



Applicant:
Taylor Wimpey West Midlands

Ref. No. DMPA/2021/0777
Made valid on: 10 September 2021

DECISION NOTICE

Description and location of proposal: Creation of engineering and enabling works including restoration, re-profiling of land and remediation with drainage infrastructure, access and associated works on Land off SK2918 7015 Church Street, Church Gresley, Swadlincote,

Decision made: In exercise of its powers as the Local Planning Authority under the Town and Country Planning Act 1990 and related subordinate legislation, South Derbyshire District Council hereby gives notice that permission/consent for the proposal as described above is hereby **Approved subject to the following Conditions:**

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

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

2. The development hereby permitted shall be carried out in accordance with plan(s)/drawing(s) ref. LP-001 rev B Location Plan, CMP-002 rev B Access Construction Details & Plan, CMP-003 rev A Proposed & Existing Layouts, TWWM3451 TURN-VA-05, TWWM3451 SSM VA 01 and TWWM3451 SEC VA 06; unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

3. Prior to any works commencing, the routes from Church Street to the application site i.e. Thorpe Downs Road, Rockcliffe Close and Mount Pleasant Road have been inspected and their condition documented by a representative of the applicant accompanied by a representative of the County Council, as Highway Authority as shown within:

Dilapidation Survey Rockcliffe Close (21878 - DS1): and
Dilapidation Survey South of the site (21878 - DS2)

The applicant shall make good any damage which may occur during the period of construction in accordance with details submitted to and agreed in writing by the local Planning Authority.

Reason: In the interest of highway safety and to ensure that the highway is not damaged during the construction period.

4. Prior to any other works commencing on site, with the exception of any ground works essential to the provision of the access to the site from Rockcliffe Close (which shall be carried out via Mount

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Authorised Officer of the Council

Date: 12 November 2021

Pleasant Road), the temporary access for construction purposes off Rockcliffe Close shall be provided. The access shall be laid out and constructed in accordance with application drawings CMP-002 rev B & CMP-003 rev A and retained throughout the construction period free from any impediment to its designated use.

Reason: In the interest of highway safety and ensuring that safe and suitable access is ensured throughout the construction period.

5. Before any other operations are commenced on site, excluding construction of the temporary access referred to in Condition 4 above (which shall be carried out via Mount Pleasant Road), the site compound and haul road shall be provided in accordance with application drawing CMP-002 rev B. The compound shall provide space for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles and parking and manoeuvring of site operatives and visitors vehicles. Once implemented, the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts.

6. Prior to any other works commencing on site, wheel washing facilities shall be provided in the locations indicated on application drawing CMP-002 rev B. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interest of highway safety and to ensure debris is not swept onto the road during construction phase.

7. The proposed enabling works may commence provided work proceeds in accordance with the principles outlined within:

- a. RSK Geosciences (15-Sept 2021, amended 5-Oct 21), Surface Water Management Plan for Development of Land at Church Street, Church Gresley, Swadlincote. Ref: 302379 R02 (02)
- b. Taylor Wimpey (21-08-21), Existing Culvert Concrete Protection, ref: 21872/0004
- c. Taylor Wimpey (05.10.21) Traffic Management Plan and Access Plan, CMP-001, rev-C
- d. Taylor Wimpey (07.09.21), Temporary Outfall, Dwg 21872/0005 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.

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.

8. All measures outlined in the submitted Construction, Environment Management Plan (CEMP) (Report Ref: 10-770-R5 dated July 2021) to prevent contamination and protect ground and surface waters and with regard to mitigating noise impact during construction including specifically use of silenced generators, not leaving plant equipment running overnight (and limiting their use to the site working hours as set out within the CEMP), doors and hoods of vehicles and machinery to be kept closed, and ensure any noisy machinery is not left running when not in use, should be adhered to in undertaking the engineering and site works proposed as part of the application unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal does not give rise to unacceptable environmental effects, including in respect of air quality, dust, noise, waste, ground and surface water pollution or contamination.

9. All recommended species mitigation measures as detailed in section 5.3 outlined in the submitted Church Gresley, Derbyshire: Preliminary Ecological Appraisal (dated 8th June 2021) shall be incorporated and implemented in full in undertaking the engineering and site works proposed as part of the application unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that measures to encourage wildlife habitat creation within the site are provided and to ensure the protection of protected species during the construction phase from undue harm.

You are advised of the following matters:

- a. Activities associated with installation of the temporary outfall structure and other project elements in close proximity to ordinary watercourses may require Land Drainage Consent from the Derbyshire County Council as required under the Land Drainage Act (1991) For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

The information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA:

A. 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.

B. 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.

C. 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.

D. 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.

E. On Site Surface Water Management;

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

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.

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.
- 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.
- 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.

F. 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.

- b. Public Footpaths 1 and 2 must remain open, unobstructed and on their legal alignment at all times. Consideration should be given to members of the public using the routes at all times. Further information may be obtained by contacting the Rights of Way Section.

In dealing with the application, and further to pre-application advice where that has been given, the Local Planning Authority has positively sought to determine the application in a timely fashion and so promote the delivery of sustainable development in the District. Where practicable, feasible and necessary, and irrespective of the above decision, officers have made proactive attempts to find solutions to identified issues or to improve the quality of the development through negotiation with applicants and/or their nominated representatives, in order to foster the delivery of sustainable development and objectives of the Development Plan.

Changes in intention: any deviation from the approved plans/drawings and/or details should be discussed with the Local Planning Authority in advance. This includes circumstances where the applicant/developer subsequently identifies inaccuracies with the approved documents or conflict with other regulatory requirements. A formal application to amend the proposals or secure a revised permission may be necessary. Failure to secure necessary approval may result in the commencement of enforcement proceedings.

Scope of this decision: this is a planning decision notice which, unless expressly applied for and stated in the description of development above, conveys no decision of associated planning consent (such as listed building or advertisement consent); nor does it convey a decision under, or override, supersede or negate, any other legislation or the need to comply with restrictive covenants under Civil Law. In particular the necessary approval under the Building Regulations and the Public Health Acts must be obtained before the carrying out of building works. Where the adopted highway, including verges and pavements, is to be altered, the Local Highway Authority (Derbyshire County Council) should be contacted to establish its requirements.

Right of appeal to the Secretary of State: if you are aggrieved by the decision of the Local Planning Authority to refuse permission or consent for your proposal 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, subject to the following:

- if 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, any appeal must be made within 28 days of the date of this notice;
- if an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your planning application, any appeal must be made within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal, the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015) of the date of this notice, whichever period expires earlier;
- if this is a decision on an application for consent to cut down, top, lop, uproot or otherwise destroy a tree or trees protected by a tree preservation order, or for a decision on a lawful development certificate for proposed works to a listed building, any appeal must be made within 28 days of the date of this notice;
- if this is a decision on an application for advertisement consent, any appeal must be made within 8 weeks of the date of this notice;
- if this is a decision on an application for householder or minor commercial development (the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015), any appeal must be made within 12 weeks of the date of this notice;
- in all other cases, except for a decision on a lawful development certificate for an existing or proposed use or development, any appeal must be made within 6 months of the date of this notice.

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.

Appeals must be made using a form which you can get online at www.gov.uk/planning-inspectorate or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State need not consider an appeal if it seems to them that the Local Planning Authority could not have granted planning permission or consent for the proposal 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. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State. 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) at least 10 days before submitting the appeal. Further details can be found online at www.gov.uk/planning-inspectorate.

Street naming and numbering: the applicant and/or developer is reminded of the Council's responsibility to issue official addresses for all residential and business premises within South Derbyshire. All new addresses are allocated in line with our street naming and numbering guidance available at www.southderbyshire.gov.uk and you are advised to engage with the Council as soon as possible to enable the issuing of any street and property names/numbers to be created by this development. Any number and/or property name that is associated with identifying individual properties must be displayed in a clear, prominent position that can be read from the roadside. It is the developer's responsibility to erect the appropriate signage once the building(s) is/are ready for occupation. There are two types of the name plate the Council uses: Type A carries the Council's crest, whilst Type B does not. You are advised that the Types are usually expected in the following locations:

- Type A: on classified (A, B and C) roads, at junctions with classified roads, and at the commencement of local distributor roads (roads acting as through routes within developments);
- Type B: intermediate name plates along local distributor roads, on collector roads (roads which run within a development providing access and linking small access roads and access ways), on access roads (roads serving a small number of houses which may also have a surface shared by pedestrians and vehicles), and access ways which have a different name from their access road; all unless at a junction with a classified road (where Type A will be expected instead).

High speed communications: the applicant and/or developer is strongly encouraged, as part of the delivery of any premises on the site, to provide full fibre broadband connections (i.e. from streetside cabinet to the property). Further details of initiatives to support the provision of full fibre connections as part of broadband installation at the site can be obtained from Digital Derbyshire on broadband@derbyshire.gov.uk.

Fire safety in new buildings: the applicant/developer is encouraged to install a sprinkler system in any new premises created on the site in order to reduce the risk of danger from fire to future occupants and property.

Purchase Notices: if permission is refused or granted subject to an unacceptable condition, and the owner of the property claims that the property has consequently 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/work which has been or would be permitted, the owner may serve on the Council a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Enquiries: Any correspondence or enquiries concerning this decision should be sent to planning@southderbyshire.gov.uk quoting the above reference number.