proposed Fire Appliance Tracking' Revision P1.
- Drawing no. 18003-GNA-XX-ST-DR-A-1000 entitled 'Location Plan'.
- Drawing no. CWA-18-286-SK001 entitled 'Proposed Tracking' Revision P1.
- Drawing no. CWA-18-286-625 entitled 'Proposed Adoptable Highway Work Details' Revision P4.
- Drawing no. DCC\_ESD\_XX\_XX\_DR\_E\_5001 entitled 'Proposed External Lighting Layout' Revision P1.
- Drawing no. CWA-18-286-526 entitled 'Proposed External Details' Revision P1.
- Drawing no. CWA-18-286-525 entitled 'Proposed External Details' Revision P1
- Drawing no. 18003-GNA-B1-01-DR-A-1004 entitled 'Proposed First Floor Plan'
- Drawing no. 18003-GNA-B1-02-DR-A-1003 entitled 'Proposed Ground Floor Plan'.
- Drawing no. 18003-GNA-B1-CY1-DR-A-2001 entitled 'Proposed North, South, East & West Courtyard Elevations'.

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- Drawing no. CWA-18-286-SK004 entitled 'Proposed Visibility Splays' Revision P1.
- Drawing no. CWA-18-286-SK003 entitled 'Proposed Refuse Vehicle Tracking', Revision P1.
- Drawing no. 31246\_T\_UG entitled 'Utility Survey' Revision 0.
- Drawing no. 31246\_T entitled 'Topographical Survey' Revision 0.
- Drawing entitled 'Tree Constraints Plan' Revision V1 dated 21.03.19.
- Drawing no. 18003-GNA-XX-XX-DR-A-1002 entitled 'Proposed Site Plan'.
- Drawing no. CWA-18-286-SK004 entitled 'Proposed Visibility Splays' Revision P2.
- Drawing no. CWA-18-286-SK005 entitled 'Proposed Refuse Tracking for Adoptable Highways Work' Revision P1.
- Drawing no. 18003-GNA-B2-XX-DR-A-1007 entitled 'Proposed Typical Bungalow Elevations' revision A.
- Drawing no. BEN-ALA-OO-XX-DR-L-0001 entitled 'Illustrative Masterplan' Revision P05.
- Drawing no. Ben-ALA-00-XX-DR-L-0002 entitled 'Landscape General Arrangement' Revision P05.
- Drawing no. BEN-ALA-OO-XX-DR-L-0004 entitled 'Planting Strategy' Revision P03.
- Drawing no. 18003-GNA-B1-W-DR-A-2000 entitled 'Proposed North, South East & West Elevation' Revision A.
- Drawing no. 18003-GNA-B1-RF-DR-A-1006 entitled 'Proposed Roof Plan' Revision A.
- Drawing no. 18003-GNA-B2-OO-DR-A-2003 entitled 'Bungalows One + Two Elevations' Revision A.
- Drawing no. 18003-GNA-B2-OO-DR-A-2004 entitled 'Bungalows Three + Four Elevations' Revision A.
- Drawing no. 18003-GNA-XX-OO-DR-A-2002 entitled 'Enclosure Elevations' Revision A.
- Drawing no. 18003-GNA-B2-OO-DR-A-2005 entitled 'Bungalows Five and Six Elevations', Revision A.
- Drawing no. 18003GNA-B1-02-Dr-A-1005 entitled 'Proposed Second Floor Plan' Revision A.
- Drawing no. 18003-GNA-XX-XX-DR-A-1002 entitled 'Proposed Site Plan' Revision A.
- Drawing no. BEN-ALA-OO-XX-DR-L-0005 entitled 'Site Sections' Revision P05.
- Drawing no. CWA-18-286-511 entitled 'Proposed External Levels Sheet 2 of 2' Revision T2.

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- Drawing no. CWA-18-286-530 entitled 'Proposed Drainage Strategy Sheet 1 of 2' Revision T2.
- Drawing no. CWA-18-286-531 entitled 'Proposed Drainage Strategy Sheet 2 of 2' Revision T2.
- Drawing no. CWA-18-286-520 entitled 'Proposed External Works' Revision T2.
- Drawing no. CWA-18-286-520 entitled 'Proposed External Levels Sheet 1 of 2' Revision T2.
- Environmental Health Dated 25 November 2019.
- Mesh Fence Photograph.
- Drawing no. BEN-ALA-OO-XX-DR-L-0003 entitled 'Boundary Arrangement' Revision P05.
- Drawing no. CWA-18-286-515 entitled 'Cut and Fill' Revision T1.
- Canal Trust dated 25 November 2019.

**Reason:** To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

- 4) The residential use of the buildings and parts of the buildings to be erected under the development that are designed for residential use shall be restricted to such use by residential occupiers no less than 55 years old or with demonstrated need for extra care, who are in need of or who will benefit from personal care, and their spouses or partners or other members of their families living with them, and (ii) those spaces designed to be used as a café and restaurant and as a hair salon shall be used only for those respective uses.

**Reason:** To ensure that the development contributes to meeting the care and community support needs of people aged over 55 or individuals with identified extra care needs, as it has been designed to.

### Hours of Operation

- 5) The Sports Pitch shall not be used outside the following periods:

On Mondays to Fridays (inclusive) other than those that are bank holidays or public holidays:  
from 10:00 hours to 21:00 hours.

On Saturdays, Sundays and bank holidays or public holidays:  
from 10:00 hours – 18:00 hours.

**Reason:** In the interests of local amenity and the environment.

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- 6) No construction work, ancillary operations, deliveries and removal of plant, equipment, machinery and waste from the site during the construction period shall take place at any time on any Sundays, bank and public holidays. Such work operations, deliveries and removal shall be carried out only during the following periods:

On Mondays to Fridays (inclusive), other the those that are bank holidays or public holidays from 07.30 hours to 18.00 hours, and on Saturdays from 08.00 hours to 13.00 hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme that has been submitted to and received the prior written approval of the County Planning Authority. The scheme shall then be implemented as approved.

**Reason:** In the interests of local amenity and the environment.

### **Contamination**

- 7) The development shall not commence until a scheme to identify and control any environmental risk is developed and undertaken. This shall include an intrusive investigation (Generic Risk Assessment/ Phase II Investigation). The scope of the intrusive investigation shall be based on the approved Phase 1 desk study report for the proposed development. The scheme and scope of works shall be submitted to and approved in writing by the County Planning Authority prior to the commencement of development. In reaching its decision to approve such proposals, the County Planning Authority shall have regard to currently pertaining Government guidance as set out in the CLR series of documents issued by the Department for the Environment, Food and Rural Affairs (DEFRA) or any subsequent guidance which replaces it.

**Reason:** To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users, and ecological receptors, in line with Paragraph 170 of the National Planning Policy Framework. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 8) A written Method Statement detailing the remediation requirements to deal with any environmental risks associated with this site shall be submitted to and approved in writing by the County Planning Authority prior to commencement of the remedial works. All requirements shall be

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implemented according to the schedule of works indicated on the Method Statement and completed to the satisfaction of the County Planning Authority prior to the development being brought into use. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority.

**Reason:** To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users, and ecological receptors, in line with Paragraph 170 of the National Planning Policy Framework.

- 9) Prior to the development first being brought into use, a validation report shall be submitted to the County Planning Authority demonstrating that the remedial works have been carried out. The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement.

**Reason:** To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users, and ecological receptors, in line with Paragraph 170 of the National Planning Policy Framework.

- 10) 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 County Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected contamination shall be dealt with. The Strategy shall be implemented as approved in writing by the County Planning Authority.

**Reason:** To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users, and ecological receptors, in line with Paragraph 170 of the National Planning Policy Framework.

### **Cut and Fill Operations**

- 11) Prior to the commencement of the development, an inert materials balancing scheme, including a proposed topographical survey, precise details of the amount, re-use and disposal of inert materials arising from the on- site cut and fill operations, shall be submitted to the County Planning Authority for its approval in writing. The scheme shall be implemented as approved.

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**Reason:** In the interests of local amenity and the environment. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

### **Protection of Water Environment**

- 12) No soils shall be imported to the site until a scheme to ensure the protection of the water environment from alteration in pH and otherwise by such soils, which shall include a statement detailing the source of the soil material and its geological composition has been submitted to and approved in writing by the County Planning Authority. The scheme shall then be implemented as approved.

**Reason:** In the interest of protecting the Erewash Canal and the wider environment, from adverse impacts through the importation of soil onto the site.

### **Land Stability**

- 13) The development shall not be commenced until a Method Statement (to demonstrate that any remediation and construction operations near the Canal will not impose additional loading onto the bank of the Erewash Canal and as a result adversely affect its stability and structural integrity), has first been submitted to and approved in writing by the County Planning Authority. The statement shall include details of the arrangements for undertaking any monitoring regimes or mitigation measures as may be necessary to ensure that the risk of damage to the Canal structure is adequately minimised (for example, vibration monitoring if piled foundations are proposed, or works to strengthen the existing Canal bank to accommodate increased loads).

**Reason:** In the interests of minimising the risk of creating land instability arising from earthmoving, excavations or any other construction works, which would adversely affect the structural integrity of the adjacent Erewash Canal, in accordance with the advice and guidance on land stability contained in paragraphs 170, 178 and 179 of the National Planning Policy Framework 2019 and in the National Planning Practice Guidance. It is necessary to secure an appropriate approach to all site development and construction operations from the outset before development commences.

- 14) No soil shall be imported onto the site until it has been tested for contamination and assessed for its suitability for the proposed development, using a suitable methodology for testing soil at source

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including the sampling frequency, testing schedules, criteria against which the analytical results will be assessed and source material information, and such that representative samples are obtained and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme or [another approved] an equivalent reputable scheme the results of which shall be submitted to the County Planning Authority, shall be submitted to and approved in writing by the County Planning Authority prior to any soils being imported onto site.

All soils proposed for importation shall be tested in accordance with the approved methodology and no soil shall be imported unless the County Planning Authority has confirmed in writing its satisfaction as to the suitability of the soil for the development.

**Reason:** To protect the health of the public and the wider environment.

### **Construction Environmental Management Plan**

15) The development shall not commence until a site-specific Construction Environmental Management Plan (CEMP), has been submitted to and approved in writing by the County Planning Authority. The plan shall demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The approved CEMP shall be implemented in accordance with the approved details at all times during all construction of the approved development. The CEMP shall include, but not be limited to:

- i. Procedure for maintaining good public relations including complaint management, public consultation and liaison.
- ii. Arrangements for liaison with the Erewash Borough Council's Pollution Control Team.
- iii. A Noise Mitigation Strategy to mitigate noise emissions with particular cognisance of the noise sensitive Erewash Canal and nearby residential properties.
- iv. Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites to minimise noise disturbance from Construction works.
- v. Procedures for emergency deviation of the agreed working hours.
- vi. A dust mitigation strategy with control measures for dust and other air-bourne pollutants, which shall consider fully the impacts to the neighbouring Erewash Canal.
- vii. Measures for controlling the use of site lighting during the construction period, whether required for safe working or for security purposes to prevent light spill onto the Erewash Canal.

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- viii. Details of the storage of waste and materials from the construction process, where they are to be located on site, how they are to be protected from entering the Canal environment, the regime for the safe removal and appropriate disposal of the waste from the site.
- ix. Measures for preventing surface water run-off during demolition and construction works from the site into the Canal environment.

The CEMP shall then be implemented, as approved.

**Reason:** To control the impact of noise, dust, vibration and odour generated by the development in the interests of the amenity of the area, to prevent airborne/waterborne pollution of the Canal waters to preserve and enhance the ecology and water quality of the Erewash Canal and to protect the environment. This is in accordance with Paragraph 170 of the National Planning Policy Framework 2019 and the national Planning Practice Guidance. It is necessary to agree the CEMP before development [which does not include survey work] commences in order to secure an appropriate approach to all site clearance, development and construction operations from the outset.

#### **Environmental Protection**

- 16) All rubbish, scrap and waste material, either found or generated on the site, shall be stored in clearly marked areas or containers until such time as it can be removed to facility which holds an appropriate Environmental Permit.

**Reason:** In the interest of protecting the environment and the amenity of the surrounding area.

- 17) There shall be no burning of Waste at the site.

**Reason:** To ensure that the development does not have an adverse impact on local amenity.

#### **Access, Traffic and Highway Safety**

- 18) Throughout the construction period of the 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 or other extraneous material on the public highway.

**Reason:** In the interests of highway safety and to prevent the drag out of mud, dirt or debris onto the highway.

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- 19) Prior to commencement of the development, a construction method management plan providing details relating to the storage of plant and materials, site accommodation, loading, unloading of good vehicles, parking of the site operatives and visitors, means of access and routes for construction traffic, hours of operation, method of prevention of debris being carried onto the highway, pedestrian and cyclist protection and any proposed temporary traffic restrictions shall be submitted to and approved in writing by the County Planning Authority. The construction management plan shall be implemented as approved and maintained throughout the period of construction.

**Reason:** The condition is imposed to ensure adequate access and associated facilities are available during the construction works to minimise the impact of the development on nearby residents and local highway network and in the interest of site safety. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 20) The premises the subject of the application shall not be taken into use until space has been laid out within the site in accordance with the application drawings referenced in Condition 3 for the parking and manoeuvring of staff, visitors, service and delivery vehicles and mini-buses/taxis, and for all vehicles to turn so that they may enter and leave the site in forward gear. The space shall be retained free from any impediment to its designated use throughout the life of the development.

**Reason:** The condition is imposed to minimise the impact of the development on the nearby residents and local highway network and in the interest of site safety.

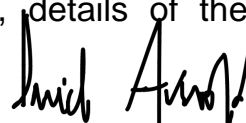
- 21) Prior to the occupation of the building, a detailed scheme relating to compliance with relevant standards for pedestrian walkways at all proposed access points, shall be submitted to and approved in writing by the County Planning Authority. The submission shall provide details relating to consistency with existing provision, lighting, surfacing and dropped tactile kerbs where appropriate. The scheme shall be implemented as approved and maintained throughout the life of the development.

**Reason:** The condition is imposed in the interest of sustainable travel and pedestrian safety.

- 22) Prior to the occupation of the building, details of the Travel Plan

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Coordinator shall be submitted to the County Planning Authority and Erewash Borough Council.

**Reason:** The condition is imposed in the interest of sustainable travel.

### **Lighting**

23) No further lighting other than that specified in the application documents shall be installed, except in accordance with a scheme/details that have been submitted to the County Planning Authority for written approval. All external lighting should be so designed and installed so that it does not cause nuisance to the occupiers of nearby residential properties.

**Reason:** In the interests of local amenity.

### **Noise**

24) Prior to the occupation of the main building, a report detailing the plant and equipment to be installed and assessed by a suitably qualified person for compliance with the maximum noise level criteria, shall be submitted to the County Planning Authority for its written approval. The report shall include details of the plant and equipment to be installed on site and confirmation that the stipulated plant maximum noise level criteria, as identified within Section 15.7 of the Noise Impact Assessment report, will not be exceeded. The plant and equipment which is installed shall conform to the details of the report, as approved.

**Reason:** In the interests of local amenity and the environment.

### **Ecology**

25) No less than one month prior to the commencement of development on site, further ecological surveys shall be undertaken to confirm/discount the presence of Reptiles, Bats and Badgers on site. The further survey reports shall be submitted to the County Planning Authority for its written approval. The enhancements and recommendations identified within the reports shall then be implemented as approved.

**Reason:** To protect any protected species that may be present within the site. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

26) There shall be no removal at any time of vegetation that may be used by breeding birds during the bird breeding season (i.e. March to September inclusive) unless a recent survey has been undertaken by a suitably

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qualified ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have been submitted to and received the written approval of the County Planning Authority. Such measures shall be implemented as approved.

**Reason:** In the interest of the protection of breeding birds.

- 27) Prior to the new buildings being taken into use, details of the ecological mitigation measures and an ecological enhancement plan for the site shall be submitted to and approved in writing by the County Planning Authority. The mitigation measures and plan shall be based on the recommendations set out within the ecological reports as listed within Condition 3. The mitigation measures and plan shall then be implemented as approved.

**Reason:** In the interests of increasing and maintaining biodiversity at the site.

- 28) Throughout the development and when clearing vegetation from around the site, reasonable care shall be taken to ensure that if any reptiles discovered they are not injured or killed. If, at any time during the development any reptile is found, a suitably qualified ecologist shall supervise the protection and removal of reptiles. No further works to the area of the site, where the reptile was discovered, maybe undertaken unless supervised by a suitable ecologist.

**Reason:** To protect any reptiles that may be present within the site.

### Landscaping

- 29) Prior to the commencement of development, a revised landscaping plan including precise details in respect of layout, seeding and planting mixes, measures for appropriate maintenance and management of the landscape and habitats to be established by that layout seeding and planting as appropriate, shall be submitted to and approved in writing by the County Planning Authority. The landscaping plan scheme shall then be implemented as approved.

**Reason:** To ensure the successful and appropriate establishment of landscape and habitats within the site and in the interests of the amenity of the area. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

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- 30) Access to the Erewash Canal to the east of the site shall be retained throughout the life of the development to allow for maintenance of the vegetation along the Canal.

**Reason:** In the interests of the amenity of the area.

- 31) All fencing shall be finished in either a Dark Green or Black colour finish.

**Reason:** To reduce the visual intrusion of the development.

### **Tree Protection**

- 32) Prior to the commencement of development, a scheme with a method statement to protect existing trees on site shall be submitted to and approved in writing by the County Planning Authority. The scheme shall then be implemented as approved.

**Reason:** To protect existing trees on site.

- 33) All planting, seeding or turfing comprised in the approved details of landscaping 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. Any existing or new trees or shrubs 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 a similar size and species, unless the County Planning Authority agrees any variation in writing. For the avoidance of doubt, for the purposes of this condition, 100% replacement is required.

**Reason:** To ensure the successful establishment of the landscaping at the site.

### **Ground Conditions/Ground Stability**

- 34) Prior to the commencement of development, a scheme of intrusive site investigations shall be undertaken, as identified within Section 4.5 of the Report on Desk Study (AG2975-19-AH60, April 2019) in order to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity. A report of the findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary, shall be submitted to and approved in writing by the County Planning Authority. The remedial works and/or mitigation measures shall then be implemented as approved.

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

### **Flood Risk**

35) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage system for the site, in accordance with the principles outlined within:

- a. Flood Risk Assessment and Drainage Strategy, Bennerley Avenue Care Centre and Extra Care Housing, CWA-18-286, Rev B, by CWA Intelligent Engineering (May 2019); and
- b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

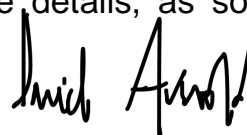
have been submitted to and approved in writing by the County Planning Authority, including any specification by the Authority of any amendments or additions to the submitted plan which it may find necessary to secure a satisfactory surface water drainage. Prior to the use of any of the buildings commencing, the detailed design management and maintenance of the surface water approved drainage system as so approved shall be implemented in accordance with the plan as so approved detailed design, prior to the use of the building commencing.

**Reason:** To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the County Planning Authority, in advance of full planning consent being granted. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

36) Prior to commencement of the development, the applicant shall submit to the County Planning Authority, for its written approval, details of how additional surface water run-off from the site will be avoided during the construction phase. In the event that these details, as so approved,

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include the provision of collection, balancing and/or settlement systems for surface water these flows, no works which might lead to increased surface water run-off from site during the construction phase shall be commenced before the County Planning Authority has confirmed in writing that the approved systems are constructed and operate to its satisfaction.

**Reason:** To ensure that 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. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 37) No development shall take place until a detailed scheme for the disposal of surface water from the development has first been submitted to and approved in writing by the County Planning Authority. If any surface water discharge into the Erewash Canal is proposed in the scheme, including surface water run-off, the scheme shall include details of any measures necessary to attenuate discharges into the canal to appropriate rates. The development shall thereafter only be carried out in accordance with the approved details and the scheme shall be fully operational prior to the occupation of the development.

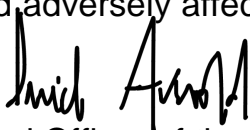
**Reason:** To ensure that surface water from the site is disposed of in a safe and appropriate manner that minimises the risk of flooding in the locality and presents waterborne pollution of the Erewash Canal. This is in accordance with the advice and guidance contained within paragraphs 163, 165 and 170 of the National Planning Policy Framework. It is necessary to settle these details before development commences to ensure that the approved surface water drainage arrangements can be properly integrated within the development.

### **Sport England**

- 38) a) No development shall commence until the following have been submitted to and approved in writing by the County Planning Authority:
- i) a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the remodelled playing field which identifies constraints which could adversely affect its quality as a playing field; and
  - ii) where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing

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field quality, a detailed scheme to mitigate any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation in advance of the first occupation of any of the residential parts of the development.

- b) Any scheme approved pursuant to part a) of this condition shall be carried out in full and in accordance with its programme for implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use.

**Reason:** To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 39) The development shall not be taken into use until a "community use" scheme for managed community access to the retained and remodelled sports provision at the site has been submitted to and approved in writing by the County Planning Authority. The development shall not be used otherwise than in compliance with the approved scheme.

**Reason:** To secure well managed safe community access to the sports facility/facilities.


#### **Liaison Committee**

- 40) Within six months from the date of this permission, a scheme providing for the establishment and subsequent operation of a committee for liaison between the developer, the County Planning Authority and representatives from the community of residents and others in the locality of Cotmanhay to enable the community to be more fully informed with regard to activities associated with any operations and uses of the land which may take place as part of the development which is now granted planning permission shall be submitted in writing for the written approval of the County Planning Authority, which shall include :

- a) terms of reference for the committee;
- b) a list of committee members [or process for selection and appointment of committee members];
- c) standard arrangements for the operation of the committee including frequency of meetings, and administration of the meetings and

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- provision of their venue by the developer;  
d) a mechanism for review.

The committee shall be selected appointed and administered and operate in full accordance with the scheme as approved.

**Reason:** To encourage improved community and site operator relations, and in the interests of the local amenity.

### **Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with Section 100ZA of the Town and Country Planning Act 1990, as amended and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant has been provided with a draft schedule of the conditions attached to this report. In accordance with Regulation 3(a) of the Regulations, the applicant has provided a substantive response to the effect that they agree with the imposition of this pre-commencement conditions.

### **Footnotes**

- 1) It is understood that cut and fill activities are proposed as part of the development. The applicant is advised to contact the Environment Agency to determine whether a Materials Management Plan (MMP) is required for the works.
- 2) In the event that a bat is discovered during works, then all works should stop immediately and advice should be sought from a suitably experienced and licensed ecologist.
- 3) The applicant/developer is advised to contact the Canal and River Trust in order to ensure that any necessary consents are obtained and the works are compliant with the Trust's current "Code of Practice for Works Affecting the Canal & Rivers Trust". For further advice please contact Keith Boswell, Works Engineer in first instance on [Kenith.Boswell@canalrivertrust.org.uk](mailto:Kenith.Boswell@canalrivertrust.org.uk)

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- 4) The applicant/developer is advised to contact the Canal & River Trust's Utilities Team to discuss any surface water discharges from the development to the adjacent canal, including any continued use of existing discharges, as it may be necessary to obtain a fresh agreement from the Trust to do so. Please contact Beth Woodhouse, Utilities Surveyor, at [Beth.Woodhouse@canalrivertrust.org.uk](mailto:Beth.Woodhouse@canalrivertrust.org.uk) or on 07484 911355 in the first instance.
- 5) All open trenches or pits must be covered over at night or left with a sloping end, to prevent mammals from falling in and becoming trapped. Similarly, any pipes over 200mm will need to be capped off at night to prevent mammals from using them for shelter. Night work should be avoided where possible and, in the unlikely event that evidence of sett digging is observed, works should cease until a full assessment can be made by an ecologist.
- 6) 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.
- 7) Guidance on preparing Community Use Schemes is available from Sport England. <http://www.sportengland.org/planningapplications/>
- 8) Further information regarding the Derbyshire County Council 'Miles Better' staff travel scheme can be found at: <https://www.derbyshire.gov.uk/working-for-us/smarter-travel/miles-better/miles-better.aspx>.

The Travel Plan, including its features and benefits, should be included in the induction process of all new staff on site. The Travel Plan should also be included as an agenda item in all staff forum(s), team meetings or their equivalent at least twice per year.

### **Targets**

Targets should be specific, measureable and realistically timed (SMART), and should include a target percentage change figure and timescale, e.g. reduce journeys to site by (single occupancy) car by 10% over five years. Targets for other modes can be set to support this figure, with precise figures informed by the result of the baseline survey.

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### **Actions**

Given the nature of the development, likely number of staff on site and shift patterns, consideration should be given to the establishment of a informal in-house car share group, with journey matches facilitated by the Travel Plan Coordinator.

### **Bus and Rail Services**

Consideration should be given to the upgrading of the closest bus stops on Cotmanhay Road as appropriate, to include raised kerbs, shelters, timetable cases, bus stop markings and real time information wherever feasible and not already in place.

Ensure <http://www.travelineeastmidlands.co.uk> is included as a reference point for all local and national journey planning enquiries.

### **The Travel Plan Coordinator**

The name and contact details of the Travel Plan coordinator should be provided to both the Local Planning Authority and Derbyshire County Council Sustainable Travel Team at least one month prior to first commercial operation of the proposed centre.

The duties of the Travel Plan coordinator should include the provision of personalised travel planning for all new employees as part of the induction process.

### **Monitoring and Evaluation**

Results of the annual travel surveys should also be forwarded to the Derbyshire County Council Sustainable Travel Team at: [sustainable.travel@derbyshire.gov.uk](mailto:sustainable.travel@derbyshire.gov.uk)

### **DCC Employee Travel Survey**

No further comment. The facility also exists for such a survey to be undertaken online at: <https://starsfor.org>. Should this be of interest, contact the Sustainable Travel Team.

### **Other comments**

### **Travel Information Pack**

New employees should be issued with (either in hard copy or electronically) a travel information pack. This should include (but not be limited to) the following:

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### **Public transport**

- [www.trentbarton.co.uk](http://www.trentbarton.co.uk) for details of most local services in Cotmanhay.
- [www.derbybus.info/](http://www.derbybus.info/) for timetable and route maps for bus services throughout Derbyshire.
- [www.nationalrail.co.uk](http://www.nationalrail.co.uk) for all rail services.

### **Journey planning**

- [www.travelineeastmidlands.co.uk](http://www.travelineeastmidlands.co.uk) for all mode journey planning.

### **Cycle information**

- [www.derbyshire.gov.uk/leisure/countryside/access/cycling/default.asp](http://www.derbyshire.gov.uk/leisure/countryside/access/cycling/default.asp) for cycling information throughout Derbyshire, including the Cycle Derbyshire map.

Other useful cycle related websites:

- [www.sustrans.org](http://www.sustrans.org) for details of the National Cycle Network.
- [www.lovetoride.net](http://www.lovetoride.net) for cycling rewards and incentives.
- <http://bikeweek.org.uk/> for details of the national cycling focus week.

### **Walking**

- [www.derbyshire.gov.uk/leisure/countryside/access/walking/default.asp](http://www.derbyshire.gov.uk/leisure/countryside/access/walking/default.asp) for walking information throughout Derbyshire.

### **Car Share**

- <https://liftshare.com/uk/community/derbyshire> for details of the free of charge journey matching service throughout Derbyshire.

### **Communication and marketing**

Consideration should be given to the establishment of a site based website, detailing all travel options for staff and visitors.

### **Travel Plan as a Working Document**

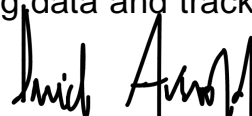
The Travel Plan is a working document and should not be seen as exhaustive. It will be subject to change in light of progression and completion of the development, results of actions undertaken, and responsive to results of future travel surveys.

### **Supplementary comment - Travel Plan Monitoring**

Derbyshire County Council is now able to offer an online toolkit known as STARSFor, <https://starsfor.org/> for the purposes of Travel Plan monitoring. This is available for a fee payable to Derbyshire County Council and enables the user to input monitoring data and track modal

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shift. This replaces any other travel plan monitoring fee that may be charged. Should this be of interest, please contact the Derbyshire County Council Sustainable Travel Team:  
[sustainable.travel@derbyshire.gov.uk](mailto:sustainable.travel@derbyshire.gov.uk).

Other means of monitoring travel plans exist. There is no obligation to use STARSFor.

- 9) 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:
- a. The County Council does not adopt any Sustainable Urban Drainage Systems (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](mailto:Flood.Team@derbyshire.gov.uk).
  - c. No part of the proposed development shall be constructed within 3m - 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 has an anti-culverting policy.
  - d. 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.
  - e. 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.
  - f. 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

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invert levels.

- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber/soakaway/silt trap and surface water attenuation details.
- Site ground levels and finished floor levels.

g. On Site Surface Water Management:

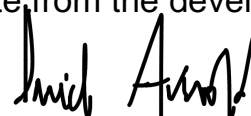
- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood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

**Peak Flow Control**

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

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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 run-off 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 run-off volume for the same event.
- For developments which have been previously developed, the run-off 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 run-off volume for the same event, but must not exceed the run-off 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.
- 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 run-off 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 run-off management for the site, and which can be assumed to have a run-off response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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- h. All Micro Drainage calculations and results must be submitted in .MDX format, to the Local Planning Authority. (Other methods of drainage calculations are acceptable.)
  - i. 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.
- 10) The below information is related to Low and Medium Pressure Assets. You may be contacted separately by Cadent engineers regarding High/Intermediate Pressure Pipelines. Considerations in relation to gas pipeline/s identified on site:

Cadent has identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus, then development should only take place following a diversion of this apparatus. The applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline, then the applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to 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](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

- 11) Intrusive ground investigation works are to be undertaken (rotary boreholes up to 40m depth, possibly deeper depending on the findings and location) prior to the commencement of the development. The nature, depth and distribution of the boreholes will require written consent from The Coal Authorities Licensing and Permitting Department as part of the permitting process, prior to commencement of these works.

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12) **Highway Adoption**

The layout indicated on the application drawing does not comply with the Authority's standards for adoption and the following issues will need to be addressed before the roads will be considered as such.

**Vernon Street**

- Footway needs to be extended across the private access.
- Margin on southern side could be 1m.
- Visibility splays to be indicated at private access.
- Parallel spaces behind footway unacceptable.
- Turning head designed to accommodate refuse vehicle turning, tracking diagram to demonstrate.
- Margin required round turning head.

**Bennerley Avenue**

- Visibility splays to be indicated for private access and parking spaces.
- Parking spaces should be 5.5m in length.
- Trees in visibility splays.
- Unlikely any existing construction likely to meet current adoption standards.
- Trees unlikely to survive construction.
- Turning head designed to accommodate refuse vehicle turning, tracking diagram to demonstrate.
  
- Margin required round turning head.

In addition to the above, construction details, drainage, lighting and legal process will all need to be considered if the road is to be adopted.

- 13) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

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Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should, wherever possible, be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

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## NOTES

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice; unless
- this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### Purchase Notices

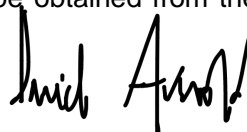
- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the County Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

### The following notes are the further advice of the County Council.

- This permission relates to planning control only. Any other statutory consent necessary to enable the proposed development to commence must be obtained from the appropriate authority or regulator.

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