



Julian Townsend
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Development Management

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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/0089**) which was valid on the 29 January 2020 for permission for **Outline Application with All Matters Reserved for the demolition of Ada Belfield House and the development of up to Seven Dwellings at Ada Belfield House Field Lane Belper**

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. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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A handwritten signature in black ink, appearing to read 'Julian Townsend', is written over a light blue horizontal line.

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2. The approval of the Borough Council shall be obtained prior to the commencement of any development in respect of the access to, appearance, landscaping, layout and scale of the buildings.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. No demolition work shall be commenced on site prior to the approval of a reserved matters application for redevelopment for residential use unless a scheme of restoration of the site has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of any hard and soft landscaping, and boundary treatment. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition to safeguard the visual appearance of the site which is located in a historically sensitive area in accordance with Saved Policies EN26 and EN29 of the Adopted Amber Valley Borough Local Plan.

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

Reason: The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when demolition works take place on the site in accordance with Saved Policy EN9 of the Adopted Amber Valley Borough Local Plan 2006.

5. No development shall commence until:
 - i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
 - ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
 - iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.
 - b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be

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submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.

c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.

e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.

f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the most recent version of BS 10175: Code of practice for the investigation of potentially contaminated sites.

Reason: The undertaking of a site investigation prior to the commencement of development is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

6. If any part of the site is to be raised or filled using materials brought from outside the application site, the developer shall provide documentary evidence that all such materials are free from levels of contamination that would be in excess of current appropriate standards. In the event that no such evidence is available, the materials shall be subjected to adequate chemical or other testing to demonstrate that the materials are suitable for their intended final use. All documentary evidence and/or sampling methodology and testing results shall be submitted to and agreed in writing by the Local Planning Authority prior to any material being brought onto site. No such materials shall be imported without prior approval.

Reason: The importation of contaminated materials may result in the need for remediation works at a later date if the land is subsequently identified as contaminated land under the terms of Part IIA of the Environmental Protection Act 1990.

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7. All demolition and construction activities shall comply with the following:

a. Operating hours:

No demolition or construction 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;

b. Noise and vibration:

All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'. Wherever possible, all vehicles shall use broadband reversing alarms in preference to high-pitched tonal alarms to minimise noise nuisance to residents. No piling, dynamic compaction or use of vibrating rollers shall occur on the site before notifying the Borough Council's Environment Unit;

c. Dust/Particulate emissions:

No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. The on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;

d. Waste:

No unwanted materials shall be disposed of on site by burning;

e. Lighting:

Any temporary site lighting shall be positioned on site to minimise light trespass and glare [with operation triggered only by motion detectors].

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with Saved Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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

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Reason: This is a pre-commencement condition to safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with Saved Policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan.

9. Notwithstanding the details submitted with the application, this permission shall not relate to a specific number of dwellings or to a specific layout.

Reason: To define the terms of this permission and for the avoidance of any doubt and in the interests of the visual amenity and character of the locality in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

10. Prior to works commencing (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring for site operatives and visitors vehicles, laid out and constructed in accordance with a scheme to be submitted to the Local Planning Authority as part of any reserved matters / full planning application. The approved scheme shall be adhered to throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason: This pre commencement condition is required in the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to any construction above foundations level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (inbuilt) features within the new buildings for roosting bats and nesting swifts. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.

Reason: In the interests of ecology and biodiversity in accordance with Saved Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

12. Before any other operations are commenced (excluding site clearance and ground works) new vehicular access(es) shall be formed to Field Lane in accordance with a scheme to be submitted at reserved matters / full application stage. Accesses shall be furnished with 2.4m x 43m visibility splays and 2m x 2m x 45 degrees pedestrian intervisibility splays in either direction, the area in advance of the sightlines being maintained clear of any object greater than 1.0m / 0.6m in height relative to adjoining

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nearside carriageway / footway level respectively, maintained in this condition throughout the life of the development.

Reason: In the interests of highway safety in accordance with Saved Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

13. Access for site works prior to condition 12 above shall be gained via the existing access to Field Lane at the eastern end of the site frontage unless otherwise agreed in writing with the Local Planning Authority prior to works commencing.

Reason: In the interests of highway safety in accordance with Saved Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

14. The premises, the subject of the application, shall not be occupied until space has been provided within the application site for the parking and manoeuvring of residents and visitors vehicles in accordance with a scheme to be submitted as part of any reserved matters / full application and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety in accordance with Saved Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

15. As part of any reserved matters / full application an updated and full arboricultural report shall be submitted for approval by the Local Planning Authority, in the format of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' to support the application. This shall include an up to date Arboricultural Impact Assessment, tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837:2012).
Such a report should include:

- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in an appropriate schedule (as per BS5837:2012 sections 4.4 - 4.6)
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
- Clear specifications for all proposed management works to retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4) and including an assessment of the potential impacts to surrounding ASNW (as per NE & FC Standing Advice)

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- Root protection areas (RPA) and construction exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
- Method statements for all other construction operations which impact on trees.
- Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
- Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

Reason: To prevent unnecessary damage to existing trees in accordance with policy EN9 of the Adopted Amber Valley Borough Local Plan 2006.

16. No building operations shall commence until details of the disposal of surface water and foul sewage serving the site have been submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full prior to the development being brought into use.

Reason: To ensure that there are adequate facilities for the disposal of foul and surface water in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

- 1 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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- 2 It is important for the applicant to note that if asbestos containing materials (ACM) are not properly identified and removed prior to demolition, asbestos fibres can contaminate the soil and demolition materials.
- 3 The applicant is advised that although drawings submitted with this application are indicative only, there is the potential for accesses into the site to conflict with existing street lighting columns and those at the extremities of the site frontage may require relocation to ensure visibility can be achieved.
- 4 The applicant is advised that indicative layout drawings submitted with this application do not form any part of this approval and are not considered to illustrate an appropriate approach to the redevelopment of this site which is located in an historically sensitive location being within the Derwent Valley Mills World Heritage Site and the Belper and Milford Conservation Area.

As part of any reserved matters or full application for the redevelopment of the site the applicant will be expected to demonstrate how any scheme is sympathetic to and is informed by its historic context.

Any proposal for redevelopment will need to be of a high quality of design and layout, supported by an appropriate Heritage Impact Assessment which demonstrates how new development can be accommodated on the site in a manner which preserves the character and appearance of the Belper and Milford Conservation Area and the Derwent Valley Mills World Heritage Site. Particular attention should be given the grain and character of the area, and the historic pattern of development.

- 5 The applicant is strongly urged to consider any appropriate measures/features, such as EV charging points, to mitigate climate change, having regard to paragraphs 148-154 of the National Planning Policy Framework (NPPF) and to reflect Amber Valley Borough Council's declaration of a Climate Emergency, and to incorporate those measures/features into the development. The inclusion of any such features should be considered in terms of whether they are able to be implemented under the plans and drawings approved under condition [] of this notice. Please contact the case officer who will be able to advise further.

Reasons for Permission

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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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

LS1 - Sustainability criteria
LS2 - Community Safety
LS3 - Design
H4 - Housing development within settlements
H12 - Design and amenity considerations
TC1 - Development in Town Centres
TP1 - Impact on the Transport Network
TP6 - Parking
EN13 - Nature Conservation
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN26 - Conservation Areas
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

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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 or extinguishment of the right of way has been made and confirmed.