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 guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2021/0421**) which was valid on the 26 April 2021 for permission for **Proposed restoration and conversion of existing warehouse and stables building into apartments at Former Fuchs Site Derby Road 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. 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 hereby permitted shall be carried out only in accordance with the details and specifications shown on the amended drawing numbers

   Drawing 21034-P-001 Location Plan
   Drawing 21034-P-101 Rev C Proposed Site Layout

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Drawing 21,034-P-102 Rev B Proposed Floor Plans
Drawing 21,034-P-104 Rev B Proposed Floor Plans (Stable)
Drawing 21,034-P-103 Rev A Elevations
Drawing 21,034-P-105 Rev A Stable Elevation 1
Drawing 21,034-P-106 Rev A Stable Elevation 2
Drawing 21,034-P-205 Cross Section
Drawing 21,034-P-201 Rev A Window and Door Detail 1
Drawing 21,034-P-202 Rev A Window and Door Detail 2
Drawing 21,034-P-203 Rev A Window and Door Detail 3
Drawing 21,034-P-204 Rev A Window and Door Detail 4

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies EN24, EN25, EN27, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. 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.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with saved policies EN24, EN25, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

4. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0730 and 1800 hours weekdays, and 0730 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

   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.

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5. Notwithstanding the approved plans no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority full details of external materials including the parking areas and the driveway (sufficient to support a refuse vehicle). In addition, full details of the double leaf vehicular gates and gate posts, including 1:10 scale elevations and full size framing sections, materials, finish(es) and colour(s) shall be submitted and agreed, The development shall then be completed and retained in accordance with the approved details.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies EN24, EN27 and EN29 Adopted Amber Valley Borough Local Plan 2006.

6. The ground, first and second floor windows of the south west end elevation of the main building, the first and second floor north east end elevations of the main building and the first floor south west gable end elevation of the stable building shall be glazed in highly frosted/obscured (non see through) glass and be non-opening. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

   For clarity this includes:

   Ground Floor secondary side windows to Apartment 3 - Master Bedroom and Living/Kitchen
   First Floor secondary side secondary windows to Apartment 7 - Master Bedroom and Living/Kitchen
   First Floor secondary side windows to Apartment 10 - Master Bedroom and Dining/Kitchen
   Second Floor secondary side windows to Apartment 12 - Master Bedroom and Living/Kitchen
   Second Floor secondary side windows to Apartment 15 - Master Bedroom and Dining/Kitchen
   Stable Block Apartment Two first floor side bathroom secondary window.

   Precise details of the frosted glazing shall be submitted to and agreed in writing with the Local Planning Authority before installing.

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

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7. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

   i) A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site
   ii) A site investigation scheme, based on i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site

   iii) The results of the site investigation and the detailed risk assessment referred to in ii) 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.

   iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved.

   Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with the NPPF.

8. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

   Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

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9. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

   Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants.

10. Prior to the buildings' occupation a flood evacuation plan which outlines the following shall be submitted and agreed in writing by the local planning authority and the measures shall be put in place for the life of the development:

    The flood warning procedure
    A safe point of extraction
    How users can safely evacuate the site upon receipt of a flood warning
    The areas of responsibility for those participating in the plan
    The procedures for implementing the plan
    How users will be made aware of flood risk
    How users will be made aware of flood resilience
    Who will be responsible for the update of the flood evacuation plan

    Reason: To ensure adequate flood safety measures are in place.

11. No development shall commence until:

    a) 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.

    b) A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.

    c) 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.

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d) 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.

e) 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.

f) 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.

g) 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.

h) 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 Environment Agency publication Land contamination: risk management (LCRM).

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 NPPF.

12. Prior to the commencement of any works which may affect bats and their habitat, a detailed Bat Mitigation Strategy based on the mitigation and compensation measures outlined in Chapter 7 Table 1 of the Protected Species Report: Roost Characterisation Surveys reference BG18.320.1 prepared by Brindle & Green dated September 2019 shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include the need to apply for a Natural England Bat Mitigation Licence. All works shall then proceed in accordance with the approved strategy and the

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conditions of the Natural England licence, a copy of which shall be submitted to the Local Planning Authority once issued.

Reason: In the interests of ecology and biodiversity in accordance with saved policies EN8, EN13 and EN14 of the Amber Valley Borough Local Plan 2006, policies NPP2 and NPP23 of the Belper Neighbourhood Plan and with the NPPF

13. Prior to the commencement of development, a specific method statement and tree protection plan in the format of BS5837:2012 'Trees in relation to design, demolition and construction shall be submitted and agreed in writing with the Local Planning Authority. Development shall then commence and be completed in accordance with those agreed details.

    Reason: To prevent unnecessary damage to existing trees in accordance with saved policies EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006, policies NPP2 and NPP21 of the Belper Neighbourhood Plan and with the NPPF.

14. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

    routes for construction traffic;
    hours of operation;
    method of prevention of debris being carried onto highway;
    no burning of materials on-site;
    measures for the control of works causing noise or vibration;
    provision 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;
    measures to control the emission of dust and dirt during construction works and from vehicles entering or leaving the site;

    Reason: This is a pre-commencement condition to protect the amenity of existing and future occupiers in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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15. 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: To prevent the deposit of mud and debris on to the highway and in the interest of highway safety in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP23 of the Belper Neighbourhood Plan and with the NPPF.

16. Throughout the period of construction 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: To prevent the deposit of mud and debris on to the highway and in the interest of highway safety in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP23 of the Belper Neighbourhood Plan and with the NPPF.

17. The premises the subject of the application shall not be occupied until on-site parking and turning space, including secure covered cycle parking has been provided in accordance with revised application drawings and maintained thereafter free from any impediment to its designated use.

    Reason: In the interest of highway safety in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP23 of the Belper Neighbourhood Plan and with the NPPF.

18. No part of the development shall be occupied until the proposed bin store and service bay has been provided on site in accordance with the approved details, and the facilities retained for the designated purposes at all times thereafter

    Reason: In the interest of highway safety in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP23 of the Belper Neighbourhood Plan and with the NPPF.

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19. Vehicular access to the premises shall be via Kedleston Close only and to this effect any existing vehicular access shall be formally closed in a manner to be agreed with the Local Planning Authority and the highway margin and kerb fully reinstated.

    Reason: In the interest of highway safety in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP23 of the Belper Neighbourhood Plan and with the NPPF.

20. 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 the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

0 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

0 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with 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.

0 To reduce impacts the following good practice all gas-fired boilers to meet a minimum standard of <40 mgNOx/kWh.
As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), it would be reasonable to expect that infrastructure for electric charging points be installed.

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0 Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email - highways.hub@derbyshire.gov.uk. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 127 Agreement.

Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

0 Waste on Site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice: o excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution o treated materials can be transferred between sites as part of a hub and cluster project o some naturally occurring clean material can be transferred directly between sites Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to: o The position statement on the Definition of Waste: Development Industry Code of Practice o The waste management page on GOV.UK

0 Flood Risk
The site lies partially within Flood Zone 2, which refers to land where the indicative annual probability of flooding from rivers is between 1 in 100 and 1 in 1000 years (1% - 0.1% AEP) from the Coppice Brook. Therefore flood risk standing advice for vulnerable developments (including change of use) in Flood Zone 2 should be followed.

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https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#standing-advice-for-vulnerable-developments and https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities pages of the Gov.uk website. It is for the Local Planning Authority to ensure planning submissions adhere to this advice.

0 Land contamination: risk management and good practice We recommend that developers should:
o Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
o Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
o Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
o Refer to the contaminated land pages on gov.uk for more information

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 National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with 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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