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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 guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/1199**) which was valid on the 7 January 2021 for permission for:
Variation of conditions 3,4,6,16,17,18,19,27,29,32,36,38,43,52,53,54,63,64,66,67 of AVA/2006/0297 to allow demolition and remediation works to be carried out before these details are agreed and the conditions are formally discharged, as per the wording of other similar conditions within the planning approval decision notice. To insert the wording "excluding demolition and remediation" in association to the timing requirements of the condition discharge. at Milford Mills Development Derby Road Milford

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The development hereby permitted shall be begun on or before the 1st May 2021.

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on drawing numbers 1055-01-001, 1055-01-002, 1055-02-001 Rev A, 1055-02-002 Rev A, 1055-03-001 Rev A, 1055-03-002, 1055-03-003, 1055-04-001, 1055-05-001, 1055-05-002 Rev A, 1055-05-003, 1055-05-004 Rev A, 1055-90-001, 1055-90-002, 1055-90-003, 1055-90-004 and 2159A/P/116.

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3, H12, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

3. No work shall commence, except demolition, until such time that localised sections providing precise details of the areas of the site where ground levels are to be raised and graded have been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

4. No construction above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority precise details and samples of all the materials and finishes to be used in the development, and the development shall be carried out in accordance with those agreed materials. No aspects of the development should involve the use of artificial stone or slates.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the hereby approved plans no brickwork shall be used on the second storey of house type A plots 11 to 21.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

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6. Notwithstanding the hereby approved drawing number 1055-05-004 Rev A, precise details of the mix of stone and brick and course depth in the composition of the apartment block, including house type D properties, shall be submitted to and agreed in writing by the Local Planning Authority prior to any building works progressing above slab level on site, and the development shall be constructed in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to any works commencing (excluding demolition and remediation) details to demonstrate that measures shall be implemented in the development to ensure that a minimum of Level 3 of the Code for Sustainable Homes is achieved shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing.

   Reason: In order that the proposed development reflects the principles of sustainable development and a renewable energy, having regard to climate change, in accordance with the NPPF and policies LS1 and EN36 of the Adopted Amber Valley Borough Local Plan 2006.

8. No development shall take place (excluding demolition and remediation) until there has been submitted to and approved by the Local Planning Authority a precise scheme of hard and soft landscaping throughout the entire site which shall not include the use of artificial stone. Such a hard landscaping scheme shall provide precise details of all hard landscaped areas, interpretation boards, street furniture, lighting and bins. The soft landscaping scheme shall identify those trees that are to be retained and those that are to be felled, and as a minimum the number of trees lost shall be replaced. The soft landscaping scheme shall also provide precise details of the wildlife site that will be developed and retained for biodiversity in the northern component of the site. All planting, seeding or turfing indicated on the approved landscaping scheme 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; and any trees or plants 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

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Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policies H12, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

9. No development shall take place (excluding demolition and remediation) until there has been submitted to and approved in writing by the Local Planning Authority precise details of all windows and doors including patio and garage doors (which shall not be constructed from UPVC), recess depths and 1:20 sections), heads and sills, rooflights (which shall be fitted flush with the roofline), rainwater goods (which shall not be constructed from UPVC), chimney stacks, eaves treatments, verge treatments and all external soil, vent and gas pipes. Any soil, vent and gas pipes shall be installed internally wherever possible. The development shall only be carried out in accordance with those agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

10. No work shall commence on the site (excluding demolition and remediation) until full details and samples of the proposed treatment of all new boundary(ies) in the site, including any walls, gates and railings, and precise details of the rear access arrangements has been submitted to and approved in writing by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

    Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006 and to ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

11. The existing boundary wall to the north of the site to the rear of plots 35 to 42 shall be retained and repaired and not rebuilt, and all missing stone shall be replaced on a like for like basis using natural Derbyshire Gritstone. Precise details of any new stone used in the repair of the wall, precise details of how the openings shall be made in the wall, and precise details of any new coping stones and any other stone being first submitted

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to and approved in writing by the Local Planning Authority prior to any works commencing on site (excluding demolition and remediation). The development shall only be carried out with those agreed details.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006

12. The existing eastern boundary wall to the River Derwent shall be retained and all missing stone shall be replaced on a like for like basis using natural Derbyshire Gritstone, tooled where necessary to match the existing in all respects. Precise details of all new stone, including coping stones, required for any repair of the wall shall be first submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site (excluding demolition and remediation). The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

13. Notwithstanding the hereby approved plans one new pedestrian opening shall be made in the existing front southern boundary wall to the east of the vehicular entrance to the site, prior to the occupation of the first building and maintained as such in perpetuity. Precise details of how the opening will be formed shall be first submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site (excluding demolition and remediation). The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006 and 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.

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other revoking and re-enacting that Order) no development relating to Class A, B, C, D or E of Part 1 of Schedule 2

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(erection of extensions; alterations to the roof; buildings incidental to the enjoyment of the dwelling house; the insertion, enlargement, improvement or replacement of windows or doors; erection or construction of a porch) shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To protect the character and visual amenities of the locality in accordance with policy LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006 and to ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

15. Prior to installation of such features a scheme detailing the number and position of any satellite dishes to serve the residents of the development shall first be submitted to and approved in writing by the Local Planning Authority. Such a scheme should include the use of discreetly sited communal satellite dishes to ensure that the required number is kept to a minimum. The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

16. The western retaining wall (including the vaulted underground spaces) shall be retained and repaired as necessary. Prior to any works commencing on site (excluding demolition and remediation) precise details of the repair works, including any repair or replacement of existing windows and doors within this retaining wall that runs to the north of plot 9, shall be first submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

17. Part of the walls to the former boiler room shall be retained in situ and re-used as a boundary wall to the open space. The rear boundary to plots 7 to 10 shall be constructed by re-using bricks from the boiler room. Prior to any works commencing

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(excluding demolition of other parts of the site and remediation) on site precise details of the works to create these boundary walls and details of the copings to be used (which shall not be constructed from artificial materials) shall be first submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with those agreed details.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

18. The front southern stone boundary wall adjacent to Derby Road shall be retained, repaired and not rebuilt. Prior to any works commencing on site (excluding demolition of other parts of the site and remediation) precise details of the works to this wall to shall be first submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

19. Prior to any works commencing (excluding demolition and remediation) a detailed phasing scheme shall be submitted for approval and then development at the site shall be implemented in accordance with any approved scheme. The former Dye House building shall be fully converted and ready for occupation within an early phase of development, unless otherwise agreed in writing.

    Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies EN24, EN27, EN29 and ER1D of the Adopted Amber Valley Borough Local Plan 2006.

20. No development shall take place (excluding demolition and remediation) until there has been submitted to and approved in writing by the Local Planning Authority in relation to the Dye House building precise details of all internal and external alterations. All original or long established windows and doors shall be retained and repaired as necessary and any existing UPVC windows and doors shall be replaced. Samples of all new windows and doors (including recess depths and 1:20 sections, heads and sills, and rainwater goods, which should be cast iron and match the existing in all respects) shall be submitted to and approved in writing by the Local Planning

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Authority. The development shall only be carried out in accordance with those agreed details.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

21. Notwithstanding the hereby approved plans for the Dye House building, no development shall take place (excluding demolition and remediation) until an assessment of all existing staircases has first been submitted to and approved in writing by the Local Planning Authority. Any staircase of architectural or historical importance shall be retained. The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

22. No development shall take place (excluding demolition and remediation) until there has been submitted to and approved in writing by the Local Planning Authority precise details of all works to the stone bridge in the northern component of the site. The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

23. No development shall take place (excluding demolition and remediation) until there has been submitted to and approved in writing by the Local Planning Authority precise details of the treatment of the boundaries of the mill lade. The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

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24. No development shall take place (excluding demolition and remediation) until there has been submitted to and approved in writing by the Local Planning Authority precise details of the mortar mix to be used in the development. A lime based mix should be used. The development shall only be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

25. All joints shall be finished flush with the wall and brushed back to expose the edges of the brickwork and stonework.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

26. For any re-pointing work of any retained existing structures, the joints shall be raked out by hand and no bolsters or cutting discs shall be used.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

27. No development (excluding demolition and remediation) shall take place until precise details of the method of removing the paint from the Dye House has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with those agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

28. Notwithstanding the hereby approved development a substantial stone wall shall be built running parallel to the southern end of the mill lade built in line with the northern elevation of the southern apartment block from its north western corner, unless otherwise agreed in writing. Precise details of this stone wall shall be first submitted to

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and agreed in writing by the Local Planning Authority prior to any building works commencing on site (excluding demolition and remediation). The development shall be implemented in accordance with the agreed details.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

29. The development hereby permitted shall not commence (excluding demolition and remediation) until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

    Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

30. There are public sewers, which cross the site. No building shall be erected or trees planted within 2.5 metres of the 100mm public combined sewer and of the 150mm public combined sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991. There is also a sewage pumping station adjacent to the site. No building shall be erected within 15 metres of the station.

    Reason: To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system and to minimise the risk of odour, noise and nuisance in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

31. No construction activities shall be permitted beyond the area of partial site demolition described as the area of the large central building and the scope of work in this area shall be limited to demolition of the building and removal of portions of the slab to facilitate the archaeological excavations until such time as the surface water drainage scheme described in Technical Note, JBA Project Code 2021s0425, Surface Water Drainage for land at Milford Mills - partial site demolition, Surface Water Drainage Options Appraisal, 07-April 2021 Revision A2-C01 including Appendices D.1 and D.2

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has implemented. The drainage scheme shall be retained for the life of the development unless superseded by another condition.

Reason: To ensure that surface water is appropriately managed during the initial demolition and remediation phase in advance of this stage of the development proceeding.

32. No construction activities shall occur until such time as a revised Flood Risk Assessment (FRA) and flood modelling has been undertaken, submitted to and approved in writing by the Local Planning Authority. The following mitigation measures are be a minimum requirement:

    1. Finished floor levels to be set no lower than 59.8m AOD.
    2. A floodplain compensation volume of 565.56m3.
    3. Confirmation of the opening up of the Mill Lade Culvert on the site.
    4. No development within 8 metres of the River Derwent.

    Reason: To reduce the impact of flooding on the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided which ensures safe access and egress, to reduce the risk of flooding from blockages to the existing culvert and to provide for future maintenance requirements of the River Derwent in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

33. The development hereby permitted shall not commence (excluding demolition and remediation) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

    Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

34. Prior to the commencement of development approved by this planning permission (excluding demolition) the following components of a scheme to deal with the risks

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associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:
a. all previous uses
b. potential contaminants associated with those uses
c. a conceptual model of the site indicating sources, pathways and receptors
d. potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the site is redeveloped to an appropriate standard which protects controlled waters in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

35. 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that all contamination on site is treated to a standard agreed which protects controlled waters in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

36. The development hereby permitted shall not be commenced (excluding demolition) until such time as a scheme to treat and remove suspended solids from surface water

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run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that all possible contamination from the development construction phase is treated and does not pollute controlled waters in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

37. The development hereby permitted shall not be commenced (excluding demolition) until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

38. The Construction Environmental Management Plan (CEMP) shall implemented as per the approved documents 'Construction Environmental Management Plan Milford Mill Derby Road Rev P02' and 'Risk Assessment & Method Statement for The Safe Demolition / Deconstruction of Milford Mills Belper Derbyshire Chevin Homes Project No: 1170' as approved under reference COND/2021/0002.

The CEMP shall be reviewed at least at the start of each phase of the development or where there are changes to relevant legislation or where changes are made to the agreed CEMP.

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

39. No development shall commence (excluding demolition) until:

a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Environmental Services Department;
b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved in writing by the Environmental Services Department;
c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;

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d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Environmental Services Department;
e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Environmental Services Department.

All reports shall be submitted in both paper and digital formats.

Reason: In the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

40. In relation to all non-residential uses, prior to occupation, operations or uses (including deliveries) authorised under this permission shall be carried out within the application site between times first submitted to and agreed in writing by the Local Planning Authority.

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

41. (i) Ventilation/extraction:
For those operations at the development site that fall under Use Classes A3, A4 and A5 details of the proposals for the extraction/ventilation of odours from the premises, including any associated noise emissions, must be submitted to, and approved in writing by, the Local Planning Authority before installation. Those facilities and that system shall be provided in accordance with those approved details before the use commences and shall be maintained.

ii) External Plant
For those operations at the development site that fall under Use Classes A3, A4 and A5, before any air conditioning units, condensers, chillers, generators, compactors or similar plant and/or machinery capable of generating noise outside the building are

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installed on the premises, detailed information regarding acoustic performance shall be submitted to, and approved in writing by, the Local Planning Authority. If required by the Local Planning Authority, following installation, details of the noise levels shall be submitted to, and approved in writing by, the Local Planning Authority to ensure that the noise levels suggested prior to installation have been achieved in-situ.

(iii) Grease Trap
For those operations at the development site that fall under Use Classes A3, A4 and A5, unless otherwise agreed with the Local Planning Authority, a grease trap/filtration system (or a suitable alternative) must be installed in the drainage system to remove fats, oils, grease and solid matter from the waste water before it leaves the premises. Full details must be submitted to, and approved in writing by, the Local Planning Authority before installation. Those facilities and that system must be provided in accordance with the approved details before the use commences and must be maintained to the standard of the approved specification and in full working order.

(iv) Litter
For those operations at the development site that fall under Use Classes A3, A4 and A5, suitable and sufficient provision must be made for the collection and disposal of waste and litter arising from the operation of the business. The use hereby permitted shall not commence until details of the refuse facilities to be provided for both the business use and customers have been submitted to and approved in writing by the Local Planning Authority. Those facilities and that system shall be provided in accordance with those approved details before the use commences and shall be maintained to the approved specification.

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

42. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The approved designs shall be maintained throughout the construction period free from any impediment to their designated use.

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

43. Throughout the period of construction wheel washing facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous material on the public highway.

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

44. Notwithstanding the submitted details a revised scheme for the Derby Road access to take account of the safe movement of pedestrians crossing the access point shall be submitted to and approved in writing by the Local Planning Authority. No development, apart from demolition, shall be commenced until the access has been constructed in accordance with the approved details and thereafter it shall be retained accordingly. During demolition and prior to installation of the approved access signs shall be installed as agreed under drawing 20_011-CH-XX-ZZ-DR-W-0003 Signage Plan Rev P03 until such time as the revised access is complete.

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

45. Notwithstanding the submitted details no part of the development shall be taken into use until refuse / service vehicle tracking diagrams relating to the circulatory route within the site, and a revised manoeuvring and parking space layout taking account of the vehicle tracking, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of any part of the development and thereafter the facilities shall be retained throughout the life of the development free from any impediment to their designated use.

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

46. Unless otherwise agreed in writing with the Local Planning Authority no part of the development shall be taken into use until secure cycle storage facilities have been provided in accordance with a scheme first submitted to and approved by the Local

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Planning Authority. Thereafter the facilities shall be maintained available. Such a scheme shall include precise details of the secure anchor points within the cycle storage facilities.

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

47. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order the garage accommodation/ parking space to be provided in connection with the development shall only be used for the keeping of vehicles.

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

48. a) No development, excluding demolition to slab level, shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
    1. The programme and methodology of site investigation and recording
    2. The programme for post investigation assessment
    3. Provision to be made for analysis of the site investigation and recording
    4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
    5. Provision to be made for archive deposition of the analysis and records of the site investigation
    6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

    b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a).

    c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

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

49. Should nationally important archaeological remains be exposed during the development, then any site development work in the vicinity of the remains shall cease and the developer will produce a written mitigation strategy demonstrating how such remains will remain undisturbed and will be preserved in situ. The mitigation strategy must be agreed in writing by the Local Planning Authority before development work recommences in that area.

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

50. Phase 1 demolition works shall be undertaken fully in accordance with the details specified in the revised Specification and Method Statement received on 30 March 2010.

    Following completion of Phase 1 demolition works as specified in the revised Specification and Method Statement, no further work, including demolition, shall take place on site until a further Specification and Method Statement, detailing how below-ground archaeological remains shall be either preserved or recorded within the development programme, has been first submitted to and the Statement has been approved in writing by the Local Planning Authority.

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

51. All windows on the ground, first and second floors of the northern elevation of the apartment block shall be obscure glazed to a level equivalent to Pilkington Grade 5 glass that is not coloured, patterned or leaded and be top opening only. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

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52. The recommendations detailed in the submitted Protected Species Survey Report (August 2009) shall be complied with and implemented.

    Reason: For the avoidance of doubt and to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

53. Prior to any commencement of development (excluding demolition), a scheme of biodiversity enhancement based upon the recommendations in section 7 of the Ecological Impact Assessment prepared by Ramm Sanderson dated February 2020 shall be submitted to and approved in writing by the Local Planning Authority. 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: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with policy EN13 and to improve the biodiversity of the local area in accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

54. Prior to any works affecting suitable otter habitat, a further otter survey should be completed including an investigation of the Mill Lade, with the results together with mitigation, if required, submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with policy EN13 and to improve the biodiversity of the local area in accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

55. The riparian habitats associated with the River Derwent shall remain undisturbed both during demolition/construction and the operational phases of the development.

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with policy EN13 and to improve the biodiversity of the local area in

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accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

56. Site vegetation clearance, including tree felling, shall be carried out to avoid the bird breeding season which extends from March to late August. If this is not possible a bird's nest check must be carried out by an experienced ecologist immediately prior to commencement of any works. If nests are discovered they shall be protected from disturbance until all young have fledged.

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with policy EN13 of the Adopted Amber Valley Borough Local Plan 2006

57. Prior to installation a lighting scheme shall be first submitted to and approved in writing by the Local Planning Authority, in consultation with Derbyshire Wildlife Trust and Natural England, to ensure that wildlife implications are fully considered to take into account the need for reduced or no lighting in the more sensitive locations and directions, namely those towards or in close proximity to the river corridor. The scheme shall not involve the use of mock historic light fittings and columns All works shall be fully implemented in accordance with the approved scheme before occupation.

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with policy EN13 and to improve the biodiversity of the local area in accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006

58. All retained trees and hedgerows shall be fenced in accordance with BS5837:2005 throughout the construction period. This fencing shall be erected before any development is commenced on site to prevent accidental damage and to ensure that no machinery or materials are stored within these areas of fencing. All fencing shall have clearly displayed at all times throughout its duration a sign advising why the fencing is there.

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

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59. Notwithstanding the hereby approved plans, the non-residential uses of the development shall include Class E (formerly Classes A1, A2, A3, B1, D1 and D2) and sui generis Pubs, drinking establishments and hot food takeaways (formerly Classes A4 and A5). Prior to occupation the precise details of the use of the non-residential areas of the site shall be first submitted to and approved in writing by the Local Planning Authority.

    Reason: For the avoidance of doubt and to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy ER1D of the Adopted Amber Valley Borough Local Plan 2006.

60. Prior to the commencement of development (excluding demolition and remediation) a scheme shall be submitted for written approval to the Local Planning Authority that demonstrates that the developer has fully explored the opportunity to supply energy from decentralised, renewable or low-carbon energy sources. This shall include consideration to the installation of renewable energy sources as a means of power such as photovoltaic cells (solar panels), biomass (wood fuel) heating, solar water heating, ground source (geo-thermal) heating/cooling, air source heat pumps or wind turbines. The scheme also shall incorporate sustainable construction methods and incorporate, where possible, measures to minimise energy use, including storage of rainwater to improve water efficiency, high standards of insulation, measures to minimise waste and sourcing local materials of construction. The development shall be carried out in accordance with such written approval. Any subsequent user of the building shall be required to comply with the approved scheme unless a revised scheme shall have been submitted to and approved in writing by the Local Planning Authority.

    Reason: In order that the proposed development reflects the principles of sustainable development and renewable energy in accordance with the NPPF and Policies LS1 and EN36 of the Adopted Amber Valley Borough Local Plan 2006.

61. Notwithstanding the hereby approved drawing, prior to works commencing (excluding demolition and remediation) precise details of how vehicles shall access the area of public open space in the northern component of the site for maintenance purposes shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall include a minimum 3 metre wide access and shall consider the use of gates or barrier as to not conflict with pedestrians. The maintenance vehicular access shall then be implemented fully in accordance with the approved details and maintained as such for the life of the development.

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Reason: For the avoidance of doubt and to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy ER1D of the Adopted Amber Valley Borough Local Plan 2006.

62. No work shall commence (excluding demolition and remediation) until such time as a scheme indicating proposed floor levels of all buildings and land, and the relationship of such to the existing development has been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

    Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3, H12, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

63. No development shall take place (excluding demolition and remediation) until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

    The scheme shall include the following elements:
    - detail extent and type of new planting (NB planting to be of native species)
    - details of maintenance regimes
    - details of any new habitat created on site i.e. daylighting of watercourse
    - details of treatment of buffer around watercourse
    - details of management responsibilities

    Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and in accordance with policies EN13 and 14 of the Adopted Local Plan 2006.

64. Prior to works commencing at the site an exclusion zone around the existing footbridge, as advised by a registered Ecologist, shall be secured and remain in situ during the works

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Reason: To ensure that there is as little disturbance as possible in this area of the site as this is the location of the possible otter holt in accordance with policy EN13 of the Adopted Local Plan 2006 and the requirements of the NPPF.

65. The development shall be carried out in accordance with the mitigation and compensation measures detailed in section 5.4.2 of the Ecological Impact Assessment prepared by Ramm Sanderson dated February 2020 unless varied by a European Protected Species licence subsequently issued by Natural England, a copy of which shall be submitted to the Local planning Authority. The agreed features for roosting bats shall be permanently installed in accordance with the approved details.

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with policy EN13 and to improve the biodiversity of the local area in accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

66. Prior to works commencing on site (excluding demolition and remediation) a scheme to show how the raised area of land immediately to the east of Milford Primary School shall be left shall first be submitted for approval by the Local Planning Authority, and then implemented in accordance with the approved details.

    Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3, H12, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

2 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 186 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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3 The applicant must be made aware that any works in or nearby the Mill Leat 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. This is, in part, to ensure appropriate silt mitigation and pollution control.

4 The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
on or within 8 metres of a main river (16 metres if tidal) on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

In detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 186 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 of extinguishment of the right of way has been made and confirmed.**

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