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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/2020/0756**) which was valid on the 7 October 2020 for permission for **Demolition of 2 existing buildings and erection of 2 new buildings (Use Classes E and B2). at Sawmills Industrial Park Loscoe Road Heanor**

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

Conditions/Reasons

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

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

2. The development shall be carried out in accordance with the details contained in the submitted plans and documents listed below:

   - Site Location Plan drawing no. 20324-IDS-ZZ-ZZ-DR-A-1003 Rev P01;
   - Proposed Block Plan drawing no. 20324-IDS-ZZ-ZZ-DR-A-1002 Rev P02;

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- Proposed Ground Floor & Roof Plans drawing no. 20324-IDS-ZZ-ZZ-DR-A-1004 Rev P02;
- Proposed Elevations drawing no. 20324-IDS-ZZ-ZZ-DR-A-1005 Rev P02;
- Schematic Drainage Plan drawing no. 20324-IDS-ZZ-ZZ-DR-A-1010 Rev P01;
- Design and Access Statement ref: IDS-2020-0325 dated Jul 2020;
- Preliminary Roost Assessment report prepared by Chase Ecology;
- Emergence Survey report - Bats prepared by Chase Ecology dated 15th May 2021;
- Safety Method Statement dated October 2020; and,
- Coal Mining Risk Assessment.

Reason : In order to define the permission.

3. No development shall commence (excluding the demolition of existing structures) until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason : This pre-commencement condition is required to ensure that effective remedial or mitigating measures are taken to treat, control or contain unstable land in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 178 and 179 of the National Planning Policy Framework.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason : To ensure that effective remedial or mitigating measures have been undertaken to treat, control or contain unstable land in accordance with saved policy

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EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 178 and 179 of the National Planning Policy Framework.

5. a) 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 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

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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 saved policy EN18 of the Adopted Local Plan 2006 and paragraphs 178 and 179 of the National Planning Policy Framework.

6. Before any other operations are commenced space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

7. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud 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 saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. The premises the subject of the application shall not be taken into use until on-site parking and manoeuvring space (and secure cycle parking) has been provided in accordance with the application drawings and maintained thereafter free from any impediment to its designated use.

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

9. The access gate shall remain open throughout the hours of operation.

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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 saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the hereby approved plans, the access gates shall have a minimum opening width of 5m.

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

11. The hereby approved development shall be carried out with the materials annotated on drawing no. 20324-IDS-ZZ-ZZ-DR-A-1005 Rev P02.

    Reason : For the avoidance of doubt and to ensure the satisfactory appearance of the completed development in accordance with saved policies LS3 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to the hereby approved development being brought into use, full details of the proposed treatment of the boundary(ies) of the site shall be submitted to and approved 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 in accordance with saved policy ER11 of the Adopted Amber Valley Borough Local Plan 2006.

13. No work shall commence on the footings of the hereby approved development until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing buildings 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 both the satisfactory appearance of the completed development in accordance with saved policy ER11 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

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1 The Borough Council's Environmental Health (Contamination) section have advised the following:

The existing buildings may contain asbestos-containing materials (ACMs), which must be carefully handled during the demolition process. Demolition activities, including the handling of ACMs, are regulated by Derbyshire Building Control Partnership under the Building Regulations and by the Health and Safety Executive (HSE), so further advice should be sought from them.

General advice in relation to the dismantling of a structure containing asbestos or ACMs is to use a registered asbestos removal contractor to ensure that environmental contamination is minimised. Copies of Consignment Notes should be obtained and kept as proof that the materials have been disposed of at a suitably licensed waste facility. More detailed advice on the safe handling and disposal of ACMs can be found on the Borough Council's website at:
www.ambervalley.gov.uk/environment/pollution/asbestos/

If in any doubt, you should contact Derbyshire Building Control Partnership (0333 880 2000) and the Health & Safety Executive (0300 003 1747) for advice prior to demolition.

2 The Coal Authority advise the applicant of the following:

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

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3 Environmental Health (Pollution) advise the applicant/operators that all activities must comply with environmental health legislation separately to the planning regime, particularly the statutory nuisance provisions of the Environmental Protection Act 1990 (Part III) in relation to noise, which should protect the residential amenity of existing dwellings in the event of complaint.

Reasons for Granting Permission

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

LS1 - Sustainability criteria
LS3 - Design
ER4 - Industrial and storage development
ER11 - Quality and design of development
EN13 - Nature Conservation
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
TP1 - Impact on the Transport Network
TP6 - Parking

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.

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.

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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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