Simon Gladwin
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Conway Standing
Ashfields Care Home
34 Mansfield Road
Heanor
DE75 7AQ

Mark Marshall
Martin Ward & Keeling Ltd
C/o Old Blacksmiths Cottage
Weir Road
Saddington
Leicestershire
LE8 0RN

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/2022/0679**) which was valid on the 8 August 2022 for permission for **Demolition of former Nursing Home and Construction of new Nursing Home with associated car parking and landscaping (This proposal is a Major Development) at Kidsley Grange Nursing Home 160 Heanor Road Smalley**

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.

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2. The hereby approved development shall be carried out in accordance with the following approved documents and drawings:

Application Form
Site Location Plan

CS220908 SW Calcs- Storm Water Calculations
CS220908-101 External Levels
CS220908-102 Drainage Layout
CS220908-103 External Works
CS220908-104 Exceedance Flood Routing
CS220908-105 Attenuation Tank Details
CS220908-107 Refuse Vehicle Tracking
CS220908-RP01 SuDS Maintenance Schedule
1136 Bat Roost Presence absent Survey
2410-027D Proposed Elevations (gardens)
2410-026D Proposed Elevations
2410-023F Proposed Site Block Plan
92435 Parking standards Rev A
9410-031A Proposed Roof Plan
2410-021 Location plan
2410-022B Existing Site Plan
2410-028A Design and Access Statement
2410-PBRA-221123 PRJ191 Preliminary Bat Roost Analysis
2410-024B Level 1 Plan
2410-AIA Arboricultural Assessment
2410-030 Existing Floor Plans
2410-025A Levels 2 and 3 Plans
Construction Management Plan Phase 1, Demolition. Drawing Number 2410-062
Construction Management Plan Phase 2, Development. Drawing Number 2410-063

Reason: For the avoidance of doubt

3. No part of the development shall be occupied or brought into use until the areas indicated on the submitted plans to be set aside for parking have been permanently marked out or demarcated in accordance with the details as shown in drawing ref: 2310-023E. The parking areas shall be retained as such thereafter.

Reason: To ensure that parking provision is made on the site for the traffic generated by the development.

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4. In the event that contamination is found at any time when carrying out the approved development it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report must be submitted to and approved by the Local Planning Authority prior to use of the site commencing.

   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 183 and 184 of the National Planning Policy Framework.

5. No development shall commence (excluding the demolition of existing structures and site clearance) until;
   a) a scheme of intrusive 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: To ensure the site is protected against mining risk in accordance with saved policy EN18 of the Amber Valley Borough Local Plan 2006.

6. 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 the site is protected against mining risk in accordance with saved policy EN18 of the Amber Valley Borough Local Plan 2006.

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

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

8. There shall be no storage of any items, or parking of machinery, raising or lowering of the existing ground levels, or disturbance of soil under the crowns of the trees.

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

9. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved 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 reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

10. The demolition of the former nursing home shall not take place until the site has been registered under a Bat Mitigation Class Licence (low impact). Upon receipt of site registration, works shall proceed strictly in accordance with the approved mitigation, which shall be based on the proposed measures outlined in section 4 of the Bat Roost Presence/Absence Surveys (Emec Ecology, 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation shall be implemented in full in accordance with a timetable of works including within the lice and followed thereafter. A copy of the confirmation of registration shall be submitted to the Local Planning Authority once granted.

    Reason: In the interest of ecology in accordance with saved policy EN13 of the Amber Valley Borough Local Plan 2006.

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11. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures shall be implemented in full and maintained for the life of the development.

    Reason: In the interest of ecology in accordance with saved policy EN13 of the Amber Valley Borough Local Plan 2006.

12. Prior to the completion of development, the biodiversity enhancement measures detailed within the Proposed Elevations and Section (Sheet 1 and 2) (Martin Ward & Keeling Ltd., 2023) shall be implemented. Evidence that these measures have been implemented shall be submitted to the Local Planning Authority for approval within one month of completion of development.

    Reason: In the interest of ecology in accordance with saved policy EN13 of the Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

2 A tree protection plan should be a scale drawing, informed by descriptive text where necessary, based upon the finalized proposals, showing trees for retention and illustrating the tree and landscape protection measures. The plan should clearly indicate the precise location of protective barriers to be erected to form a construction exclusion zone around the retained trees. It should also show the extent and type of ground protection, and any additional physical measures, such as tree protection boxes, that will need to be installed to safeguard vulnerable sections of trees and their RPAs where construction activity cannot be fully or permanently excluded.

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3 In respect of condition 9, Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water system by any means.

4 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

5 No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present .

6 In regard to condition 11, dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 -- Bats and Artificial Lighting in the UK (BCT and ILP, 2018)). Such approved measures shall be implemented in full and maintained for the life of the development.

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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
TP1 - Impact on the Transport Network
TP6 - Parking
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
ER11 - Quality and design of development

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.**