Simon Gladwin
Executive Director (Operations)
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/2023/0328**) which was valid on the 11 May 2023 for permission for **Partial demolition of existing outbuilding; extension to retained outbuilding; extensions to, and reconfiguration of, the existing care home building; associated cosmetic amendments, landscaping, access road, and car parking at Shipley Hall Nursing Home The Field Shipley**

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

- Location Plan (001017-ABDS-V1- 00-DR-A-0000 Rev A) received on 11th May 2023
- Amended Proposed Site Plan (001017-ABDS-V1- 00-DR-A-2000 Rev D)
- Amended Arboricultural Impact Assessment (drawing number AIA 01 Rev C) received on 22nd November 2023
- Amended Block Plan (drawing number 001017-ABDS-V1-00-DR-A-0001 Rev D) received on 22nd November 2023
- Amended Proposed Elevations (1 of 3 001017-ABDS-V1- XX-DR-A-2003 Rev D) received on 22nd November 2023
- Amended Proposed Elevations (2 of 3 001017-ABDS-V1- XX-DR-A-2004 Rev D) received on 22nd November 2023
- Amended Proposed Elevations 3 of 3 001017-ABDS-V1- XX-DR-A-2005) received on 22nd November 2023
- Amended Proposed First-Floor Plan (001017-ABDS-V1- 00-DR-A-2002 Rev D) received on 22nd November 2023
- Amended Proposed Ground Floor (001017-ABDS-V1- 00-DR-A-2001 Rev D
- Amended Tree Protection Plan (Arbtech TPP01 Rev C) received on 22nd November 2023
- Amended Block Plan (001017-ABDS-V1-00-DR-A-0001 Rev E) received on 4th December 2023

Reason: In order to define the permission.

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

Reason: This is a pre-commencement condition to ensure adequate provision is made within the site in the interest of highway safety accordance with policies TP1 andTP6 of the Adopted Amber Valley Borough Local Plan 2006.

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4. The premises the subject of the application shall not be taken into use until the junction of the existing access with The Field has been modified in accordance with the scheme approved under AVA/2015/1129, laid out, constructed and provided with 2.4m x 25m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

   Reason: To ensure adequate provision is made within the site in the interest of highway safety accordance with policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

5. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents/ visitors/ staff/ service and delivery vehicles (including cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: To ensure adequate provision is made within the site in the interest of highway safety accordance with policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

6. a) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS reference NP230302 dated November 2023. 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.
   b) 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.
   c) 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.
   d) 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.
   e) All investigations, assessments and reports must be carried out by a suitably qualified competent person and in accordance with the Environment Agency publication Land contamination: risk management (LCRM).

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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.

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

a) Operating hours:
No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours.

b) Noise and vibration:
All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites.

c) Dust/Particulate emissions:
No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective.

d) Waste:
No unwanted materials shall be disposed of on site by burning.

e) Lighting:
Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

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

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8. The Arboricultural Impact Assessment (drawing number Arbtech AIA-01 Rev C), Arboricultural Method Statement (dated 14th November) and Tree Protection Plan (drawing number Arbtech TPP 01 Rev C) received on the 22nd November 2023 shall be implemented in full at the appropriate time.

   Reason: To prevent unnecessary damage to existing trees in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to the commencement of the hereby approved development, a scheme of hard and soft landscaping shall be submitted to and approved in writing with the Local Planning Authority. 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: For the avoidance of doubt, to ensure a net gain for biodiversity and 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 H12, EN8, EN13 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the hereby approved plans, prior to the installation of the barge boards, full details of all proposed bargeboards, including plain and decorative bargeboards (which shall all be painted timber) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

11. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric scenario 1 and File Note: BNG for Shipley Hall, The Field, Shipley, Heanor,

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Derbyshire Arbtech 13th September 2023. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -

a) Detailed habitat enhancements for wildlife to include bat and / or bird boxes
b) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
d) Appropriate management methods and practices to achieve aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
g) Details of the body or organization responsible for implementation of the plan.
h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 5, 10, 20, 25 and 30 years.
i) Monitoring reports to be sent to the Council at each of the intervals above
j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
k) Requirement for a statement of compliance upon completion of planting and enhancement works. Photographs of enhancement features in situ shall be submitted to the Local Planning Authority to discharge this condition and the features shall be maintained in perpetuity. The LBEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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

12. Prior to the installation of any 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 should 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 light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023)). Such approved measures shall be implemented in full.

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

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13. Notwithstanding the hereby approved plans, prior to the commencement of works, full details of the porch and entrance door shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be caried 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

14. Prior to the commencement of development, full details of the proposed eaves treatment shall be submitted to and approved by the Local Planning Authority. The development shall then 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

15. Notwithstanding the hereby approved plans, prior to the commencement of development, full details, including sectional drawings, of all new windows and doors shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

16. The roofing material of the hereby approved extensions shall be natural Welsh slate to match the existing. Prior to commencement of works to the roof of the hereby approved extension, a sample slate shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

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17. Prior to the commencement of development, full details of all materials proposed to the elevations of the hereby approved development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

18. All new lintels and cills shall be natural stone, finished with a rubbed or tooled face to match existing stone lintels. Samples shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall then 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

19. All windows and doors shall be set within a 100mm outer reveal.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

20. Notwithstanding the hereby approved plans, prior to the commencement of development, full details and a working construction drawing of the whole two-storey bay window shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

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21. All new rainwater goods shall be cast metal and painted black unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

22. Notwithstanding the hereby approved plans, full details including sectional drawings of the full-length windows to the hereby approved single storey extension shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then 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 existing building and the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (ie unbound chippings or gravel).

2 The application site is affected by a Public Right of Way, Bridleway No 5 on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling Call Derbyshire on 01629 533190.

3 In relation to condition 9, the landscaping scheme shall include planting of appropriate tree species to mitigate the loss of the trees through the approval of the development in relation to condition 9, the landscaping scheme shall include planting of appropriate tree species to mitigate the loss of the trees through the approval of the development to mitigate the loss of the ornamental specimen trees.

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4 No site 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. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

5 Site clearance shall be undertaken in a manner by which to safeguard hedgehogs. All rubble piles, leaf piles, compost heaps, dense vegetation and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance, it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes. Any excavations shall be covered overnight or have an escape ramp to prevent entrapment of wildlife including hedgehogs.

6 In relation to condition 13, the porch shall replicate a traditional style Victorian Porch and shall reflect the design outlined in the Heritage Consultant's email received on the 27th November 2023.

7 The application is advised of that the planned works shall not take place until appropriately licenced by Natural England. Upon receipt of a licence from Natural England/site registration for Low Impact licensing, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Bat Survey Report (Betts Ecology, July 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter.

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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
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
EN2 - Green Belt
EN8 - Landscape Features
EN13 - Nature Conservation
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN27 - Conservation Areas
TP1 - Impact on the Transport Network
TP6 - Parking
ER11 - Quality and design of development

In detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to privacy, amenity, sunlight/daylight, 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 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**