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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/2023/0265**) which was valid on the 3 April 2023 for permission for **Variation of AVA/2020/1199 condition 2 substitution of approved drawings seeking revised layout and building design and removal or variation of conditions 3 (proposed levels plans), 5 (brickwork), 7 (CFSH), 8 (landscaping), 13 (pedestrian entrance), 23 (mill lade boundary), 28 (stone wall), 45 (refuse/service vehicle tracking), 46 (cycle storage layout), 62 (levels), 63 (landscape management plan) and 64 (ecology exclusion zone) (may affect the setting of a listed building and the character and setting of the conservation area) at Milford Mills Development Derby Road Milford**

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

Conditions/Reasons

1. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on drawing numbers received 21 September 2023:

   22-1908-001 Rev B Location Plan
   22-1908-002 Rev AE Site Plan
   22-1908-006 Rev C Roofscape Plan
   22-1908-101 Rev R Type A Plans & Elevations
   22-1908-102 Rev S Type B Plans & Elevations
   22-1908-103 Rev M Type C Plans & Elevations

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22-1908-104 Rev M Type C+ Plans & Elevations
22-1908-105 Rev V Type D Plans & Elevations
22-1908-106 Rev R Block A Elevations
22-1908-108 Rev M Type B1 Plans & Elevations
22-1908-109 Rev H Type B2 Plans & Elevations
22-1908-110 Rev P Site Section
22-1908-111 Rev P Site Section
22-1908-112 Rev R Site Section
22-1908-113 Rev W Site Section
22-1908-114 Rev U Boundary Treatments Layout
22-1908-115 Rev H Type B3 Plans & Elevations
22-1908-116 Bin Store Detail
22-1908-117 Block A Plans
22-1908-118 Boundary Treatments Details
22-1908-119 Contiguous Wall Elevation
22-1908-120 Contiguous Wall Elevation
002238-JPL-XX-XX-DR-D-4301 Rev C01 Private Drainage Details Sheet 1
002238-JPL-XX-XX-DR-D-4302 Rev C01 Private Drainage Details Sheet 2
002238-JPL-XX-XX-DR-D-4303 Rev C01 Private Drainage Details Sheet 3
002238-JPL-ZZ-ZZ-DR-D-4101 Rev C11 Private Levels Layout Sheet 1
002238-JPL-ZZ-ZZ-DR-D-4102 Rev C07 Private Levels Layout Sheet 2
002238-JPL-ZZ-ZZ-DR-D-4103 Rev C04 Private Drainage Layout Sheet 1
002238-JPL-ZZ-ZZ-DR-D-4104 Rev C05 Private Drainage Layout Sheet 2
002238-JPL-ZZ-ZZ-DR-D-4511 Rev P04 Below Ground Construction Extents Layout
002238-JPL-ZZ-ZZ-DR-D-4801 Rev C03 Refuse Vehicle Swept Path Analysis
002238-JPL-ZZ-ZZ-DR-D-4802 Rev C04 Road Over Arch Bridge Swept Path Analysis
002238-JPL-ZZ-ZZ-DR-S-4471 Rev C18 Lade Culvert Layout and Sections
2638-LLA-ZZ-00-DR-L-0101 Rev P07 Detailed Hard Landscape Proposals
2638-LLA-ZZ-00-DR-L-0201 Rev P07 Detailed Soft Landscape Proposals Sheet 1
2638-LLA-ZZ-00-DR-L-0202 Rev P09 Detailed Soft Landscape Proposals Sheet 2
2638-LLA-ZZ-00-DR-L-0301 Rev P08 Landscape Details and Specifications
2638-LLA-ZZ-XX-RP-L-0901 Rev P03 Landscape Management Plan
Heritage Zoning Plan dated 2 November 2023
Assumed Location and Route of Tail Race Culvert dated 20/11/23

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

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2. Notwithstanding the hereby approved plans in condition 1, no work shall commence, except demolition, until such time that localised sections providing precise details of the areas of the site where ground levels are to be raised and graded have been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed details.

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

3. Notwithstanding the hereby approved drawings in condition 1, prior to any building works progressing above slab level on site, precise details of the mix of stone and brick and course depth in the composition of all properties, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed in accordance with the agreed details.

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

4. Notwithstanding the hereby approved drawings listed in condition 1, no development shall take place (excluding demolition and remediation) until there has been submitted to and approved by the Local Planning Authority a precise scheme of hard and soft landscaping throughout the entire site. The hard landscaping scheme shall provide precise details of all hard landscaped areas, interpretation boards, street furniture, lighting and bins. The soft landscaping scheme shall provide precise details of the wildlife site that will be developed, retained and managed, for biodiversity in the northern component of the site. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation,

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

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5. Notwithstanding the approved plans, in condition 1, and prior to any works above slab level, the following details shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently proceed strictly in accordance with the approved details:
a) Samples of stone (walling materials) to be used for new housing, including the tooled finish, to:
   - the ashlar plinth to Block A,
   - lintels and cills to Block A,
   - lintels and cills to house Types B, C and C+ front elevation,
   - wall-head band to Block A,
   - lintel band to Block A
   - parapet copings and raised band to Blocks B1, B2, B3 and D,

   b) Samples of (and the design of) the roof cladding, including details of the colour and finish, to be used for Block A, including working drawings to show the sub-division of seams or joints, the finish to the parapet, and the junction with the stonework at the wall head.
   c) Samples of roofing slate, which shall be a natural slate or clay tile, to House types A, B, C, and C+.
   d) Samples of blue bricks to be used in the construction of the new dwellings
   e) Samples of all red bricks (which shall be handmade) to be used in the construction of the retaining walls and boundaries to the new dwellings
   f) Samples and detailed section of the new stone copings to be used in association with the brick retaining walls and boundary walls to the new dwellings
   g) Full details of all proposed windows and doors, to include: style, material, finish/colour, opening mechanism, glazing bar sub division, including patio and garage doors (which shall not be constructed from UPVC), recess depths, relationship to heads and sills, with vertical and horizontal sections where appropriate.
   h) Working construction drawings to show the verge detail to House Type A (plots 11 and 21), House Type B (plots 7, 10, 38 and 42), House Type C (plots 1, 22, 25, and 35), House Type C+, none of which shall be a dry verge system.
   i) Working construction drawings to show the stone eaves and gutter detail to House Type A, House Type B, House Type C, and House Type C+, none of which shall be a uPVC boxed eaves system.
   j) Working construction drawings to show the parapet and band detail to House Types B-1, B-2, B-3, and D.
   k) Working construction drawings to show the detail and material of the chimney stacks / flues/ vents.
   l) Working construction drawings to show the following details to Block A - the junction of the cladding and stone walling, the junction of the wall-head, stone band and cladding system, the canopy, the lift shaft, Solar PV panels to the roof, all external lighting.

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m) Details of rooflights, which shall be fitted between the rafters, so that they set flush with the roofline,
n) Details of rainwater goods, including hoppers, none of which shall be constructed from UPVC,
o) Notwithstanding the approved drawings, full details of all external soil pipes, vents, and mechanical methods of extraction.
p) Notwithstanding the approved drawings, none of the gas meter or external service boxes shall be painted black or dark grey, and shall be in a tone that blends with the masonry.
q) Working construction drawings of external boundary treatments to all boundary walls bounding the site, internal boundaries to the mill lade, bridges, and wheelpit, and internal boundaries to divide properties. This shall include the material, depth, height, design, external appearance, bond, finish and all copings to masonry.
r) Block A shall be constructed in 215mm course height blocks of natural Millstone Grit, and the remaining residential blocks shall be constructed in 75mm course heights of natural Millstone Grit, unless otherwise unless otherwise agreed in writing with the Local Planning Authority.

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

6. Notwithstanding the hereby approved drawings in condition 1, no work shall commence on the site (excluding demolition and remediation) until full details and samples of the proposed treatment of all new boundary(ies) in the site, including any walls, gates and railings, and precise details of the rear access arrangements has been submitted to and approved in writing by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

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

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7. The existing boundary wall to the north of the site to the rear of plots 35 to 42 shall be retained and repaired and not rebuilt, and all missing stone shall be replaced on a like for like basis using natural Derbyshire Gritstone. Precise details of any new stone used in the repair of the wall, precise details of how the openings shall be made in the wall, and precise details of any new coping stones and any other stone being first submitted to and approved in writing by the Local Planning Authority prior to any works commencing to the boundary wall. The development shall only be carried out with those agreed details.

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

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

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

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other revoking and re-enacting that Order) no development relating to Class A, B, C, D or E of Part 1 of Schedule 2 (erection of extensions; alterations to the roof; buildings incidental to the enjoyment of the dwelling house; the insertion, enlargement, improvement or replacement of windows or doors; erection or construction of a porch) shall be undertaken without the prior written approval of the Local Planning Authority.

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

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

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

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

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

12. Full details of the method of repair of the surviving parts of the boiler room, and any localised demolition, shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved.

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

13. Notwithstanding the submitted details on Drawing No. 22-1908/119 and 22-1908.120, and prior to installation, boundary walls, copings and any fence panels associated with the western boundary to Plot 7 and the northern boundary to plots 7 to 10 shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

15. Notwithstanding the hereby approved drawings in condition 1, no development shall take place on the mill lade walls and bridge crossings until there has been submitted to and approved in writing by the Local Planning Authority precise details of the treatment of the boundaries of the mill lade and the stone bridge in the northern component of the site. The development shall only be carried out in accordance with those agreed details.

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

16. No development shall take place above slab level until there has been submitted to and approved in writing by the Local Planning Authority precise details of the mortar mix to be used in the development. A lime based mix shall be used. The development shall only be carried out in accordance with the agreed details.

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

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

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

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

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

19. Notwithstanding the approved plans in condition 1, the development hereby permitted shall not commence (excluding demolition and remediation) until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

20. No construction activities shall be permitted until such time as the surface water drainage scheme described in Technical Note, JBA Project Code 2021s0425, Surface Water Drainage for land at Milford Mills - partial site demolition, Surface Water Drainage Options Appraisal, 07-April 2021 Revision A2-C01 including Appendices D.1 and D.2 AVA/2020/1199 has implemented. The drainage scheme shall be retained for the life of the development unless superseded by another condition.

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

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21. No construction activities shall occur until such time as a revised Flood Risk Assessment (FRA) and flood modelling has been undertaken, submitted to and approved in writing by the Local Planning Authority. The following mitigation measures are be a minimum requirement: 1. Finished floor levels to be set no lower than 59.8m AOD. 2. A floodplain compensation volume of 565.56m3. 3. Confirmation of the opening up of the Mill Lade Culvert on the site. 4. No development within 8 metres of the River Derwent.

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

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

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

23. Prior to the commencement of development approved by this planning permission (excluding demolition) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority: 1) A preliminary risk assessment which has identified: a. all previous uses b. potential contaminants associated with those uses c. a conceptual model of the site indicating sources, pathways and receptors d. potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out

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in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

25. The development hereby permitted shall not be commenced (excluding demolition) until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

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

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

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

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27. The Construction Environmental Management Plan (CEMP) shall be implemented as per the approved documents 'Construction Environmental Management Plan Milford Mill Derby Road Rev P02' and 'Risk Assessment & Method Statement for The Safe Demolition / Deconstruction of Milford Mills Belper Derbyshire Chevin Homes Project No: 1170' as approved under reference COND/2021/0002. The CEMP shall be reviewed at least at the start of each phase of the development or where there are changes to relevant legislation or where changes are made to the agreed CEMP.

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

28. No development shall commence (excluding demolition) until: a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Environmental Services Department; b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved in writing by the Environmental Services Department; c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Environmental Services Department; e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals'; f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Environmental Services Department. All reports shall be submitted in both paper and digital formats.

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

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

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

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

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

31. Notwithstanding the submitted details a revised scheme for the Derby Road access to take account of the safe movement of pedestrians crossing the access point, including its phasing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

32. No part of the development shall be occupied until the temporary refuse collection point has been provided and is available in accordance with the drawing agreed by email by the applicant 13/11/23. The temporary collection point shall be retained until such time as the development is completed and the refuse / service vehicle tracking diagrams relating to the circulatory route within the site, as identified in condition 1, have been implemented free from any impediment to its designated use. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

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

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33. The development shall not be occupied until the archaeological post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation Milford Mills, Milford, Derbyshire - Phase 2 Stage 4 Archaeological Investigations, CFA Archaeology 30 November 2022 approved under Condition 48a of AVA/2020/1199 and AVA/2021/0046 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

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

34. No development shall be carried out within the heritage exclusion zone as shown on Milford Mills Heritage Zoning Plan 2 November 2023 until a scheme for the wheel pit and associated features of the former 18th century bleach and printing mill to be retained, revealed and consolidated has been submitted to and approved by the Local Planning Authority in writing. The submitted scheme shall include:

    - The results of archaeological investigation of the area between the lade and wheel pit as shown on Milford Mills Heritage Zoning Plan 2 November 2023, in accordance with a Written Scheme of Investigation to be approved by the local planning authority in advance;
    - Provision for archaeological and/or built heritage supervision and recording during works where appropriate, in accordance with a Written Scheme of Investigation to be approved by the local planning authority before commencement of works;
    - Plans, elevations and visualisations of the proposed treatments to the wheel pit and associated features, submitted as annotated rectified photographs or scaled measured drawings.
    - A method statement for the proposed treatments to the wheel pit and associated features, to include removal of concrete, consolidation, repair and raising of walls, with details of materials and methodologies.

    No development shall be carried out unless in accordance with the approved scheme.

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

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

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

36. Prior to occupation of any development herby approved, all windows on the ground, first and second floors of the northern elevation of the apartment block shall be obscurely glazed to a level equivalent to Pilkington Grade 5 glass that is not coloured, patterned or leaded and be top opening only. Such work shall be maintained as such thereafter.

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

37. Prior to any commencement of development (excluding demolition), a scheme of biodiversity enhancement based upon the recommendations in section 7 of the Ecological Impact Assessment prepared by Ramm Sanderson dated February 2020 shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.

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

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

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

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

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

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

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

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

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scheme shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

43. Notwithstanding the hereby approved plans in condition 1, no work shall commence, except demolition, until such time as a scheme indicating proposed floor levels of all buildings and land, and the relationship of such to the existing development has been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

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

44. Notwithstanding the Landscaping Management Plan listed in condition 1, prior to the implementation of any landscaping an updated hard and soft landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements: -
    - Care and maintenance of hard landscaped materials and railings
    - detail extent and type of new planting (NB planting to be of native species)
    - details of maintenance regimes
    - details of any new habitat created on site i.e. daylighting of watercourse
    - details of treatment of buffer around watercourse
    - details of management responsibilities.

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The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

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

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

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

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

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

47. The full appearance of the mill Goyt, including all flank Goyt walls, all intersections and all bridges over the Goyt, lying within the site, and the base of the Goyt shall be recorded either by rectified photography, or orthophotography, or a combination of both, whichever is most appropriate, in accordance with the Historic England best practice guidance on recording. This shall adopt good even lighting conditions and measured control points to record all masonry accurately, to provide scaled accurate photographic elevations and a plan of the structure.

    The results of the rectified photography shall be shared with the Local Planning Authority and disseminated prior to the preparation of a Method Statement for the consolidation or raising of the Goyt walls, and prior to any works of repair or

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modification to the lade walls starting on site; the photographs shall be submitted as a record to the Derbyshire Record Office as a physical copy and to the HER and OASIS, as a digital copy, supplementary to the archaeological evaluation as part of the site archive.

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

48. A full Method Statement, which shall achieve cross-compliance with all Construction Design and Management Regulations, shall be submitted to and approved in writing by the Local Planning Authority, setting out how the insertion of the new culvert will be carried out whilst protecting the mill Goyt from all potential damage. This shall also identify any attachment of the new culvert and its concrete entrance abutments to the goyt walls, including the location and number of any fixings or ties, and the depth and nature of the ties.

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

49. Full details of the repair or raising of the goyt walls, including the removal of concrete, masonry types and finishes, copings and all associated bridges crossing the goyt, shall be prepared as either annotated elevational rectified photographs or scaled elevational measured drawings, submitted to and approved in writing by the Local Planning Authority, in accordance with the Section 106 agreement.

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

50. Prior to commencement, full construction drawings shall be submitted and approved in writing by the Local Planning Authority showing the final finish of the historic abutments, raised walls, chamfered concrete entrance abutments, and parapets to the new culvert / bridge over the mill Goyt, and the provision of artificial lighting to the culvert, which shall comply with the Environment Agency guidance on lighting for fish passage.

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

51. Following the implementation of condition 37, a full Method Statement, which shall achieve cross-compliance with all Construction Design and Management Regulations, shall be submitted to and approved in writing by the Local Planning Authority, setting out how the concrete cap of the wheelpit will be removed whilst protecting the wheelpit and all surrounding masonry from potential damage.

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

52. Notwithstanding the approved drawings, in condition 1, House Type A - first floor, House Type B and C - ground floor, House Type B-1 - ground floor and second floor, House Type B2 - ground floor and House Type D shall have obscured, tinted or smoked privacy glass, and not uPVC, to the lower half of the window, the details to be agreed with the Local Planning Authority before they are installed. The windows as agreed shall be maintained in perpetuity.

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

53. Notwithstanding the approved drawings, in condition 1, and prior to commencement of development, full details of the treatment of all surfaces and levels in the heritage exclusion zone shown on the applicant's Heritage Zoning Plan - dated 2nd November 2023 - shall be submitted to and approved in writing by the Local Planning Authority. This shall show as a series of cross sections through the site, the level changes, which shall clearly illustrate all retaining structures, the treatment of all bridges and parapets, and areas of both wheelpit and Bleaching Mill for interpretation. Details shall be submitted, including construction drawings, to show sections, elevations, materials and finishes to all retaining walls, boundaries, parapets, copings, steps, railings (including section, finish and any finials), kerbs, street furniture, surface treatments (including the use of native materials), and interpretation panels.

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

Notes

Attention is drawn to the attached notes:

1 The applicant is advised that in relation to condition 55, the landscaping scheme should include the following principles:

- An undertaking to adequately consolidate and interpret the remains of the early bleach mill as part of the central square;
- An agreement on the palette of materials to be used across the site;
- An outline design philosophy.

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

3 The applicant must be made aware that any works in or nearby the Mill Leat may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk. This is, in part, to ensure appropriate silt mitigation and pollution control.

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

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

6 The Updated Landscape Management Plan (LMP) required by condition 47 should refer to the site being entirely within a Conservation Area and the protection this affords the trees within. The Plan should acknowledge that any tree work should not be permitted to protected trees (with stem diameter in excess of 75mm) without an application to the Local Planning Authority, unless the works fall under exemption.

7 The LMP should make provision to vary the wildflower management dependant on the species which thrive within their environment as the overall area matures.

8 The applicant is advised that the provision of Cornus and Elaeagnus adjacent to parking spaces may pose future issues if not maintained.

9 It is noted and welcomed that RammSanderson Ecology Ltd will continue to be involved with the developer for the site and will respond if otter is found to be at risk from the development.

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
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP2 - Footpath, Cycleway, Bridleway network
TP6 - Parking
EN8 - Landscape Features

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EN9 - Landscape Features
EN13 - Nature Conservation
EN14 - Nature Conservation
EN15 - Development and Flood Risk
EN18 - Derelict, Unstable And Contaminated Land
EN23 - Listed Buildings
EN25 - Conservation Areas
EN26 - Conservation Areas
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site
EN30 - Scheduled Ancient Monuments
EN31 - Archaelogical Interest
LC2 - Childrens Play Areas

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.**