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Chief Executive
Development Management

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Mr. Richard West
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The Old Vicarage
Market Place
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United Kingdom

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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2022/0586**) which was valid on the 28 July 2022 for permission for **Outline planning application with all matters reserved except for access for the proposed redevelopment of land for residential purposes for up to 60 new dwellings as follows: (1) purpose-built, supported living accommodation for working adults in the over 55 age groups (C3 use); (2) extra care living for older people over 55 where the level of care is not intensive in nature (C2 use), or (3) age-appropriate housing for older people over 55 (C3 use). (This may affect the setting of a Listed Building and/or Conservation Area) at Land Off Derwent Street Derwent Street Belper**

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

Conditions/Reasons

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

   Reason To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) 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 approval of the Borough Council shall be obtained prior to the commencement of any development in respect of appearance, landscaping, layout and scale of the buildings.

   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   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.

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

   Application Form
   Site Location Plan
   Design and Access dated May 2024

   Reason: In order to define the terms of this permission and for the avoidance of doubt.

5. "No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
   a. RammSanderson. (01/03/2023). Flood Risk Assessment & Indicative Drainage Strategy, RSE_5745_01_V4, including any subsequent amendments or updates to that document as approved by the Flood Risk Management Team
   b. And DEFRA's non-statutory technical standards for sustainable drainage systems (March 2015),

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

   Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

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6. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

   Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should
   demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
   I. into the ground (infiltration).
   II. to a surface water body.
   III. to a surface water sewer, highway drain, or another drainage system.
   IV. to a combined sewer.

7. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

   Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

8. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

   Reason: To ensure that the drainage system is constructed to the national non-statutory technical standards for sustainable drainage and CIRIA standards C753.

9. No development shall take place until a written scheme of investigation (WSI) for archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take

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place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

o the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
o the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure archaeology remains are fully assessed in accordance with saved policy EN31 of the Amber Valley Borough Local Plan 2006.

10. a) No development shall commence until:
i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.
b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.
c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and
approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.
d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.
e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.
f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the Environment Agency publication Land contamination: risk management

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(LCRM).

Status: To ensure that any contamination appropriately controlled in accordance saved policy EN18 of the Amber Valley Borough Local Plan 2006.

11. The premises the subject of the subject of the application shall not be taken into use until the proposed access widening/footway provision has been provided, in accordance with a scheme to be approved as part of any reserved matters approval. the approved scheme shall be implemented in full prior to first occupation.

    Reason: In the interest of highway safety in accordance with saved policy TP1 of the Amber Valley Borough Local Plan 2006.

12. The premises the subject of the application shall not be taken into use until off street parking (including secure cycle parking) has been provided and maintained thereafter free from any impediment to its designated use.

    Reason: To ensure adequate parking provision in accordance with saved policy TP6 of the Amber Valley Borough Local Plan 2006.

13. Any reserved matters application pursuant to this outline approval shall be accompanied by a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) following the recommendations as set out in the Ecological Appraisal by BSG Ecology dated March 2022.

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

14. 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 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 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures shall be implemented in full.

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

15. Any reserved matter application shall be accompanied with an updated flood risk assessment to demonstrate how the risk of flooding has been incorporated with the

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development and to demonstrate that the proposal does not adversely impact flood waters.

Reason: In accordance with saved policy EN15 of the Amber Valley Borough Local Plan which seeks to ensure that development is not adversely affected by flood risk.

Notes
Attention is drawn to the attached notes:

1 If infiltration systems are to be used for surface water disposal, the following information must be provided:
o Ground percolation tests to BRE 365.
o Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
o Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
o Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.
o Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
o Drawing details including sizes and material.
o Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

Reasons for 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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

LS1 - Sustainability criteria
LS2 - Community Safety

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LS3 - Design
LS4 - Accessibility
TP1 - Impact on the Transport Network
TP6 - Parking
EN8 - Landscape Features
EN13 - Nature Conservation
EN14 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable and Contaminated Land
EN24 - Listed Buildings
EN26 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site
EN31 - Archaeological Interest
ER11 - Quality and design of development
TC1 - Development in Town Centres
TC6 - Local shopping facilities
ER1C - Considerations for mixed use development
EN15 - Development and Flood Risk

In detail:

Whilst the approval of this application would represent a departure from the Local Plan, the other material considerations are significant and, in this instance, outweigh the presumption against residential development on greenfield land and provide justification to support the proposal. Despite being a greenfield site, the development is acceptable in terms of scale and character, makes efficient use of the land, a satisfactory access to the highway can be provided, there is a limited impact on the amenity of the area and there is no significant adverse impact on landscape features. The development will also contribute to meeting the overall housing requirement in the Borough.

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.**